

Navajo Community College Act¹

[P.L. 92-189]

[As Amended Through P.L. 110-315, Enacted August 14, 2008]

【Currency: This publication is a compilation of the text of Public Law 92-189. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Navajo Community College Act”.

PURPOSE

SEC. 2. It is the purpose of this Act to assist the Navajo Nation in providing education to the members of the tribe and other qualified applicants through a community college, established by that tribe, known as Diné College.

GRANTS

SEC. 3. The Secretary of the Interior is authorized to make grants to the Navajo Nation to assist the tribe in the construction, maintenance, and operation of Diné College. Such college shall be designed and operated by the Navajo Nation to insure that the Navajo people and other qualified applicants have educational opportunities which are suited to their unique needs and interests.

¹ Enacted Dec. 15, 1971, P.L. 92-189, 84 Stat. 646.

This statute was amended Oct. 17, 1978 by Title II of the Tribally Controlled Community College Assistance Act of 1978 (entitled “Navajo Community College Assistance Act of 1978”, P.L. 95-471, Title II, 92 Stat. 1329-1331) which includes the following congressional findings:

“CONGRESSIONAL FINDINGS

“SEC. 202. The Congress after careful study and deliberation, finds that—

“(1) the Navajo Tribe constitutes the largest American Indian tribe in the United States;

“(2) the Navajo Tribe has, through its duly constituted tribal council and representatives, established a community college within the boundaries of the reservation;

“(3) the population of the Navajo Tribe and the best area of the Navajo reservation requires that the Navajo Community College expand to better serve the needs of such population; and

“(4) the Congress has already recognized the need for this institution by the passage of the Navajo Community College Act.”.

Section 203(b) of this Act (P.L. 95-471, Title II) states that “Nothing in this title or in the amendment made by this title shall be deemed to authorize appropriations for the fiscal year beginning October 1, 1978.”

STUDY OF FACILITIES NEEDS

SEC. 4. (a) The Secretary shall conduct a detailed survey and study of the academic facilities needs of Diné College, and shall report to the Congress not later than October 31, 2010, the results of such survey and study. Such report shall include any recommendations or views submitted by the governing body of such College and by the governing body of the Navajo Nation, and shall include detailed recommendations by the Secretary as to the number, type, and cost of academic facilities which are required, ranking each such required facility by relative need.

(b) Funds to carry out the purposes of this section may be drawn from general administrative appropriations to the Secretary made after October 1, 2007.

(c) No later than March 1991, an inventory prepared by Diné College identifying repairs, alterations, and renovations to facilities required to meet health and safety standards shall be submitted to the Secretary and appropriate committees of Congress. Within 60 days following the receipt of such inventory, the Secretary shall review the inventory, evaluating the needs identified, and transmit the written comments of the Department of the Interior to the appropriate committees of Congress, together with the Department's evaluation prepared by the health and safety division of the Bureau of Indian Affairs.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. (a)(1) For the purpose of making construction grants under this Act, there are authorized to be appropriated such sums as are necessary for fiscal years 2009 through 2014.

(2) Sums appropriated pursuant to this subsection for construction shall, unless otherwise provided in appropriations Acts, remain available until expended.

(3) Sums described in paragraph (2) shall be used to provide grants for construction activities, including the construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways).

(b)(1) There are authorized to be appropriated for grants to Diné College such sums as are necessary for fiscal years 2009 through 2014 to pay the cost of—

(A) the maintenance and operation of the College, including—

(i) basic, special, developmental, vocational, technical, and special handicapped education costs;

(ii) annual capital expenditures, including equipment needs, minor capital improvements and remodeling projects, physical plant maintenance and operation costs, and exceptions and supplemental need account; and

(iii) summer and special interest programs;

(B) major capital improvements, including internal capital outlay funds and capital improvement projects;

(C) mandatory payments, including payments due on bonds, loans, notes, or lease purchases;

(D) supplemental student services, including student housing, food service, and the provision of access to books and services; and

(E)² improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—

- (i) higher education programs;
- (ii) career and technical education;
- (iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;
- (iv) employment and training opportunities;
- (v) economic development and community outreach; and
- (vi) a safe learning, working, and living environment.

(2) The Secretary shall make payments, pursuant to grants under this subsection, in advance installments of not less than 40 per centum of the funds available for allotment, based on anticipated or actual numbers of full-time equivalent Indian students or such other factors as determined by the Secretary. Adjustments for overpayments and underpayments shall be applied to the remainder of such funds and such remainder shall be delivered no later than July 1 of each year.

(c) The Secretary of the Interior is authorized and directed to establish by rule procedures to insure that all funds appropriated under this Act are properly identified for grants to Diné College and that such funds are not commingled with appropriations historically expended by the Bureau of Indian Affairs for programs and projects normally provided on the Navajo Reservation for Navajo beneficiaries.

EFFECT ON OTHER LAWS

SEC. 6. (a) Except as specifically provided by law, eligibility for assistance under this Act shall not, by itself, preclude the eligibility of Diné College to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions.

(b) Notwithstanding any other provision of law, funds provided under this Act to Diné College may be treated as non-Federal, private funds of the College for purposes of any provision of Federal law which requires that non-Federal or private funds of the College be used in a project or for a specific purpose.

PAYMENTS; INTEREST

SEC. 7. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall not, in disbursing funds provided under this Act, use any method of payment which was not used

² Margin of subparagraph (E) so in law.

during fiscal year 1987 in the disbursement of funds provided under this Act.

(b)(1)(A) Notwithstanding any provision of law other than subparagraph (B), any interest or investment income that accrues on any funds provided under this Act after such funds are paid to Diné College and before such funds are expended for the purpose for which such funds were provided under this Act shall be the property of Diné College and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, to Diné College under any provision of Federal law.

(B) All interest or investment income described in subparagraph (A) shall be expended by Diné College by no later than the close of the fiscal year succeeding the fiscal year in which such interest or investment income accrues.

(2) Funds provided under this Act may only be invested by Diné College in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States.