

108TH CONGRESS  
2D SESSION

# H. R. 4460

To fulfill the United States Government's trust responsibility to serve the educational needs of the Navajo people.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Mr. RENZI (for himself, Mr. UDALL of New Mexico, and Mr. MATHESON) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To fulfill the United States Government's trust responsibility to serve the educational needs of the Navajo people.

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 "Navajo Nation Higher  
5       Education Act of 2004".

6       **SEC. 2. CONGRESSIONAL FINDINGS.**

7       Congress finds as follows:

8               (1) The Treaty of 1868 between the United  
9       States of America and the Navajo Tribe of Indians

1 provides for the education of the citizens of the Nav-  
2 ajo 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 (Public Law 92-189; 25 U.S.C.  
9 640a et seq.).

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

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

17 (6) The mission of Diné College is to apply the  
18 principles of Sa'ah Naagháí Bik'eh Hózhóón (Diné  
19 Philosophy) to advance quality student learning  
20 through training of the mind and heart—

21 (A) through Nitsáhákees (Thinking),  
22 Nahatá (Planning), Iiná (Living), and Sihasin  
23 (Assurance);

24 (B) in study of the Diné language, history,  
25 philosophy, and culture;

1 (C) in preparation for further studies and  
2 employment in a multicultural and technological  
3 world; and

4 (D) in fostering social responsibility, com-  
5 munity service, and scholarly research that con-  
6 tribute to the social, economic, and cultural  
7 well-being of the Navajo Nation.

8 (7) The United States has a trust and treaty  
9 responsibility to the Navajo Nation to provide for  
10 the educational opportunities for Navajo people.

11 (8) Significant portions of the College's infra-  
12 structure are dilapidated and pose a serious health  
13 and safety risk to students, employees and the pub-  
14 lic.

15 (9) The purposes and intent of this Act are  
16 consistent with Executive Order 13270 on tribal col-  
17 leges and universities and fulfill the United States  
18 Government's trust responsibility to serve the edu-  
19 cational needs of the Navajo people.

20 (10) The purposes and intent of this Act are  
21 consisted with the Executive Order relating to Amer-  
22 ican Indian and Alaska Native education issued on  
23 April 30, 2004, and fulfills the United States Gov-  
24 ernment's responsibility to serve the education needs  
25 of the Navajo people.

1 **SEC. 3. DEFINITIONS.**

2 For the purposes of this Act:

3 (1) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior.

5 (2) NATION.—The term “Nation” means the  
6 Navajo Nation.

7 (3) COLLEGE.—The term “College” means  
8 Diné College.

9 (4) OPERATIONS AND MAINTENANCE.—The  
10 term “operation and maintenance” means all cost  
11 and expenses associated with the customary daily  
12 operation of the College and necessary maintenance  
13 costs.

14 (5) INFRASTRUCTURE.—The term “infrastruc-  
15 ture” means College buildings, water and sewer fa-  
16 cilities, roads, foundation, information technology,  
17 and telecommunications, including classrooms and  
18 external matters such as walkways.

19 (6) RENOVATIONS AND REPAIRS.—The term  
20 “renovations and repairs” means modernization and  
21 improvements to the infrastructure.

22 **SEC. 4. REAUTHORIZATION OF DINÉ COLLEGE.**

23 Congress authorizes the Dine College to receive all  
24 Federal funding and resources under this Act and other  
25 laws for its operation, improvement, and growth, including  
26 (but not limited to) the following:

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

3           (2) to provide vocational and technical edu-  
4           cation for citizens of the Nation and others;

5           (3) to preserve and protect the Navajo lan-  
6           guage, philosophy, and culture for citizens of the  
7           Nation and others;

8           (4) to provide Navajo communities and people  
9           with employment and training opportunities;

10          (5) to provide economic development and com-  
11          munity outreach for Navajo communities and people;  
12          and

13          (6) to provide a safe learning, working, and liv-  
14          ing environment for students, employees, and the  
15          public.

16 **SEC. 5. FACILITIES AND CAPITAL PROJECTS.**

17          The College is authorized to expend money received  
18          pursuant to section 7(c) to undertake all renovations and  
19          repairs to the College's infrastructure, as identified by a  
20          strategic plan approved by the College, and submitted to  
21          the Secretary.

22 **SEC. 6. STATUS OF FUNDS.**

23          Funds provided under this Act to the College may  
24          be treated as non-Federal, private funds of the College for  
25          purposes of any provision of Federal law which requires

1 that non-Federal or private funds of the College be used  
2 in a project for a specific purpose.

3 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are hereby authorized to be  
5 appropriated to the College, for each fiscal year, such  
6 amounts as are necessary to pay for the operation and  
7 maintenance of the College.

8 (b) BUDGET PLACEMENT.—The Secretary shall fund  
9 the operation and maintenance of the College separately  
10 from tribal colleges and universities recognized and funded  
11 by the Tribally Controlled College or University Assistance  
12 Act of 1978 (25 U.S.C. 1801 et seq.).

13 (c) FACILITIES AND CAPITAL PROJECTS.—In addi-  
14 tion to amounts appropriated under subsection (a), there  
15 are authorized to be appropriated to carry out section 5,  
16 \$15,000,000 for fiscal year 2005 and each of the 4 suc-  
17 ceeding fiscal years. Such amounts maybe funded through  
18 any one or more of the following agencies:

19 (1) the Department of Interior;

20 (2) the Department of Education;

21 (3) the Department of Heath and Human Serv-  
22 ices;

23 (4) the Department of Housing and Urban De-  
24 velopment;

25 (5) the Department of Commerce;

- 1 (6) the Environmental Protection Agency;
- 2 (7) the Department of Veterans Affairs;
- 3 (8) the Department of Agriculture;
- 4 (9) the Department of Homeland Security;
- 5 (10) the Department of Defense;
- 6 (11) the Department of Labor; and
- 7 (12) the Department of Transportation.

8 **SEC. 8. SURVEY, STUDY, AND REPORT.**

9 (a) INFORMATION TO CONGRESS.—The Secretary  
10 shall conduct a detailed survey and study of all capital  
11 projects and facility needs of the College, and shall report  
12 the results of such survey and study to Congress not later  
13 than October 31, 2009. Such report shall included any  
14 recommendations or views submitted by the College and  
15 the Nation, and shall include detailed recommendations by  
16 the Secretary.

17 (b) ADMINISTRATIVE EXPENSES.—Funds to carry  
18 out this section may be drawn from general administrative  
19 appropriations to the Secretary.

20 **SEC. 9. SUPERSESSION OF NAVAJO COMMUNITY COLLEGE**  
21 **ACT.**

22 This Act supersedes the Navajo Community College  
23 Act (Public Law 92–189; 25 U.S.C. 640a et seq.), and  
24 such Act is repealed.

1 **SEC. 10. CONTINUING ELIGIBILITY FOR OTHER FEDERAL**  
2 **FUNDS.**

3 Except as explicitly provided for in other Federal law,  
4 nothing in this Act shall preclude the eligibility of the Col-  
5 lege to received Federal funding and resources under any  
6 program authorized under the Higher Education Act of  
7 1965, the Equity in Educational Land Grant Status Act  
8 (Title V, Part C, of P.L. 103–382; 7 U.S.C. 301 note),  
9 or any other applicable program for the benefit of institu-  
10 tions of higher education, community colleges, or postsec-  
11 ondary educational institutions.

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