

§ 901(a)(2)(C), Oct. 7, 1998, 112 Stat. 1827; Pub. L. 110-315, title IX, § 941(i), Aug. 14, 2008, 122 Stat. 3463.)

AMENDMENTS

2008—Pub. L. 110-315 substituted “such sums as may be necessary for fiscal year 2009” for “\$2,000,000 for fiscal year 1999” and “five succeeding” for “4 succeeding”.

1998—Pub. L. 105-244 substituted “1999” for “1993”.

1992—Pub. L. 102-325 amended section generally, substituting provisions authorizing appropriations for fiscal years 1993 to 1997 for provisions authorizing appropriations for fiscal years 1991 to 1996.

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.

SUBCHAPTER IV—TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS

§ 1861. Definition of tribally controlled postsecondary career and technical institution

In this subchapter, the term “tribally controlled postsecondary career and technical institution” has the meaning given the term in section 2302 of title 20.

(Pub. L. 95-471, title V, § 501, as added Pub. L. 110-315, title IX, § 941(j)(1), Aug. 14, 2008, 122 Stat. 3463.)

§ 1862. Tribally controlled postsecondary career and technical institutions program

(a) In general

Subject to the availability of appropriations, for fiscal year 2009 and each fiscal year thereafter, the Secretary shall—

(1) subject to subsection (b), select two tribally controlled postsecondary career and technical institutions to receive assistance under this subchapter; and

(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at the tribally controlled postsecondary career and technical institutions.

(b) Selection of certain institutions

(1) Requirement

For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 1861 of this title, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

(2) Institutions

The two tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

(A) the United Tribes Technical College; and

(B) the Navajo Technical College.

(c) Method of payment

For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

(d) Distribution

(1) In general

For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 1864 of this title, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

(2) Excess amounts

If, for any fiscal year, the amount made available pursuant to section 1864 of this title exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

(A) dividing the excess amount by the aggregate Indian student count (as defined in section 2327(h) of title 20) of such institutions for the prior academic year; and

(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

(Pub. L. 95-471, title V, § 502, as added Pub. L. 110-315, title IX, § 941(j)(1), Aug. 14, 2008, 122 Stat. 3463.)

§ 1863. Applicability of other laws

(a) In general

Paragraphs (4) and (8) of subsection (a), and subsection (b), of section 1801 of this title, sections 1805, 1808, 1811, 1812 and 1813 of this title, subchapters II and III of this chapter, and title II¹ shall not apply to this subchapter.

(b) Indian self-determination and education assistance

Funds made available pursuant to this subchapter shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(c) Election to receive

A tribally controlled postsecondary career and technical institution selected for a fiscal year

¹ See References in Text note below.

under section 1862(b) of this title may elect to receive funds pursuant to section 1862 of this title in accordance with an agreement between the tribally controlled postsecondary career and technical institution and the Secretary under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the agreement is in existence on August 14, 2008.

(d) Other assistance

Eligibility for, or receipt of, assistance under this subchapter shall not preclude the eligibility of a tribally controlled postsecondary career and technical institution to receive Federal financial assistance under—

(1) any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) [and 42 U.S.C. 2751 et seq.];

(2) any program under the Carl D. Perkins Career and Technical Education Act of 2006 [20 U.S.C. 2301 et seq.]; or

(3) any other applicable program under which a benefit is provided for—

(A) institutions of higher education;

(B) community colleges; or

(C) postsecondary educational institutions.

(Pub. L. 95-471, title V, §503, as added Pub. L. 110-315, title IX, §941(j)(1), Aug. 14, 2008, 122 Stat. 3464.)

REFERENCES IN TEXT

Title II, referred to in subsec. (a), is title II of Pub. L. 95-471, Oct. 17, 1978, 92 Stat. 1329, known as the Navajo Community College Assistance Act of 1978, which enacted section 640c-1 of this title, amended section 640c of this title, and enacted provisions set out as notes under sections 640a and 640c-1 of this title. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 640a of this title and Tables.

The Indian Self-Determination and Education Assistance Act, referred to in subsecs. (b) and (c), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

The Higher Education Act of 1965, referred to in subsec. (d)(1), 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.

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (d)(2), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

§ 1864. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary for fiscal year 2009 and each fiscal year thereafter to carry out this subchapter.

(Pub. L. 95-471, title V, §504, as added Pub. L. 110-315, title IX, §941(j)(1), Aug. 14, 2008, 122 Stat. 3465.)

CHAPTER 21—INDIAN CHILD WELFARE

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- 1961. Locally convenient day schools.
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§ 1901. Congressional findings

Recognizing the special relationship between the United States and the Indian tribes and their members and the Federal responsibility to Indian people, the Congress finds—

(1) that clause 3, section 8, article I of the United States Constitution provides that "The Congress shall have Power * * * To regulate Commerce * * * with Indian tribes¹" and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) that Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and that the United States has a direct interest, as

¹ So in original. Probably should be capitalized.