

§ 1780d. Omitted

CODIFICATION

Section, Pub. L. 109-286, §6, Sept. 27, 2006, 120 Stat. 1221, which related to establishment and management of the Pueblo de San Ildefonso Land Claims Settlement Fund, was omitted from the Code as being of special and not general application.

§ 1780e. Omitted

CODIFICATION

Section, Pub. L. 109-286, §7, Sept. 27, 2006, 120 Stat. 1221, which authorized sale of lands by the Secretary of Agriculture, was omitted from the Code as being of special and not general application.

§ 1780f. Omitted

CODIFICATION

Section, Pub. L. 109-286, §8, Sept. 27, 2006, 120 Stat. 1224, which related to execution and delivery of deeds by the Secretary of Agriculture and conveyance by the Pueblo to the United States in trust, was omitted from the Code as being of special and not general application.

§ 1780g. Omitted

CODIFICATION

Section, Pub. L. 109-286, §9, Sept. 27, 2006, 120 Stat. 1224, which related to trust status of Settlement Area Land and National Forest boundaries, was omitted from the Code as being of special and not general application.

§ 1780h. Omitted

CODIFICATION

Section, Pub. L. 109-286, §10, Sept. 27, 2006, 120 Stat. 1225, which related to management of lands prior to conveyance, was omitted from the Code as being of special and not general application.

§ 1780i. Omitted

CODIFICATION

Section, Pub. L. 109-286, §11, Sept. 27, 2006, 120 Stat. 1225, which related to withdrawal of certain land from location, entry, and patent under the public land laws and mining and mineral leasing laws, subject to valid existing rights, was omitted from the Code as being of special and not general application.

§ 1780j. Omitted

CODIFICATION

Section, Pub. L. 109-286, §12, Sept. 27, 2006, 120 Stat. 1225, which related to the conveyance of the Northern Tier Land, was omitted from the Code as being of special and not general application.

§ 1780k. Omitted

CODIFICATION

Section, Pub. L. 109-286, §13, Sept. 27, 2006, 120 Stat. 1228, which provided for boundaries between the Pueblo of Santa Clara and the Pueblo de San Ildefonso, was omitted from the Code as being of special and not general application.

§ 1780l. Omitted

CODIFICATION

Section, Pub. L. 109-286, §14, Sept. 27, 2006, 120 Stat. 1229, which related to distribution of funds plan, was omitted from the Code as being of special and not general application.

§ 1780m. Omitted

CODIFICATION

Section, Pub. L. 109-286, §15, Sept. 27, 2006, 120 Stat. 1229, which provided for rule of construction and judicial review of the Settlement and Los Alamos Agreements, was omitted from the Code as being of special and not general application.

§ 1780n. Omitted

CODIFICATION

Section, Pub. L. 109-286, §16, Sept. 27, 2006, 120 Stat. 1229, which provided that this subchapter would take effect on Sept. 27, 2006, was omitted from the Code as being of special and not general application.

§ 1780o. Omitted

CODIFICATION

Section, Pub. L. 109-286, §17, Sept. 27, 2006, 120 Stat. 1229, which expressed intent of Congress that most land conveyances and adjustments be completed by 180 days after Sept. 27, 2006, was omitted from the Code as being of special and not general application.

§ 1780p. Omitted

CODIFICATION

Section, Pub. L. 109-286, §18, Sept. 27, 2006, 120 Stat. 1230, which authorized appropriations, was omitted from the Code as being of special and not general application.

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 1001¹ of title 20, except that clause (2) of such section shall not be applicable and the reference to Secretary in clause (5)(A)² 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):

(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 Colleges and Universities Assistance Act of 1978, which enacted this chapter and former section 640c-1 of this title, amended former section 640c of this title, and enacted provisions set out as notes under this section and former sections 640a and 640c-1 of this title. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

The Alaskan Native Claims Settlement Act, referred to in subsec. (a)(2), probably means the Alaska Native Claims Settlement Act, Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

AMENDMENTS

2008—Subsec. (a)(6). Pub. L. 110-315, § 941(a), substituted “in the fields of tribally controlled colleges

¹ So in original. Probably should be section “1001(a)”.

² So in original. Probably should be “(5)”.