

**(B) Easements to private landowners**

Not later than 180 days after September 27, 2006, the Pueblo of Santa Clara, in consultation with private landowners, shall grant and convey a perpetual easement to the private owners of land within the Northern Tier Land for private access over Santa Clara Reservation Highway 601 (Puye Road) across the Santa Clara Indian Reservation from its intersection with New Mexico State Highway 30, or other designated public road, on Forest Development Roads 416, 445 and other roads that may be necessary to provide access to each individually owned private tract.

**(3) Approval**

The Secretary of the Interior shall approve the conveyance of an easement under paragraph (2) upon receipt of written approval of the terms of the easement by the Secretary of Agriculture.

**(4) Adequate access provided by Pueblo of Santa Clara**

If adequate administrative and inholder access is provided over the Santa Clara Indian Reservation under paragraph (2), the Secretary of the Interior—

(A) shall vacate the inholder access over that portion of Forest Development Road 416 referenced in section 1780e(e)(5) of this title; but

(B) shall not vacate the reservations over the Northern Tier Land for administrative access under subsection (c)(2).

(Pub. L. 109-286, §12, Sept. 27, 2006, 120 Stat. 1225.)

**§ 1780k. Inter-Pueblo cooperation****(a) Demarcation of boundary**

The Pueblo of Santa Clara and the Pueblo may, by agreement, demarcate a boundary between their respective tribal land within Township 20 North, Range 7 East, in Rio Arriba County, New Mexico, and may exchange or otherwise convey land between them in that township.

**(b) Action by Secretary of the Interior**

In accordance with any agreement under subsection (a), the Secretary of the Interior shall, without further administrative procedures or environmental or other analyses—

(1) recognize a boundary between the Pueblo of Santa Clara and the Pueblo;

(2) provide for a boundary survey;

(3) approve land exchanges and conveyances as agreed upon by the Pueblo of Santa Clara and the Pueblo; and

(4) accept conveyances of exchanged lands into trust for the benefit of the grantee tribe.

(Pub. L. 109-286, §13, Sept. 27, 2006, 120 Stat. 1228.)

**§ 1780l. Distribution of funds plan**

Not later than 2 years after September 27, 2006, the Secretary of the Interior shall act in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) with respect to the award entered in the com-

promise and settlement of claims under the case styled Pueblo of San Ildefonso v. United States, No. 660-87L, United States Court of Federal Claims.

(Pub. L. 109-286, §14, Sept. 27, 2006, 120 Stat. 1229.)

## REFERENCES IN TEXT

The Indian Tribal Judgment Funds Use or Distribution Act, referred to in text, is Pub. L. 93-134, Oct. 19, 1973, 87 Stat. 466, which is classified generally to chapter 16 (§1401 et seq.) of this title. For complete classification of this Act to the Code, see section 1401(c) of this title and Tables.

**§ 1780m. Rule of construction and judicial review**

Notwithstanding any provision of State law, the Settlement Agreement and the Los Alamos Agreement (including any real property conveyance under the agreements) shall be interpreted and implemented as matters of Federal law.

(Pub. L. 109-286, §15, Sept. 27, 2006, 120 Stat. 1229.)

**§ 1780n. Effective date**

This subchapter shall take effect on September 27, 2006.

(Pub. L. 109-286, §16, Sept. 27, 2006, 120 Stat. 1229.)

**§ 1780o. Timing of actions**

It is the intent of Congress that the land conveyances and adjustments contemplated in this subchapter (except the conveyances and adjustments relating to Los Alamos Townsite Land) shall be completed not later than 180 days after September 27, 2006.

(Pub. L. 109-286, §17, Sept. 27, 2006, 120 Stat. 1229.)

**§ 1780p. Authorization of appropriations**

There are authorized to be appropriated such funds as are necessary to carry out this subchapter.

(Pub. L. 109-286, §18, Sept. 27, 2006, 120 Stat. 1230.)

**CHAPTER 20—TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES ASSISTANCE**

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§ 1801. Definitions

(a) For purposes of this chapter, the term—

(1) “Indian” means a person who is a member of an Indian tribe;

(2) “Indian tribe” means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act [43 U.S.C. 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(3) “Secretary”, unless otherwise designated, means the Secretary of the Interior;

(4) “tribally controlled college or university” means an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe;

(5) “institution of higher education” means an institution of higher education as defined by section 1001<sup>1</sup> of title 20, except that clause (2) of such section shall not be applicable and the reference to Secretary in clause (5)(A)<sup>2</sup> of such section shall be deemed to refer to the Secretary of the Interior;

(6) “national Indian organization” means an organization which the Secretary finds is nationally based, represents a substantial Indian constituency, and has expertise in the fields of tribally controlled colleges and universities and Indian higher education;

(7) “Indian student” means a student who is—

(A) a member of an Indian tribe; or

(B) a biological child of a member of an Indian tribe, living or deceased;

(8) “Indian student count” means a number equal to the total number of Indian students enrolled in each tribally controlled college or university, determined in a manner consistent with subsection (b) of this section on the basis of the quotient of the sum of the credit hours

of all Indian students so enrolled, divided by twelve; and

(9) “satisfactory progress toward a degree or certificate” has the meaning given to such term by the institution at which the student is enrolled.

(b) The following conditions shall apply for the purpose of determining the Indian student count pursuant to subsection (a)(8) of this section:

(1) Such number shall be calculated on the basis of the registrations of Indian students as in effect at the conclusion of the third week of each academic term.

(2) Credits earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term.

(3) Credits earned by any student who has not obtained a high school degree or its equivalent shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student’s ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student’s aptitude to successfully complete the course in which the student has enrolled. No credits earned by such student for purposes of obtaining a high school degree or its equivalent shall be counted toward the computation of the Indian student count.

(4) Indian students earning credits in any continuing education program of a tribally controlled college or university shall be included in determining the sum of all credit hours.

(5) Eligible credits earned in a continuing education program—

(A) shall be determined as one credit for every ten contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

(B) shall be limited to ten percent of the Indian student count of a tribally controlled college or university.

(Pub. L. 95-471, §2, formerly §1, Oct. 17, 1978, 92 Stat. 1325; renumbered §2 and amended Pub. L. 98-192, §1, Dec. 1, 1983, 97 Stat. 1335; Pub. L. 99-428, §3, Sept. 30, 1986, 100 Stat. 982; Pub. L. 105-244, title I, §102(a)(8)(B), title IX, §901(b)(5), (9), Oct. 7, 1998, 112 Stat. 1619, 1828; Pub. L. 110-315, title IX, §941(a)-(c), Aug. 14, 2008, 122 Stat. 3460, 3461.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 95-471, Oct. 17, 1978, 92 Stat. 1325, known as the Tribally Controlled

<sup>1</sup> So in original. Probably should be section “1001(a)”.

<sup>2</sup> So in original. Probably should be “(5)”.