

Calendar No. 666

114TH CONGRESS
2D SESSION**S. 2564****[Report No. 114-373]**

To modernize prior legislation relating to Diné College.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 2016

Mr. FLAKE (for himself, Mr. MCCAIN, Mr. UDALL, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

NOVEMBER 15, 2016

Reported by Mr. BARRASSO, without amendment

A BILL

To modernize prior legislation relating to Diné College.

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 “Diné College Act of
5 2016”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the Treaty between the United States of
2 America and the Navajo Tribe of Indians, done at
3 Fort Sumner, New Mexico, June 1, 1868 (15 Stat.
4 667), provides for the education of the citizens of
5 the Navajo Nation;

6 (2) the Navajo Nation created and chartered
7 the Navajo Community College by Resolution CN–
8 95–68 as a wholly owned educational entity of the
9 Navajo Nation;

10 (3) in 1971, Congress enacted the Navajo Com-
11 munity College Act (25 U.S.C. 640a et seq.);

12 (4) the Navajo Nation officially changed the
13 name of the Navajo Community College to “Diné
14 College” by Resolution CAP–35–97; and

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

19 **SEC. 3. PURPOSE.**

20 The purpose of this Act is to ensure that the Navajo
21 Nation and Navajo people—

22 (1) exercise their right to self-determination,
23 particularly in matters relating to the internal and
24 local affairs of the Navajo Nation;

1 (2) maintain and strengthen distinct institu-
2 tions of higher education through the teaching of the
3 Navajo language, culture, traditions, and history;
4 and

5 (3) improve the economic and social conditions
6 of the Navajo Nation and Navajo people through
7 higher education and postsecondary vocational train-
8 ing.

9 **SEC. 4. DEFINITIONS.**

10 In this Act:

11 (1) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Indian Affairs and
15 the Committee on Appropriations of the Senate;
16 and

17 (B) the Committee on Natural Resources,
18 the Committee on Education and the Work-
19 force, and the Committee on Appropriations of
20 the House of Representatives.

21 (2) COLLEGE.—The term “College” means
22 Diné College.

23 (3) INFRASTRUCTURE.—

24 (A) IN GENERAL.—The term “infrastruc-
25 ture” means the buildings, water and sewer fa-

1 ilities, roads, and information technology and
2 telecommunications infrastructure of the Col-
3 lege.

4 (B) INCLUSIONS.—The term “infrastruc-
5 ture” includes classrooms and external matters
6 such as walkways.

7 (4) OPERATION AND MAINTENANCE.—The term
8 “operation and maintenance” means—

9 (A) costs and expenses associated with the
10 customary daily operation of the College; and

11 (B) necessary maintenance costs of the
12 College.

13 (5) RENOVATION AND REPAIR.—The term “ren-
14 ovation and repair” means modernization and im-
15 provement to the infrastructure.

16 (6) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 **SEC. 5. SURVEY, STUDY, AND REPORT.**

19 (a) IN GENERAL.—

20 (1) SURVEY, STUDY, AND REPORT.—Not later
21 than January 31, 2017, in accordance with sub-
22 section (b), the Secretary shall conduct, and submit
23 to the appropriate committees of Congress a report
24 on the results of, a detailed survey and study of all
25 capital projects and facility needs of the College.

1 (2) INCLUSIONS IN REPORT.—The report de-
2 scribed in paragraph (1) shall include—

3 (A) recommendations by the Secretary;

4 and

5 (B) any recommendations or views sub-
6 mitted by the College or the Navajo Nation re-
7 garding the capital projects and facility needs
8 of the College.

9 (b) INVENTORY.—

10 (1) IN GENERAL.—Not later than August 1,
11 2016, the College shall prepare and submit to the
12 Secretary an inventory that identifies the renova-
13 tions and repairs necessary to meet—

14 (A) health and safety standards; and

15 (B) any other requirements the College de-
16 termines necessary.

17 (2) USE OF INVENTORY.—The Secretary shall
18 use the inventory described in paragraph (1) as
19 baseline data to inform the survey, study, and report
20 under subsection (a).

21 (c) ADMINISTRATIVE EXPENSES.—The Secretary
22 may use to carry out this section amounts made available
23 to the Secretary in general administrative appropriations.

24 **SEC. 6. GRANTS AUTHORIZED.**

25 (a) CONSTRUCTION GRANTS.—

1 (1) IN GENERAL.—The Secretary shall make
2 grants to the College for construction activities, in-
3 cluding the renovation and repair or construction of
4 buildings, water and sewer facilities, roads, informa-
5 tion technology and telecommunications infrastruc-
6 ture, classrooms, and external structures (such as
7 walkways) identified in the survey, study, and report
8 under section 5.

9 (2) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to the Sec-
11 retary to carry out paragraph (1) \$2,000,000 for
12 each of fiscal years 2017 through 2020, to remain
13 available until expended unless otherwise provided in
14 an appropriations Act.

15 (b) OPERATION AND MAINTENANCE GRANTS.—

16 (1) IN GENERAL.—The Secretary shall make
17 grants to the College for operation and maintenance
18 activities, including—

19 (A) basic, special, developmental, voca-
20 tional, technical, and special handicapped edu-
21 cation costs;

22 (B) annual capital expenditures, including
23 equipment needs, minor capital improvements
24 and remodeling projects, physical plant mainte-

1 nance and operation costs, and an exceptions
2 and supplemental needs account;

3 (C) summer and special interest programs;

4 (D) major capital improvements, including
5 internal capital outlay funds and capital im-
6 provement projects;

7 (E) mandatory payments, including pay-
8 ments due on bonds, loans, notes, or lease pur-
9 chases;

10 (F) supplemental student services, includ-
11 ing student housing, food service, and the provi-
12 sion of access to books and services; and

13 (G) improving and expanding the College,
14 including by providing for the Navajo people
15 and others in the community of the College—

16 (i) higher education programs;

17 (ii) career and technical education;

18 (iii) activities relating to the preserva-
19 tion and protection of the Navajo lan-
20 guage, philosophy, and culture;

21 (iv) employment and training opportu-
22 nities;

23 (v) economic development and commu-
24 nity outreach; and

1 (vi) a safe learning, working, and liv-
2 ing environment.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to the Sec-
5 retary to carry out paragraph (1) such sums as are
6 necessary for each of fiscal years 2017 through
7 2020, to remain available until expended unless oth-
8 erwise provided in an appropriations Act.

9 **SEC. 7. STATUS OF FUNDS.**

10 Amounts made available to the College under this Act
11 may be treated as non-Federal, private funds of the Col-
12 lege for purposes of any provision of Federal law that re-
13 quires that non-Federal or private funds of the College
14 be used in a project for a specific purpose.

15 **SEC. 8. EFFECT ON OTHER LAWS.**

16 This Act supersedes—

17 (1) the Navajo Community College Act (25
18 U.S.C. 640a et seq.);

19 (2) the Navajo Community College Assistance
20 Act of 1978 (25 U.S.C. 640a note; Public Law 95–
21 471); and

22 (3) the Navajo Nation Higher Education Act of
23 2008 (25 U.S.C. 640a note; Public Law 110–315).

1 **SEC. 9. CONTINUING ELIGIBILITY FOR OTHER FEDERAL**
2 **FUNDS.**

3 Except as explicitly provided in other Federal law,
4 nothing in this Act precludes the eligibility of the College
5 to receive Federal funding and resources under any pro-
6 gram authorized under—

7 (1) the Higher Education Act of 1965 (20
8 U.S.C. 1001 et seq.);

9 (2) the Equity in Educational Land-Grant Sta-
10 tus Act of 1994 (7 U.S.C. 301 note; Public Law
11 103–382); or

12 (3) any other applicable program for the benefit
13 of institutions of higher education, community col-
14 leges, or postsecondary educational institutions.

Calendar No. 666

114TH CONGRESS
2^D SESSION

S. 2564

[Report No. 114-373]

A BILL

To modernize prior legislation relating to Diné
College.

NOVEMBER 15, 2016

Reported without amendment