

640a to 640c-3 of this title are properly identified for grants to Diné College and that such funds are not commingled with appropriations historically expended by the Bureau of Indian Affairs for programs and projects normally provided on the Navajo Reservation for Navajo beneficiaries.

(Pub. L. 92-189, §5, as added Pub. L. 95-471, title II, §203(a), Oct. 17, 1978, 92 Stat. 1330; amended Pub. L. 96-374, title XIII, §1351(a), (b), Oct. 3, 1980, 94 Stat. 1501; Pub. L. 98-192, §14, Dec. 1, 1983, 97 Stat. 1343; Pub. L. 99-428, §7, Sept. 30, 1986, 100 Stat. 983; Pub. L. 100-297, title V, §5401, Apr. 28, 1988, 102 Stat. 414; Pub. L. 101-477, §2(a), Oct. 30, 1990, 104 Stat. 1153; Pub. L. 102-325, title XIII, §1301(d), July 23, 1992, 106 Stat. 797; Pub. L. 105-244, title IX, §902, Oct. 7, 1998, 112 Stat. 1829; Pub. L. 110-315, title IX, §946(d), Aug. 14, 2008, 122 Stat. 3468.)

CODIFICATION

Section was not enacted as part of act Apr. 19, 1950, ch. 92, 64 Stat. 44, which comprises this subchapter.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-315, §946(d)(1)(A), substituted “such sums as are necessary for fiscal years 2009 through 2014” for “\$2,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years”.

Subsec. (a)(3). Pub. L. 110-315, §946(d)(1)(B), added par. (3).

Subsec. (b)(1). Pub. L. 110-315, §946(d)(2)(A), in introductory provisions, substituted “Diné College” for “the Navajo Community College” and “such sums as are necessary for fiscal years 2009 through 2014 to pay the cost of—” for “, for each fiscal year, an amount necessary to pay expenses incurred for—”.

Subsec. (b)(1)(A). Pub. L. 110-315, §946(d)(2)(B), substituted “College” for “college” in introductory provisions, semicolons for commas at end of cls. (i) and (iii), and “; and” for “, and” at end of cl. (ii).

Subsec. (b)(1)(B). Pub. L. 110-315, §946(d)(2)(C), substituted semicolon for comma at end.

Subsec. (b)(1)(E). Pub. L. 110-315, §946(d)(2)(D)-(F), added subpar. (E).

Subsec. (c). Pub. L. 110-315, §946(d)(3), substituted “Diné College” for “the Navajo Community College”.

1998—Subsec. (a)(1). Pub. L. 105-244 substituted “1999” for “1993”.

1992—Subsec. (a)(1). Pub. L. 102-325 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “For the purpose of making construction grants under sections 640a to 640c-3 of this title, there are hereby authorized to be appropriated such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.”

1990—Subsec. (a)(1). Pub. L. 101-477 substituted “1990, 1991, and 1992” for “1987, 1988, 1989, and 1990”.

1988—Subsec. (b)(1). Pub. L. 100-297 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “There is further authorized to be appropriated for grants to the Navajo Community College, for each fiscal year beginning on or after October 1, 1979, an amount equal to the amount necessary for operation and maintenance of the college, including, but not limited to, administrative, academic, and operations and maintenance costs.”

1986—Subsec. (a)(1). Pub. L. 99-428, §7(1), substituted “each of the fiscal years 1987, 1988, 1989, and 1990” for “the fiscal year beginning October 1, 1984, and for the three succeeding fiscal years”.

Subsec. (b)(1). Pub. L. 99-428, §7(2), substituted “for each fiscal year” for “for any fiscal year”.

1983—Subsec. (a)(1). Pub. L. 98-192 substituted “October 1, 1984” for “October 1, 1979”.

1980—Subsec. (a)(1). Pub. L. 96-374, §1351(a), substituted “three succeeding fiscal years” for “two succeeding fiscal years”.

Subsec. (b)(1). Pub. L. 96-374, §1351(b), added par. (1). Former par. (1), which authorized an appropriation for the Navajo Community College of \$4,000 for each full-time equivalent student which the Secretary estimated would be in attendance during the year, was struck out.

Subsec. (b)(2), (3). Pub. L. 96-374, §1351(b), redesignated par. (3) as (2). Former par. (2), which placed an upper limit on grants under this subsection, was struck out.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1988 AMENDMENT

For effective date and applicability of amendment by Pub. L. 100-297, see section 6303 of Pub. L. 100-297, set out as a note under section 1071 of Title 20, Education.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-374 effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96-374, set out as a note under section 1001 of Title 20, Education.

FISCAL YEAR BEGINNING OCTOBER 1, 1978

Pub. L. 95-471, title II, §203(b), Oct. 17, 1978, 92 Stat. 1331, provided that nothing in title II of Pub. L. 95-471, the Navajo Community College Assistance Act of 1978, shall be deemed to authorize appropriations for the fiscal year beginning Oct. 1, 1978.

DEFINITIONS

The definitions in section 1801 of this title apply to this section.

§ 640c-2. Effect on other laws

(a) Except as specifically provided by law, eligibility for assistance under sections 640a to 640c-3 of this title shall not, by itself, preclude the eligibility of Diné College to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions.

(b) Notwithstanding any other provision of law, funds provided under sections 640a to 640c-3 of this title to Diné College may be treated as non-Federal, private funds of the College for purposes of any provision of Federal law which requires that non-Federal or private funds of the College be used in a project or for a specific purpose.

(Pub. L. 92-189, §6, as added Pub. L. 96-374, title XIII, §1351(c), Oct. 3, 1980, 94 Stat. 1501; amended Pub. L. 100-297, title V, §5403(b), Apr. 28, 1988, 102 Stat. 416; Pub. L. 110-315, title IX, §946(e), Aug. 14, 2008, 122 Stat. 3469.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§1001 et seq.) of Title 20, Education, and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to

the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

CODIFICATION

Section was not enacted as part of act Apr. 19, 1950, ch. 92, 64 Stat. 44, which comprises this subchapter.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315, §946(e)(1), substituted “Diné College” for “the Navajo Community College”.

Subsec. (b). Pub. L. 110-315 substituted “Diné College” for “the Navajo Community College” and “College be used” for “college be used”.

1988—Pub. L. 100-297 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1988 AMENDMENT

For effective date and applicability of amendment by Pub. L. 100-297, see section 6303 of Pub. L. 100-297, set out as a note under section 1071 of Title 20, Education.

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96-374, set out as an Effective Date of 1980 Amendment note under section 1001 of Title 20, Education.

§ 640c-3. Payments; interest

(a) Notwithstanding any other provision of law, the Secretary of the Interior shall not, in disbursing funds provided under sections 640a to 640c-3 of this title, use any method of payment which was not used during fiscal year 1987 in the disbursement of funds provided under sections 640a to 640c-3 of this title.

(b)(1)(A) Notwithstanding any provision of law other than subparagraph (B), any interest or investment income that accrues on any funds provided under sections 640a to 640c-3 of this title after such funds are paid to Diné College and before such funds are expended for the purpose for which such funds were provided under sections 640a to 640c-3 of this title shall be the property of Diné College and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, to Diné College under any provision of Federal law.

(B) All interest or investment income described in subparagraph (A) shall be expended by Diné College by no later than the close of the fiscal year succeeding the fiscal year in which such interest or investment income accrues.

(2) Funds provided under sections 640a to 640c-3 of this title may only be invested by Diné College in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States.

(Pub. L. 92-189, §7, as added Pub. L. 100-297, title V, §5402(b), Apr. 28, 1988, 102 Stat. 415; amended Pub. L. 110-315, title IX, §946(f), Aug. 14, 2008, 122 Stat. 3469.)

CODIFICATION

Section was not enacted as part of act Apr. 19, 1950, ch. 92, 64 Stat. 44, which comprises this subchapter.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-315 substituted “Diné College” for “the Navajo Community College” wherever appearing.

EFFECTIVE DATE

For effective date and applicability of section, see section 6303 of Pub. L. 100-297, set out as an Effective

Date of 1988 Amendment note under section 1071 of Title 20, Education.

SUBCHAPTER XXII—NAVAJO AND HOPI TRIBES: SETTLEMENT OF RIGHTS AND INTERESTS

§ 640d. Mediator

(a) Appointment; duties; qualifications; termination of duties

Within thirty days after December 22, 1974, the Director of the Federal Mediation and Conciliation Service shall appoint a Mediator (hereinafter referred to as the “Mediator”) who shall assist in the negotiations for the settlement and partition of the relative rights and interests, as determined by the decision in the case of *Healing v. Jones* (210 F. Supp. 125, D. Ariz., 1962, aff’d 363 U.S. 758, 1963) (hereinafter referred to as the “Healing case”), of the Hopi and Navajo Tribes (hereinafter referred to as the “tribes”) to and in lands within the reservation established by the Executive order of December 16, 1882, except land management district no. 6 (such lands hereinafter referred to as the “joint use area”). The Mediator shall not have any interest, direct or indirect, in the settlement of the interests and rights set out in this subsection. The duties of the Mediator shall cease upon the entering of a full agreement into the records of the supplemental proceedings pursuant to section 640d-2 of this title or the submission of a report to the District Court after a default in negotiations or a partial agreement pursuant to section 640d-3 of this title.

(b) Nature of proceedings

The proceedings in which the Mediator shall be acting under the provisions of this subchapter shall be the supplemental proceedings in the Healing case now pending in the United States District Court for the District of Arizona (hereinafter referred to as “the District Court”).

(c) Interagency committee

(1) The Mediator is authorized to request from any department, agency, or independent instrumentality of the Federal Government any information, personnel, service, or materials he deems necessary to carry out his responsibilities under the provisions of this subchapter. Each such department, agency, or instrumentality is authorized to cooperate with the Mediator and to comply with such requests to the extent permitted by law, on a reimbursable or nonreimbursable basis.

(2) To facilitate the expeditious and orderly compilation and development of factual information relevant to the negotiating process, the President shall, within fifteen days of December 22, 1974, establish an interagency committee chaired by the Secretary of the Interior (hereinafter referred to as the “Secretary”) to develop relevant information and to respond to the requests of the Mediator.

(d) Liaison with Secretary

The Secretary shall appoint a full-time representative as his liaison with the Mediator to facilitate the provision of information and assistance requested by the Mediator from the Department of the Interior.