

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND
NAABIK'ÍYÁTI'; SUPPORTING AND RECOMMENDING THE PASSAGE OF
S.2564, A BILL INTRODUCED IN THE UNITED STATES SENATE ENTITLED
"DINÉ COLLEGE ACT OF 2016"

WHEREAS:

- A. The Health, Education and Human Services Committee (HEHSC) is a standing committee of the Navajo Nation Council. It has the authority to review and recommend resolutions regarding certain matters, including health, education and social services. 2 N.N.C. §§ 164 (A)(9), 400 (A), 401 (B)(6)(a) (2012); see also CO-45-12.
- B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. It has the authority to "review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments." 2 N.N.C. §701 (A)(7).
- C. The Navajo Nation has a government-to-government relationship with the United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- D. On February 23, 2016, the Dine College Act of 2016 (S. 2564) - sponsored by Senator Jeff Flake (for himself, Mr. McCain, Mr. Udall, and Mr. Heinrich) - was introduced to the United States Senate. See generally S. 2564, 114th Cong. § 2 (2016) attached as Exhibit "A"; See also <https://www.govtrack.us/congress/bills/114/s2564> (last visited Apr. 14, 2016).
- E. S. 2564 is a bill that is to authorize grants by the Secretary appropriating funding to Dine College (College) for construction activities, major capital improvements, mandatory payments, supplemental student activities and

improving and expanding the College. See generally S. 2564, 114th Cong. § 2 (2016).

F. S. 2564 is a bill the College Board of Regents, supports the annual operations and maintenance grants, as well as the \$2,000,000 annual construction grant for each fiscal year 2017 through 2020, and thus the passage of the Dine College Act in its entirety. Resolution of the Board of Regents Dine College, DC-MAR-2194-16, (Mar. 25, 2016) attached as Exhibit "B."

NOW THEREFORE BE IT RESOLVED THAT:

The Navajo Nation hereby supports and recommends the passage of S. 2564, a bill introduced in the United States Senate entitled "Diné College Act of 2016."

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 12 in favor, 0 oppose, this 12th day of May, 2016.

A handwritten signature in dark ink, appearing to read "LoRenzo Bates", with a large, stylized flourish at the end.

LoRenzo Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Nelson BeGaye
Second: Honorable Tom Chee

NAVAJO NATION

RCS# 397

Naa'bik'iyati Committee

5/12/2016

04:28:51 PM

Amd# to Amd#

Legislation No. 0124-16

PASSED

MOT BeGaye, N

SEC Chee

Yea : 12

Nay : 0

Not Voting : 12

Yea : 12

Begay, NM
BeGaye, N
Bennett

Chee
Crotty
Damon

Daniels
Hale
Jack

Perry
Shepherd
Slim

Nay : 0

Not Voting : 12

Bates
Begay, K
Brown

Filfred
Pete
Phelps

Smith
Tso
Tsosie

Vacant
Witherspoon
Yazzie



114TH CONGRESS
2D SESSION

S. 2564

To modernize prior legislation relating to Diné College.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 2016

Mr. FLAKE (for himself, Mr. MCCAIN, Mr. UDALL, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To modernize prior legislation relating to Diné College.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Diné College Act of
5 2016”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Treaty between the United States of
9 America and the Navajo Tribe of Indians, done at
10 Fort Sumner, New Mexico, June 1, 1868 (15 Stat.

1 667), provides for the education of the citizens of
2 the Navajo Nation;

3 (2) the Navajo Nation created and chartered
4 the Navajo Community College by Resolution CN-
5 95-68 as a wholly owned educational entity of the
6 Navajo Nation;

7 (3) in 1971, Congress enacted the Navajo Com-
8 munity College Act (25 U.S.C. 640a et seq.);

9 (4) the Navajo Nation officially changed the
10 name of the Navajo Community College to "Diné
11 College" by Resolution CAP-35-97; and

12 (5) the purpose of Diné College is to provide
13 educational opportunities to the Navajo people and
14 others in areas important to the economic and social
15 development of the Navajo Nation.

16 **SEC. 3. PURPOSE.**

17 The purpose of this Act is to ensure that the Navajo
18 Nation and Navajo people—

19 (1) exercise their right to self-determination,
20 particularly in matters relating to the internal and
21 local affairs of the Navajo Nation;

22 (2) maintain and strengthen distinct institu-
23 tions of higher education through the teaching of the
24 Navajo language, culture, traditions, and history;
25 and

1 (3) improve the economic and social conditions
2 of the Navajo Nation and Navajo people through
3 higher education and postsecondary vocational train-
4 ing.

5 **SEC. 4. DEFINITIONS.**

6 In this Act:

7 (1) **APPROPRIATE COMMITTEES OF CON-**
8 **GRESS.**—The term “appropriate committees of Con-
9 gress” means—

10 (A) the Committee on Indian Affairs and
11 the Committee on Appropriations of the Senate;
12 and

13 (B) the Committee on Natural Resources,
14 the Committee on Education and the Work-
15 force, and the Committee on Appropriations of
16 the House of Representatives.

17 (2) **COLLEGE.**—The term “College” means
18 Diné College.

19 (3) **INFRASTRUCTURE.**—

20 (A) **IN GENERAL.**—The term “infrastruc-
21 ture” means the buildings, water and sewer fa-
22 cilities, roads, and information technology and
23 telecommunications infrastructure of the Col-
24 lege.

1 (B) INCLUSIONS.—The term “infrastruc-
 2 ture” includes classrooms and external matters
 3 such as walkways.

4 (4) OPERATION AND MAINTENANCE.—The term
 5 “operation and maintenance” means—

6 (A) costs and expenses associated with the
 7 customary daily operation of the College; and

8 (B) necessary maintenance costs of the
 9 College.

10 (5) RENOVATION AND REPAIR.—The term “ren-
 11 ovation and repair” means modernization and im-
 12 provement to the infrastructure.

13 (6) SECRETARY.—The term “Secretary” means
 14 the Secretary of the Interior.

15 **SEC. 5. SURVEY, STUDY, AND REPORT.**

16 (a) IN GENERAL.—

17 (1) SURVEY, STUDY, AND REPORT.—Not later
 18 than January 31, 2017, in accordance with sub-
 19 section (b), the Secretary shall conduct, and submit
 20 to the appropriate committees of Congress a report
 21 on the results of, a detailed survey and study of all
 22 capital projects and facility needs of the College.

23 (2) INCLUSIONS IN REPORT.—The report de-
 24 scribed in paragraph (1) shall include—

1 (A) recommendations by the Secretary;
2 and

3 (B) any recommendations or views sub-
4 mitted by the College or the Navajo Nation re-
5 garding the capital projects and facility needs
6 of the College.

7 (b) INVENTORY.—

8 (1) IN GENERAL.—Not later than August 1,
9 2016, the College shall prepare and submit to the
10 Secretary an inventory that identifies the renova-
11 tions and repairs necessary to meet—

12 (A) health and safety standards; and

13 (B) any other requirements the College de-
14 termines necessary.

15 (2) USE OF INVENTORY.—The Secretary shall
16 use the inventory described in paragraph (1) as
17 baseline data to inform the survey, study, and report
18 under subsection (a).

19 (c) ADMINISTRATIVE EXPENSES.—The Secretary
20 may use to carry out this section amounts made available
21 to the Secretary in general administrative appropriations.

22 **SEC. 6. GRANTS AUTHORIZED.**

23 (a) CONSTRUCTION GRANTS.—

24 (1) IN GENERAL.—The Secretary shall make
25 grants to the College for construction activities, in-

1 including the renovation and repair or construction of
2 buildings, water and sewer facilities, roads, informa-
3 tion technology and telecommunications infrastruc-
4 ture, classrooms, and external structures (such as
5 walkways) identified in the survey, study, and report
6 under section 5.

7 (2) AUTHORIZATION OF APPROPRIATIONS.—

8 There is authorized to be appropriated to the Sec-
9 retary to carry out paragraph (1) \$2,000,000 for
10 each of fiscal years 2017 through 2020, to remain
11 available until expended unless otherwise provided in
12 an appropriations Act.

13 (b) OPERATION AND MAINTENANCE GRANTS.—

14 (1) IN GENERAL.—The Secretary shall make
15 grants to the College for operation and maintenance
16 activities, including—

17 (A) basic, special, developmental, voca-
18 tional, technical, and special handicapped edu-
19 cation costs;

20 (B) annual capital expenditures, including
21 equipment needs, minor capital improvements
22 and remodeling projects, physical plant mainte-
23 nance and operation costs, and an exceptions
24 and supplemental needs account;

25 (C) summer and special interest programs;

1 (D) major capital improvements, including
 2 internal capital outlay funds and capital im-
 3 provement projects;

4 (E) mandatory payments, including pay-
 5 ments due on bonds, loans, notes, or lease pur-
 6 chases;

7 (F) supplemental student services, includ-
 8 ing student housing, food service, and the provi-
 9 sion of access to books and services; and

10 (G) improving and expanding the College,
 11 including by providing for the Navajo people
 12 and others in the community of the College—

13 (i) higher education programs;

14 (ii) career and technical education;

15 (iii) activities relating to the preserva-
 16 tion and protection of the Navajo lan-
 17 guage, philosophy, and culture;

18 (iv) employment and training opportu-
 19 nities;

20 (v) economic development and commu-
 21 nity outreach; and

22 (vi) a safe learning, working, and liv-
 23 ing environment.

24 (2) AUTHORIZATION OF APPROPRIATIONS.—

25 There are authorized to be appropriated to the Sec-

1 retary to carry out paragraph (1) such sums as are
2 necessary for each of fiscal years 2017 through
3 2020, to remain available until expended unless oth-
4 erwise provided in an appropriations Act.

5 **SEC. 7. STATUS OF FUNDS.**

6 Amounts made available to the College under this Act
7 may be treated as non-Federal, private funds of the Col-
8 lege for purposes of any provision of Federal law that re-
9 quires that non-Federal or private funds of the College
10 be used in a project for a specific purpose.

11 **SEC. 8. EFFECT ON OTHER LAWS.**

12 This Act supersedes—

13 (1) the Navajo Community College Act (25
14 U.S.C. 640a et seq.);

15 (2) the Navajo Community College Assistance
16 Act of 1978 (25 U.S.C. 640a note; Public Law 95-
17 471); and

18 (3) the Navajo Nation Higher Education Act of
19 2008 (25 U.S.C. 640a note; Public Law 110-315).

20 **SEC. 9. CONTINUING ELIGIBILITY FOR OTHER FEDERAL**
21 **FUNDS.**

22 Except as explicitly provided in other Federal law,
23 nothing in this Act precludes the eligibility of the College
24 to receive Federal funding and resources under any pro-
25 gram authorized under—

1 (1) the Higher Education Act of 1965 (20
2 U.S.C. 1001 et seq.);

3 (2) the Equity in Educational Land-Grant Sta-
4 tus Act of 1994 (7 U.S.C. 301 note; Public Law
5 103-382); or

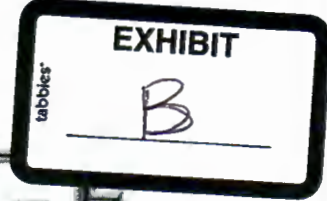
6 (3) any other applicable program for the benefit
7 of institutions of higher education, community col-
8 leges, or postsecondary educational institutions.

○



DINÉ COLLEGE

THE HIGHER EDUCATION INSTITUTION OF THE NAVAJO



Board of Regents

DC-MAR-2194-16

**RESOLUTION OF THE BOARD OF REGENTS
DINÉ COLLEGE**

**Approving and Supporting the Senate Committee on Indian Affairs' Adoption of the S.
2564 Diné College Act (2015-2016)**

WHEREAS:

1. The Diné College Board of Regents is empowered to exercise authority and control over Diné College and is responsible for the accomplishment of the Diné College purposes, 10 NNC § 2003 (2005 ed.); and
2. The Diné College is a non-profit post-secondary educational institution chartered by the Navajo Nation Council in 1968 for the purposes of providing educational opportunities to the Navajo people and others in areas important to the economic and social development of the Navajo Nation and other purposes, 10 NNC § 2002; and
3. On February 23, 2016, S. 2564 Diné College Act was read twice and referred to the Senate Committee on Indian Affairs. The bill was sponsored by Senator Jeff Flake [AZ-R] and co-sponsored by Senator John McCain [AZ-R], Senator Tom Udall [NM-D], and Senator Martin Hienrich [NM-D]; and
4. The S. 2564 Diné College Act (2015-2016) is schedule for Senate Committee on Indian Affairs hearing on April 13, 2016 in Washington, D.C.; and
5. The Diné College Board of Regents supports annual operations and maintenance grants, as well as the \$2,000,000 annual construction grant for each fiscal years 2017 through 2020, and thus the passage of the Diné College Act in its entirety

NOW THEREFORE BE IT RESOLVED THAT:

1. Diné College Board of Regents does hereby approve and support the Senate Committee on Indian Affairs' Adoption of the S. 2564 Diné College Act (2015-2016), and
2. The Diné College Board of Regents hereby authorizes, empowers and directs the Interim President of Diné College to perform all actions deemed necessary and proper to effectuate the purpose of this resolution.



DINÉ COLLEGE

THE HIGHER EDUCATION INSTITUTION OF THE NAVAJO

Board of Regents

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Diné College Board of Regents at a duly called meeting held in Tsaile, Arizona, at which a quorum was present and that same was passed by a vote of in 5 favor, 0 opposed and 0 abstained, this 25th day of March 2016.


Greg H. Bigman, President
Diné College Board of Regents

MOTION: Regent Lee
SECOND: Regent Hatathlie