

(b) Navajo Community College grants

(1) There are authorized to be appropriated for grants to the Navajo Community College, for each fiscal year, an amount necessary to pay expenses incurred for—

(A) the maintenance and operation of the college, including—

(i) basic, special, developmental, vocational, technical, and special handicapped education costs,

(ii) annual capital expenditures, including equipment needs, minor capital improvements and remodeling projects, physical plant maintenance and operation costs, and exceptions and supplemental need account, and

(iii) summer and special interest programs,

(B) major capital improvements, including internal capital outlay funds and capital improvement projects,

(C) mandatory payments, including payments due on bonds, loans, notes, or lease purchases, and

(D) supplemental student services, including student housing, food service, and the provision of access to books and services.

(2) The Secretary shall make payments, pursuant to grants under this subsection, in advance installments of not less than 40 per centum of the funds available for allotment, based on anticipated or actual numbers of full-time equivalent Indian students or such other factors as determined by the Secretary. Adjustments for overpayments and underpayments shall be applied to the remainder of such funds and such remainder shall be delivered no later than July 1 of each year.

(c) Funding requirements

The Secretary of the Interior is authorized and directed to establish by rule procedures to insure that all funds appropriated under sections 640a to 640c-3 of this title are properly identified for grants to the Navajo Community 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.)

CODIFICATION

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

AMENDMENTS

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

Section 203(b) of Pub. L. 95-471 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 the Navajo Community College to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] or any other applicable program for the benefit of insti-

tutions 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 the Navajo Community 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.)

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, as amended, which is classified principally to chapter 28 (§ 1001 et seq.) of Title 20, Education. 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

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 the Navajo Community 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 the Navajo Community 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 the Navajo Community College under any provision of Federal law.

(B) All interest or investment income described in subparagraph (A) shall be expended by the Navajo Community 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 the

Navajo Community 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.)

CODIFICATION

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

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 infor-