§ 1780p. Omitted

Editorial Notes

CODIFICATION

Section, Pub. L. 109–286, §18, Sept. 27, 2006, 120 Stat. 1290, 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 1001 of title 20, except that clause (2) of such section shall not be applicable and the reference to Secretary in clause (5)(A) 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 in—

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

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

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modified legislation containing technical and conforming amendments to reflect the changes made by subsection (b) [see Tables for classification].

"(2) Submission to Congress.—Not later than 6 months after the effective date of this title [see section 3 of Pub. L. 105–244, set out as an Effective Date of 1998 Amendment note under section 1001 of Title 20, Education], the Secretary of Education shall submit the recommended legislation referred to under paragraph (1)."

REFERENCES TO TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978

Pub. L. 105–244, title IX, §901(d), Oct. 7, 1998, 112 Stat. 1828, provided that: "Any reference to a section or other provision of the Tribally Controlled Community College Assistance Act of 1978 shall be deemed to be a reference to the Tribally Controlled College or University Assistance Act of 1978 (now Tribally Controlled Colleges and Universities Assistance Act of 1978)."

Executive Documents

EXECUTIVE ORDER No. 13021


EXECUTIVE ORDER No. 13270

Ex. Ord. No. 13270, July 3, 2002, 67 F.R. 45288, which established the President’s Board of Advisors on Tribal Colleges and Universities and the White House Initiative on Tribal Colleges and Universities in the Department of Education and required a Five-Year Federal Plan regarding tribal colleges and universities, was revoked by Ex. Ord. No. 13270, §16, July 3, 2002, 67 F.R. 45291, formerly set out below.

EXTENSION OF TERM OF PRESIDENT’S BOARD OF ADVISORS ON TRIBAL COLLEGES AND UNIVERSITIES

Ex. Ord. No. 13585, §1(n), Sept. 30, 2011, 76 F.R. 62281, which extended term of President’s Board of Advisors on Tribal Colleges and Universities until Sept. 30, 2013, was revoked by Ex. Ord. No. 13562, §6(c), Dec. 2, 2011, 76 F.R. 76607, set out as a note under section 7461 of Title 20, Education.

EXTENSION OF TERM OF President’s Board of Advisors on Tribal Colleges and Universities

Ex. Ord. No. 13585, §1(n), Sept. 30, 2011, 76 F.R. 62281, which extended term of President’s Board of Advisors on Tribal Colleges and Universities until Sept. 30, 2013, was revoked by Ex. Ord. No. 13562, §6(c), Dec. 2, 2011, 76 F.R. 76607, set out as a note under section 7461 of Title 20, Education.

Previous extensions of term of President’s Board of Advisors on Tribal Colleges and Universities were contained in the following prior Executive Orders:


SUBCHAPTER I—TRIBALLY CONTROLLED COLLEGES OR UNIVERSITIES GRANT PROGRAM

§ 1802. Purpose

It is the purpose of this subchapter to provide grants for the operation and improvement of tribally controlled colleges or universities to in-