

109TH CONGRESS  
1ST SESSION

# H. R. 1659

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

APRIL 14, 2005

Mr. RENZI (for himself, Mr. MATHESON, and Mr. UDALL of New Mexico) 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) In 1968, the Navajo Nation created and  
4 chartered the Navajo Community College by Resolu-  
5 tion CN-95-68 as a wholly owned educational entity  
6 of the 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) In 1997, the Navajo Nation officially  
11 changed the name of the Navajo Community College  
12 to Diné College 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 Naaghái 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 consistent with Executive Order 13336 on American  
22 Indian and Alaska Native education, issued on April  
23 30, 2004, and fulfill the United States Government's  
24 responsibility to serve the education needs of the  
25 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 Diné 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 each of the first 5 fiscal years beginning  
17 after the date of enactment of this Act. Such amounts may  
18 be funded through any one or more of the following agen-  
19 cies:

20 (1) the Department of Interior;

21 (2) the Department of Education;

22 (3) the Department of Health and Human Serv-  
23 ices;

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

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

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

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

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

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

22 **ACT.**

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

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 receive 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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