

Calendar No. 666

114TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 114-373

THE DINÉ COLLEGE ACT OF 2016

NOVEMBER 15, 2016.—Ordered to be printed

Mr. BARRASSO, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 2564]

The Committee on Indian Affairs, to which was referred the bill (S. 2564) to modernize prior legislation relating to Diné College, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 2564 is to update certain authorizing language for grants to the Diné College, a college located on the Navajo Nation reservation.

BACKGROUND

The bill intends to improve aging school buildings and facilities at the Diné College (College). The College is the first accredited, tribally-controlled institution of higher learning and is authorized pursuant to the *Navajo Community College Act* (25 U.S.C. 640a et seq.), the *Navajo Community College Assistance Act of 1978* (P.L. 95-471), and the *Navajo Nation Higher Education Act of 2008* (P.L. 110-315). The College serves approximately 1,700 students, predominately members of the Navajo Nation, at six locations across 26,000 square miles within the Navajo Nation reservation.¹

The *Navajo Community College Act of 1978* directed the Secretary of the Interior (Secretary) to:

“conduct a detailed survey and study of the academic facilities needs of the Navajo Community College [now known as the Diné College], and shall report to the Congress not later than

¹*Dine College Act of 2016: Hearing on S. 2564: Before the S. Comm. on Indian Affairs, 114th Cong. (2016)* (Statement of Dr. Martin Miguel Ahumada, Interim President, Diné College).

August 1, 1979, 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 tribe, 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.”²

According to written testimony from the Bureau of Indian Affairs (BIA) Director Michael Black, “[t]he 1978 Facility Study was never completed and funding for the Navajo Community College, now the DINE College, construction and facilities were never appropriated.”³

The *Navajo Nation Higher Education Act of 2008* revised the timeline for the Secretary to submit a detailed survey and study of the academic facilities needs of the Diné College to no later than October 31, 2010. According to written testimony from the BIA Director Black and Diné College Interim President Dr. Ahumada, no such report or study was ever completed.⁴

The bill would direct the College to submit an inventory report to the Secretary that identifies the renovations and repairs necessary to meet appropriate health and safety standards, by August 1, 2016. The bill directs the Secretary, no later than January 31, 2017, to submit a report to Congress detailing a survey and study of all capital projects and facilities needs of the College. Additionally, the bill would: (1) authorize a construction grant, in the amount of \$2,000,000, beginning Fiscal Year 2017 through Fiscal Year 2020, to construct, renovate, or repair certain infrastructure needs of the College; and (2) create grants to the College for operation and maintenance activities, beginning Fiscal Year 2017 through Fiscal Year 2020, subject to appropriations.

LEGISLATIVE HISTORY

On February 23, 2016, Senator Flake introduced S. 2564, along with co-sponsors Senators Heinrich, McCain, and Udall. A House companion bill has not been introduced at this time.

On April 13, 2016, the Committee held a legislative hearing on the bill. The Diné College Interim President Dr. Martin Miguel Ahumada testified on behalf of the College. The BIA Director Michael Black testified that Interior Department (Department) supports S. 2564, but had concerns and recommended modifications to the legislation. Several of the recommendations from the Department were to provide more flexibility in meeting the specified timelines in the bill. The Department is concerned the College may not meet the bill’s timeline and therefore, the Secretary’s Report to Congress would be delayed.

On April 27, 2016, the Committee held a business meeting to consider S. 2564, among other bills. The Committee ordered the bill to be reported favorably, without amendment, to the Senate, by voice vote.

²*Navajo Community College Assistance Act of 1978*, Pub. L. No. 95–471, § 4(a), 92 Stat. 1330 (1978).

³*Dine College Act of 2016: Hearing on S. 2564: Before the S. Comm. on Indian Affairs*, 114th Cong. (2016) (Statement of Michael Black, Director, Bureau of Indian Affairs).

⁴*Dine College Act of 2016: Hearing on S. 2564: Before the S. Comm. on Indian Affairs*, 114th Cong. (2016).

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title

Section 1 sets forth the short title of the Act as the *Diné College Act of 2016*.

Sec. 2. Findings

Section 2 sets forth findings for this Act.

Sec. 3. Purpose

The purpose of the Act is to ensure that the Navajo Nation and Navajo people:

- exercise their right to self-determination particularly in matters relating to the internal and local affairs of the Navajo Nation;
- maintain and strengthen distinct institutions of higher education through the teaching of the Navajo language, culture, traditions and history; and
- improve economic and social conditions of the Navajo Nation and people through higher education and postsecondary vocational training.

Sec. 4. Definitions

Section 4 provides definitions for appropriate Committees of Congress, College, Infrastructure, Operation and Maintenance, Renovation and Repair, and Secretary.

Sec. 5. Survey, study, and report

Section 5 establishes that the College shall prepare and submit an inventory to the Secretary of the Interior no later than August 1, 2016 identifying the repairs necessary to meet health and safety standards of the College. This section also requires the Secretary of the Interior to submit to Congress a report of the results of a detailed survey of all the capital projects and facility needs of the College by January 31, 2017.

Sec. 6. Grants authorized

Section 6 authorizes construction grants in the amount of \$2,000,000 annually for Fiscal Years 2017–2020 and operation and maintenance grants for the College in the amount of \$2,000,000 for Fiscal Years 2017–2020.

Sec. 7. Status of funds

Section 7 establishes that funds made available under this Act may be treated as non-Federal, private funds of the College for purposes of any provision of Federal law that requires that non-Federal or private funds of the College be used in a project for a specific purpose.

Sec. 8. Effect of other laws

Section 8 states that this legislation supersedes previous legislation governing the Diné College.

Sec. 9. Continuing eligibility for Other federal funds

Section 9 allows the Diné College to receive other Federal funding (similar to language included in previous versions of this legislation).

COST AND BUDGETARY CONSIDERATIONS

The cost estimate for S. 2564, as calculated by the Congressional Budget Office, is set forth below:

AUGUST 30, 2016.

Hon. JOHN BARRASSO,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2564, the Diné College Act of 2016.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Justin Humphrey.

Sincerely,

KEITH HALL.

Enclosure.

S. 2564—Diné College Act of 2016

Summary: S. 2564 would authorize appropriations for grants to construct, operate, and maintain facilities at Diné College. Although the underlying authorization of appropriations for grants for Diné College expired in 2014, the Congress appropriated \$14 million to defray the cost of operations and maintenance for academic year 2015–2016. The bill also would require the Secretary of the Interior to conduct a study of the capital projects and facility needs of the college.

CBO estimates that enacting S. 2564 would cost \$64 million over the 2017–2021 period, assuming the appropriation of the specified and estimated amounts. Enacting S. 2564 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply to this legislation.

CBO estimates that enacting S. 2564 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 2564 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary effect of S. 2564 is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal Year, in millions of dollars—					
	2017	2018	2019	2020	2021	2017–2021
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	16	16	17	17	0	66
Estimated Outlays	11	15	16	17	6	64

Note: Components may not add to totals because of rounding.

Basis of estimate: S. 2564 would authorize appropriations for grants to construct, operate, and maintain facilities at Diné College and would require the Secretary of the Interior to conduct a study of the capital projects and facility needs of the college. CBO estimates that implementing the bill would cost \$11 million in fiscal year 2017 and \$64 million over the 2017–2021 period, assuming appropriation of the necessary funds.

The bill would authorize the appropriation of \$2 million for each of fiscal years 2017 to 2020 for grants for construction projects, including the renovation and repair of existing facilities. Based on historical spending patterns of other federal construction programs, CBO estimates that implementing this provision would cost \$6 million over the 2017–2021 period.

S. 2564 also would authorize the appropriation of such sums as may be necessary for fiscal years 2017 to 2020 for grants for the operations and maintenance of Diné College. The Department of the Interior (DOI) provided \$14 million to Diné College for similar activities for academic year 2015–2016. Adjusting that amount each year for inflation and based on the historical spending patterns of similar programs, CBO estimates that implementing this provision would cost \$57 million over the 2017–2021 period.

Finally, the bill would require the Secretary to conduct and submit a survey and study of all capital projects and facility needs of Diné College. The survey would be based on an inventory of necessary renovation and repairs prepared by the college. The bill would permit the Secretary to use general administrative appropriations to carry out this section. Based on data from the DOI, CBO estimates that conducting the study would cost less than \$500,000. If the department were also to use general administrative funds to support Diné College in conducting the inventory, the cost of enacting this provision would be higher.

Pay-As-You-Go considerations: None.

Increase in long-term net direct spending and deficits: CBO estimates that enacting S. 2564 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

Intergovernmental and private sector impact: S. 2564 contains no intergovernmental or private-sector mandates as defined in UMRA. Diné College of the Navajo Nation would benefit from grants authorized in the bill to address construction, maintenance, and operation needs of the college. Any costs to the college or the Navajo Nation would result from complying with conditions of federal assistance.

Estimate prepared by: Federal Costs: Justin Humphrey; Impact on State, Local, and Tribal Governments: Rachel Austin; Impact on the Private Sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss; Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 2564 will have a minimal impact on regulatory or paperwork requirements.

CHANGES IN EXISTING LAW

In accordance with subsection 12 of rule XXVI of the Standing Rules of the Senate, S. 2564 makes no changes to existing law.

