LEGISLATIVE SUMMARY SHEET

Tracking No. 0242-19

DATE: August 5, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO THE HEALTH, EDUCATION & HUMAN SERVICES COMMITTEE, AND THE NAABIK'ÍYÁTI' COMMITTEE; REQUESTING NEW MEXICO AND ARIZONA DELEGATIONS TO SPONSOR A BILL AMENDING 25 U.S.C 13, "THE SNYDER ACT," TO AUTHORIZE FORWARD FUNDING OF THE BUREAU OF INDIAN EDUCATION HIGHER EDUCATION GRANT PROGRAM

PURPOSE: If approved, this resolution will request New Mexico and Arizona Delegations to sponsor amending 25 U.S.C. 13 "The Snyder Act," to authorize forward funding of the Bureau of Indian Education Higher Education Grant Program.

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: 23:00
Website Posting Time/Date:
Posting End Date: 8/11/19
Eligible for Action: 8/12/19

Health Education & Human Services Committee
Thence
Naa'bik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

INTRODUCED BY

Primary Sponsor

TRACKING NO. 0242-19

AN ACTION

RELATING TO THE HEALTH, EDUCATION & HUMAN SERVICES COMMITTEE, AND THE NAABIK'ÍYÁTI' COMMITTEE; REQUESTING NEW MEXICO AND ARIZONA DELEGATIONS TO SPONSOR A BILL AMENDING 25 U.S.C 13, "THE SNYDER ACT," TO AUTHORIZE FORWARD FUNDING OF THE BUREAU OF INDIAN EDUCATION HIGHER EDUCATION GRANT PROGRAM

WHEREAS:

Section One. Authority

A. The Navajo Nation established the Health, Education, and Human Services Committee ("HEHSC") as a Navajo Nation Council standing committee and as such empowered HEHSC to review and recommend resolutions relating to education within the Navajo Nation 2 N.N.C. § 400(C)(1).

B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee. 2 N.N.C. § 700 (A).

C. The Naabik'íyáti Committee has the power to coordinate 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 Navajo Nation. 2 N.N.C. § 701(A)(4).

D. The Navajo Nation has a government-to-government relationship with the United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.

Section Two. Findings

A. The Bureau of Indian Education (BIE) operates the Higher Education Grant ("Grant") as authorized by 25 U.S.C 13, "The Snyder Act," enacted on November 2, 1921.

B. The Navajo Nation provides college financial assistance and scholarships from the Grant directly to Navajo college students through a P.L. 93-638 contract; and throughout Indian Country, numerous Indian Tribes have administered their own scholarship program through P.L. 93-638 contracts.

C. The Federal government routinely operates under continuing resolutions. As such, Grant funding is delayed. Consequently, college scholarship and financial assistance payments, and institutional disbursements are delayed. This is problematic for the Navajo and Indian college students who depend on these funds to pay for tuition, books, and room and board.

D. There is a precedent for forward funding of Federal Indian education programs; Bureau of Indian Education funded schools, including P.L. 93-638 and P.L. 100-297 schools, and Tribally Controlled Colleges and Universities, are forward funded through 25 U.S.C. § 2010 and 25 U.S.C. § 1810 respectively.

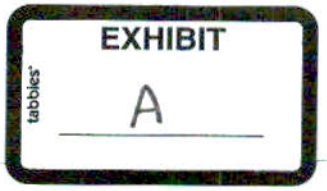
E. The proposed bill will amend 25 U.S.C 13, commonly known as "The Snyder Act," by adding the following: "Amounts appropriated in an appropriation Act for any fiscal year to carry out the Bureau of Indian Education Higher Education Grant Program (Scholarships and Adult Education, Special Education Scholarships, and the Science Post Graduate Scholarship Fund) shall be available for obligation on July 1 of such fiscal year and shall remain available until September 30 of the succeeding fiscal year." *See* draft bill attached as **Exhibit A.**

F. It is in Navajo Nation's best interest to request New Mexico and Arizona Delegations to sponsor a bill amending 25 U.S.C 13, "The Snyder Act," to authorize forward funding of the Bureau of Indian Education Higher Education Grant Program.

NOW THEREFORE, BE IT RESOLVED:

A. The Navajo Nation hereby requests New Mexico and Arizona Delegations to sponsor a bill amending 25 U.S.C 13, "The Snyder Act," to authorize forward funding of the Bureau of Indian Education Higher Education Grant Program, and urges the United States Congress to pass and enact this legislation.

B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council, President of the Navajo Nation, the Navajo Nation Washington Office, and their respective designees, to advocate on the behalf of the Navajo Nation to support the passage and enactment of amendments to 25 U.S.C. 13, "The Snyder Act" to authorize forward funding of the Bureau of Indian Education Higher Education Grant Program.



116TH CONGRESS
1ST SESSION

S._____

To amend the Act commonly known as the Snyder Act to authorize forward funding of the Bureau of Indian Educaton Higher Education Grant Program

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IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was referred to the Committee on _____.

A BILL

To amend the Act commonly known as the Snyder Act to authorize forward funding of the Bureau of Indian Education Higher Education Grant Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FORWARD FUNDING OF BUREAU OF INDIAN EDUCATION'S HIGHER EDUCATION GRANT PROGRAM

CHAPTER 115 of the Act entitled, "An Act authorizing appropriations and expenditures for the administration of 8 Indian Affairs, and for other purposes", approved November 2,

1921 (25 U.S.C. 13) (commonly known as the Snyder Act) is amended by adding at the end the following 2 paragraph:

"Amounts appropriated in an appropriation Act for any fiscal year to carry out the Bureau of Indian Education Higher Education Grant Program (Scholarships and Adult Education, Special Education Scholarships, and the Science Post Graduate Scholarship Fund) shall be available for obligation on July 1 of such fiscal year and shall remain available until September 30 of the succeeding fiscal year.".

Attachment B

116TH CONGRESS
1ST SESSION

H. R._____

To amend the Act commonly known as the Snyder Act to authorize forward funding of the Bureau of Indian Education's Higher Education Grant Program

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IN THE HOUSE OF REPRESENTATIVES

_____ introduced the following bill; which was referred to the Committee on _____.

A BILL

To amend the Act commonly known as the Snyder Act to authorize forward funding of the Bureau of Indian Education's Higher Education Grant Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FORWARD FUNDING OF BUREAU OF INDIAN EDUCATION HIGHER EDUCATION GRANT PROGRAM

CHAPTER 115 of the Act entitled, "An Act authorizing appropriations and expenditures for the administration of Indian Affairs, and for other purposes", approved November 2,

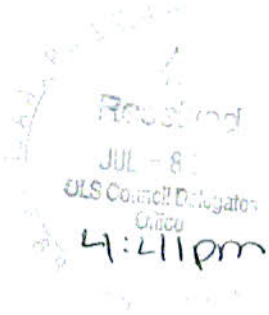
1921 (25 U.S.C. 13) (commonly known as the Snyder Act) is amended by adding at the end the following 2 paragraph:

"Amounts appropriated in an appropriation Act for any fiscal year to carry out the Bureau of Indian Education's Higher Education Grant Program (Scholarships and Adult Education, Special Education Scholarships, and the Science Post Graduate Scholarship Fund) shall be available for obligation on July 1 of such fiscal year and shall remain available until September 30 of the succeeding fiscal year.".

THE NAVAJO NATION

JONATHAN NEZ PRESIDENT
MYRON LIZER VICE PRESIDENT

July 8, 2019



The Honorable Daniel Tso, Chairman
Health, Education and Human Services Committee
The Navajo Nation Council
P.O. Box 1760
Window Rock, Navajo Nation (AZ) 86515

RE: REQUEST TO SPONSOR NAVAJO NATION LEGISLATION IN SUPPORT OF FORWARD FUNDING THE BUREAU OF INDIAN EDUCATION HIGHER EDUCATION GRANT PROGRAM

Mr. Chairman:

I write to request your sponsorship of Navajo Nation Legislation supporting and requesting Congress to authorize forward funding of the Bureau of Indian Education Higher Education Grant. Attached is draft Navajo Nation Council legislation for your consideration. Please contact me at 9298-871-7444 or rosegraham@navajo-nsn.gov.

Respectfully,

Rose Graham, Director
Office of Navajo Nation Scholarship and Financial Assistance

cc: Members of the Health, Education and Human Services Committee, Navajo Nation Council
Ms. Kristin Lowell, Legisatlive Counsel, Navajo Nation Council (Via Email and Hardcopy)
Dr. Tommy Lewis, Superintendent, Department of Dine Education (Via Email)
Dr. Tim Benally, Assistant Superintendent, Department of Dine Education (Via Email)
Mr. Matthew Tso, Legislative Analyst, Department of Dine Education (Via Email)

Honorable Pernell Halona

Office of Navajo Nation Scholarship & Financial Assistance – Central Administration
P.O. Box 1870 • Window Rock, Arizona 86515 • Fax (928) 871-7410 • Toll-Free (800) 243-2956
Email: onnsfa_admin@navajo-nsn.gov Website: www.onnsfa.org www.facebook.com/onnsfa

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Pernell Halona
24th Navajo Nation Council Delegate

THRU: Edward McCool, Acting Chief of Legislative Counsel
Office of Legislative Counsel

FROM: Khrystyne Wilson, Legal Intern
Office of Legislative Counsel

DATE: August 5, 2019

RE: AN ACTION RELATING TO THE HEALTH, EDUCATION & HUMAN SERVICES COMMITTEE, AND THE NAABIK'ÍYÁTI' COMMITTEE; REQUESTING NEW MEXICO AND ARIZONA DELEGATIONS TO SPONSOR A BILL AMENDING 25 U.S.C 13, "THE SNYDER ACT," TO AUTHORIZE FORWARD FUNDING OF THE BUREAU OF INDIAN EDUCATION HIGHER EDUCATION GRANT PROGRAM

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.