

tion with private landowners, shall grant and convey a perpetual easement to the private owners of land within the Northern Tier Land for private access over Santa Clara Reservation Highway 601 (Puye Road) across the Santa Clara Indian Reservation from its intersection with New Mexico State Highway 30, or other designated public road, on Forest Development Roads 416, 445 and other roads that may be necessary to provide access to each individually owned private tract.

**(3) Approval**

The Secretary of the Interior shall approve the conveyance of an easement under paragraph (2) upon receipt of written approval of the terms of the easement by the Secretary of Agriculture.

**(4) Adequate access provided by Pueblo of Santa Clara**

If adequate administrative and inholder access is provided over the Santa Clara Indian Reservation under paragraph (2), the Secretary of the Interior—

(A) shall vacate the inholder access over that portion of Forest Development Road 416 referenced in section 1780e(e)(5) of this title; but

(B) shall not vacate the reservations over the Northern Tier Land for administrative access under subsection (c)(2).

(Pub. L. 109-286, §12, Sept. 27, 2006, 120 Stat. 1225.)

**§ 1780k. Inter-Pueblo cooperation**

**(a) Demarcation of boundary**

The Pueblo of Santa Clara and the Pueblo may, by agreement, demarcate a boundary between their respective tribal land within Township 20 North, Range 7 East, in Rio Arriba County, New Mexico, and may exchange or otherwise convey land between them in that township.

**(b) Action by Secretary of the Interior**

In accordance with any agreement under subsection (a), the Secretary of the Interior shall, without further administrative procedures or environmental or other analyses—

(1) recognize a boundary between the Pueblo of Santa Clara and the Pueblo;

(2) provide for a boundary survey;

(3) approve land exchanges and conveyances as agreed upon by the Pueblo of Santa Clara and the Pueblo; and

(4) accept conveyances of exchanged lands into trust for the benefit of the grantee tribe.

(Pub. L. 109-286, §13, Sept. 27, 2006, 120 Stat. 1228.)

**§ 1780l. Distribution of funds plan**

Not later than 2 years after September 27, 2006, the Secretary of the Interior shall act in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) with respect to the award entered in the compromise and settlement of claims under the case styled Pueblo of San Ildefonso v. United States, No. 660-87L, United States Court of Federal Claims.

(Pub. L. 109-286, §14, Sept. 27, 2006, 120 Stat. 1229.)

REFERENCES IN TEXT

The Indian Tribal Judgment Funds Use or Distribution Act, referred to in text, is Pub. L. 93-134, Oct. 19, 1973, 87 Stat. 466, which is classified generally to chapter 16 (§1401 et seq.) of this title. For complete classification of this Act to the Code, see section 1401(c) of this title and Tables.

**§ 1780m. Rule of construction and judicial review**

Notwithstanding any provision of State law, the Settlement Agreement and the Los Alamos Agreement (including any real property conveyance under the agreements) shall be interpreted and implemented as matters of Federal law.

(Pub. L. 109-286, §15, Sept. 27, 2006, 120 Stat. 1229.)

**§ 1780n. Effective date**

This subchapter shall take effect on September 27, 2006.

(Pub. L. 109-286, §16, Sept. 27, 2006, 120 Stat. 1229.)

**§ 1780o. Timing of actions**

It is the intent of Congress that the land conveyances and adjustments contemplated in this subchapter (except the conveyances and adjustments relating to Los Alamos Townsite Land) shall be completed not later than 180 days after September 27, 2006.

(Pub. L. 109-286, §17, Sept. 27, 2006, 120 Stat. 1229.)

**§ 1780p. Authorization of appropriations**

There are authorized to be appropriated such funds as are necessary to carry out this subchapter.

(Pub. L. 109-286, §18, Sept. 27, 2006, 120 Stat. 1230.)

**CHAPTER 20—TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES ASSISTANCE**

Sec.

1801. Definitions.

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ary career and technical institution.  
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technical institutions program.  
1863. Applicability of other laws.  
1864. Authorization of appropriations.

**§ 1801. Definitions**

(a) For purposes of this chapter, the term—

(1) “Indian” means a person who is a mem-  
ber of an Indian tribe;

(2) “Indian tribe” means any Indian tribe,  
band, nation, or other organized group or com-  
munity, 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 In-  
dians;

(3) “Secretary”, unless otherwise des-  
ignated, means the Secretary of the Interior;

(4) “tribally controlled college or univer-  
sity” means an institution of higher education  
which is formally controlled, or has been for-  
mally sanctioned, or chartered, by the govern-  
ing 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 1001<sup>1</sup> of title 20, except that clause  
(2) of such section shall not be applicable and  
the reference to Secretary in clause (5)(A)<sup>2</sup> 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 na-  
tionally 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 In-  
dian 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) of this sec-  
tion:

(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 equiv-  
alent shall be counted toward the computation  
of the Indian student count if the institution  
at which the student is in attendance has es-  
tablished 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 es-  
tablished such criteria if the admission proce-  
dures 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 count-  
ed toward the computation of the Indian stu-  
dent count.

(4) Indian students earning credits in any  
continuing education program of a tribally  
controlled college or university shall be in-  
cluded 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 in-  
stitution on a quarter system, or 15 contact  
hours in the case of an institution on a se-  
mester system, of participation in an orga-  
nized continuing education experience under  
responsible sponsorship, capable direction,  
and qualified instruction, as described in the  
criteria established by the International As-  
sociation 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 section 640c-1 of this title,  
amended section 640c of this title, and enacted provi-

<sup>1</sup> So in original. Probably should be section “1001(a)”.

<sup>2</sup> So in original. Probably should be “(5)”.