

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

- Sec. 1901. Congressional findings.
- 1902. Congressional declaration of policy.
- 1903. Definitions.

SUBCHAPTER I—CHILD CUSTODY PROCEEDINGS

- 1911. Indian tribe jurisdiction over Indian child custody proceedings.
- 1912. Pending court proceedings.
- 1913. Parental rights; voluntary termination.
- 1914. Petition to court of competent jurisdiction to invalidate action upon showing of certain violations.
- 1915. Placement of Indian children.
- 1916. Return of custody.
- 1917. Tribal affiliation information and other information for protection of rights from tribal relationship; application of subject of adoptive placement; disclosure by court.
- 1918. Reassumption of jurisdiction over child custody proceedings.
- 1919. Agreements between States and Indian tribes.
- 1920. Improper removal of child from custody; declination of jurisdiction; forthwith return of child; danger exception.
- 1921. Higher State or Federal standard applicable to protect rights of parent or Indian custodian of Indian child.
- 1922. Emergency removal or placement of child; termination; appropriate action.
- 1923. Effective date.

SUBCHAPTER II—INDIAN CHILD AND FAMILY PROGRAMS

- 1931. Grants for on or near reservation programs and child welfare codes.
- 1932. Grants for off-reservation programs for additional services.
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- 1934. "Indian" defined for certain purposes.

SUBCHAPTER III—RECORDKEEPING, INFORMATION AVAILABILITY, AND TIMETABLES

- 1951. Information availability to and disclosure by Secretary.
- 1952. Rules and regulations.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

- 1961. Locally convenient day schools.
- 1962. Copies to the States.
- 1963. Severability.

§ 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.