

LEGISLATIVE SUMMARY SHEET

Tracking No. 0191-21

DATE: September 1, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEES; SUPPORTING CONGRESSIONAL BILL ENTITLED "DINÉ COLLEGE ACT OF 2021"

PURPOSE: This resolution, if adopted, would support bill entitled "Diné College Act of 2021"

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

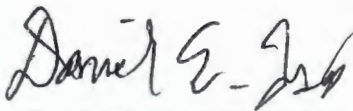
5-DAY BILL HOLD PERIOD: VSNEADNASE
Website Posting Time/Date: September 7, 2021 5:21 PM
Posting End Date: September 12, 2021
Eligible for Action: September 13, 2021

Health Education & Human Services Committee
Thence
Naabik'iyáti' Committee

PROPOSED COMMITTEE RESOLUTION OF THE NAVAJO NATION

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY



(Primary Sponsor)

TRACKING NO. **0191-21**

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND
NAABIK'ÍYÁTI' COMMITTEES; SUPPORTING CONGRESSIONAL BILL
ENTITLED "DINÉ COLLEGE ACT OF 2021"

WHEREAS:

1. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400(A). Among other responsibilities, the committee oversees all education and health-related activities of the Navajo Nation. 2 N.N.C. § 401(C) (2).
2. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700(A). The committee, among other responsibilities, "coordinate[s] all federal, county and state programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to the Navajo Nation." 2 N.N.C. § 701(A)(4).
3. Congressman Tom O'Halleran (AZ-01) will introduce a bill in the U.S. House of Representatives entitled the "Diné College Act of 2021." See **Exhibit A**. The purposes of this bill will be "to fulfill the United States Government's trust responsibility to serve the higher education needs of the Navajo people and to clarify, unify, and modernize prior Diné College legislation." Generally, the bill will

1 “authorize the Diné College to receive ... Federal funding and resources ... for its
2 operation, improvement and growth...” Section 5.

3 4. By resolution DC-AUG-2531-21, the Board of Regents for Diné College supports the
4 “Diné College Act of 2021.” See attached **Exhibit B**.

5 7. It is in the best interest of the Navajo Nation to support the Diné College Act of 2021.
6

7 **NOW THEREFORE BE IT RESOLVED:**

8 The Navajo Nation hereby supports Congressional bill entitled, the “Diné College Act
9 of 2021.”
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[115H4807]

.....
(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To fulfill the United States Government's trust responsibility to serve the higher education needs of the Navajo people and to clarify, unify, and modernize prior Diné College legislation.

IN THE HOUSE OF REPRESENTATIVES

Mr. O'HALLERAN introduced the following bill; which was referred to the Committee on _____

A BILL

To fulfill the United States Government's trust responsibility to serve the higher education needs of the Navajo people and to clarify, unify, and modernize prior Diné College legislation.

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 2021".

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) The Treaty of 1868 between the United
2 States of America and the Navajo Tribe of Indians
3 provides for the education of the citizens of the Nav-
4 ajo Nation.

5 (2) The Navajo Nation created and chartered
6 the Navajo Community College by Resolution CN-
7 95-68 as a wholly owned educational entity of the
8 Navajo Nation.

9 (3) In 1971, Congress enacted the Navajo Com-
10 munity College Act (Public Law 92-189; 25 U.S.C.
11 640a et seq.).

12 (4) The Navajo Nation officially changed the
13 name of the Navajo Community College to Diné Col-
14 lege by Resolution CAP-35-97.

15 (5) The purpose of Diné College is to provide
16 educational opportunities to the Navajo people and
17 others in areas important to the economic and social
18 development of the Navajo Nation.

19 (6) The educational philosophy of Diné College
20 is to apply principles of Sa'ah Naaghái Bik'eh
21 Hózhóón (Diné Philosophy) to advance quality stu-
22 dent learning through training of the mind and
23 heart.

1 (7) The United States has a trust and treaty
2 responsibility to the Navajo Nation to provide for
3 the educational opportunities for Navajo people.

4 (8) Significant portions of the Diné College's
5 infrastructure are dilapidated and pose a serious
6 health and safety risk to students, employees, and
7 the public.

8 (9) This Act is consistent with Executive Order
9 13592 (76 Fed. Reg. 76603, relating to improving
10 American Indian and Alaska Native educational op-
11 portunities and strengthening tribal colleges and
12 universities) and fulfills the United States Govern-
13 ment's trust responsibility to serve the educational
14 needs of the Navajo people.

15 **SEC. 3. PURPOSE.**

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

18 (1) exercise their right to self-determination,
19 particularly in matters relating to their internal and
20 local affairs;

21 (2) maintain and strengthen their distinct insti-
22 tutions of higher education through the teaching of
23 the Navajo language, culture, traditions, and his-
24 tory; and

1 (3) improve their economic and social condi-
2 tions through higher education and postsecondary
3 vocational training.

4 **SEC. 4. DEFINITIONS.**

5 In this Act:

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

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

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

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

18 (3) **OPERATION AND MAINTENANCE.**—The term
19 “operation and maintenance” means all costs and
20 expenses associated with the customary daily oper-
21 ation of the Diné College and necessary maintenance
22 costs.

23 (4) **INFRASTRUCTURE.**—The term “infrastruc-
24 ture” means Diné College buildings, water and
25 sewer facilities, roads, foundation, information tech-

1 nology, and telecommunications, including class-
2 rooms and external matters such as walkways.

3 (5) RENOVATIONS AND REPAIRS.—The term
4 “renovations and repairs” means modernization and
5 improvements to the infrastructure.

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

8 **SEC. 5. AUTHORIZATION OF DINÉ COLLEGE.**

9 Congress authorizes the Diné College to receive all
10 Federal funding and resources under this Act and other
11 laws for its operation, improvement, and growth, includ-
12 ing—

13 (1) to provide programs of higher education for
14 citizens of the Navajo Nation and others;

15 (2) to provide vocational and technical edu-
16 cation for citizens of the Navajo Nation and others;

17 (3) to preserve and protect the Navajo lan-
18 guage, philosophy, and culture for citizens of the
19 Navajo Nation and others;

20 (4) to provide Navajo communities and people
21 with employment and training opportunities;

22 (5) to provide economic development and com-
23 munity outreach for Navajo communities and people;
24 and

1 (6) to provide a safe learning, working, and liv-
2 ing environment for students, employees, and the
3 public.

4 **SEC. 6. FACILITIES AND CAPITAL PROJECTS.**

5 From amounts made available under section 8(c), the
6 Diné College may undertake any renovations and repairs
7 to the infrastructure of the College that are identified in
8 the survey, study, and report carried out under section 9.

9 **SEC. 7. STATUS OF FUNDS.**

10 Funds provided under this Act to the Diné College
11 may be treated as non-Federal, private funds of the Col-
12 lege for purposes of any provision of Federal law which
13 requires that non-Federal or private funds of the College
14 be used in a project for a specific purpose.

15 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—There are hereby authorized to be
17 appropriated to the Diné College, for each fiscal year, such
18 sums as may be necessary to pay for the operation and
19 maintenance of the College.

20 (b) BUDGET PLACEMENT.—The Secretary shall fund
21 the operation and maintenance of the Diné College sepa-
22 rately from tribal colleges and universities recognized and
23 funded by the Tribally Controlled College or University
24 Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

1 (c) **FACILITIES AND CAPITAL PROJECTS.**—In addi-
2 tion to amounts appropriated under subsection (a), there
3 are authorized to be appropriated \$7,500,000, for each fis-
4 cal year, to carry out section 6.

5 **SEC. 9. SURVEY, STUDY, AND REPORT.**

6 (a) **IN GENERAL.**—The Secretary shall conduct a de-
7 tailed survey and study of all capital projects and facility
8 needs of the Diné College, and shall report the results of
9 such survey and study to the appropriate committees of
10 Congress not later than October 31, 2022. Such report
11 shall include recommendations by the Secretary and any
12 recommendations or views submitted by the College and
13 the Navajo Nation regarding the capital projects and facil-
14 ity needs of the College.

15 (b) **INVENTORY.**—Not later than January 31, 2022,
16 an inventory prepared by Diné College identifying repairs,
17 alterations, and renovations to facilities required to meet
18 health and safety standards and other factors shall be sub-
19 mitted to the Secretary. The Secretary shall use the inven-
20 tory as baseline data to inform the survey, study, and re-
21 port required under subsection (a).

22 (c) **ADMINISTRATIVE EXPENSES.**—Funds to carry
23 out this section may be drawn from general administrative
24 appropriations to the Secretary.

1 **SEC. 10. SUPERSESSION OF NAVAJO COMMUNITY COLLEGE**

2 **ACT.**

3 This Act supersedes—

4 (1) the Navajo Community College Act (Public
5 Law 92–189; 25 U.S.C. 640a et seq.);

6 (2) the Navajo Community College Assistance
7 Act of 1978 (Public Law 95–471, 92 Stat. 1325,
8 1329); and

9 (3) the Navajo Nation Higher Education Act of
10 2010 (Public Law 110–315, 122 Stat. 3468).

11 **SEC. 11. CONTINUING ELIGIBILITY FOR OTHER FEDERAL**
12 **FUNDS.**

13 Except as explicitly provided for in other Federal law,
14 nothing in this Act shall preclude the eligibility of the Diné
15 College to receive Federal funding and resources under
16 any program authorized under the Higher Education Act
17 of 1965 (20 U.S.C. 1001 et seq.), the Equity in Edu-
18 cational Land Grant Status Act (Title V, Part C, of Public
19 Law 103–382; 7 U.S.C. 301 note), or any other applicable
20 program for the benefit of institutions of higher education,
21 community colleges, or postsecondary educational institu-
22 tions.



DINÉ COLLEGE

THE HIGHER EDUCATION INSTITUTION OF THE NAVAJO

Board of Regents

DC-AUG-2531-21

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

EXHIBIT

B

The Diné College Board of Regents respectfully request the support of the Navajo Nation Council in the reauthorization of the Diné College Act of 2021 as sponsored by Arizona Representative Tom O'Halleran.

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. Diné College (the College), formerly known as Navajo Community College (NCC), became the first tribally controlled college in the Nation. Established in 1968, the founding principle of the College was to instill education with Navajo history, culture and language.
4. In 1971, Congress enacted the Navajo Community College Act (Public Law 92-189; hereinafter "NCC Act"). The NCC Act authorized funding for "operation, maintenance and construction."
5. In 1978, Congress enacted the Navajo Community College Assistance Act (P.L. Pub. L. 95-471; hereinafter "NCC Construction Funding Act") to correct this funding gap. The NCC Construction Funding Act authorizes \$2 million annually for construction funding for the college and to date, no funding was never allocated.
6. In 2018, the Inventory and Assessment Final Data Submittal (IAFD), contract no. A17PC00065 for the 1978 Congressional Mandated Facility Study for Diné College was completed.
7. Funding, as authorized in the Navajo Community College Assistance Act and the current Diné College Act, has never materialized and as such, the college has had to divert academic and student funding to maintain and operate its college facilities.

8. The purpose of the college is to provide educational opportunities to the Navajo people for the economic and social development of the Navajo Nation. To house and progress innovation, build and sustain economic opportunities, and cultivate and advance an valuable future workforce.

NOW THEREFORE BE IT RESOLVED THAT:

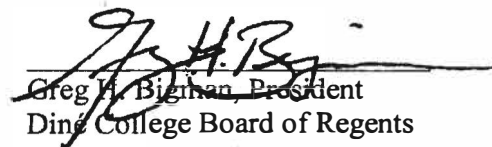
1. The Diné College Board of Regents hereby supports the reauthorization of the Diné College Act of 2021 as sponsored by Arizona Representative Tom O'Halleran.
2. The Diné College Board of Regents seeks the support of the Navajo Nation Council in the reauthorization of the Diné College Act as sponsored by Arizona Representative Tom O'Halleran.
3. The Diné College Board of Regents authorizes, directs, and empowers the Diné College President to perform all actions deemed necessary and proper to effectuate the purposes of this resolution.

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 Tsailé, Arizona at which a quorum was present and that same was passed by a vote of 7 in favor, 0 opposed and 0 abstained, this 24th day of August, 2021.

ATTACHMENT(S)

1. H.R. XXX Bill draft
2. 1-pager Summary


Greg H. Bighan, President
Diné College Board of Regents

MOTION: Regent Dennison
SECOND: Regent Toadecheenie



MEMORANDUM

To : Hon. Daniel Tso, Chairman
Health, Education and Human Services Committee
Navajo Nation Council

From : 
Ron Haven, Attorney
Office of Legislative Counsel

Date : September 1, 2021

Re : AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES; SUPPORTING CONGRESSIONAL BILL ENTITLED "DINÉ COLLEGE ACT OF 2021"

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC # 21-374-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0191-21_

SPONSOR: Daniel E. Tso

TITLE: An Action Relating to Health, Education and Human Services and Naabik'iyáti' Committees; Supporting Congressional Bill Entitled "Dine College Act of 2021"

Date posted: September 7, 2021 at 5:21 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

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**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0191-21

SPONSOR: Honorable Daniel E. Tso

TITLE: An Action Relating to Health, Education and Human Services and Naabik'iyáti' Committees; Supporting Congressional Bill Entitled "Dine College Act of 2021"

Posted: September 7, 2021 at 5:21 PM

5 DAY Comment Period Ended: September 12, 2021

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>

VSRedhorse

**Legislative Tracking Secretary
Office of Legislative Services**

September 13, 2021 8:20 AM

Date/Time