

**NAVAJO COMMUNITY COLLEGE ACT (DINÉ COLLEGE), AS AMENDED BY PUB. L. 110- 315
THE COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2008 (HEA REAUTHORIZATION)**

§640a. Diné College; purpose

It is the purpose of sections 640a to 640c–3 of this title 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.

(Pub. L. 92–189, §2, Dec. 15, 1971, 85 Stat. 646; Pub. L. 110–315, title IX, §946(a), Aug. 14, 2008, 122 Stat. 3468.)

CODIFICATION

Section was not enacted as part of act Apr. 19, 1950, ch. 92, 64 Stat. 44, which comprises this subchapter.

AMENDMENTS

2008–Pub. L. 110–315 substituted “Navajo Nation” for “Navajo Tribe of Indians” and “Diné College” for “the Navajo Community College”.

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110–315, title IX, §945, Aug. 14, 2008, 122 Stat. 3468, provided that: “This subpart [subpart 2 (§§945, 946) of part E of title IX of Pub. L. 110–315, amending this section and sections 640b to 640c–3 of this title] may be cited as the ‘Navajo Nation Higher Education Act of 2008’.”

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95–471, title II, §201, Oct. 17, 1978, 92 Stat. 1329, provided that: “This title [enacting section 640c–1 of this title, amending section 640c of this title and enacting provisions set out as notes under this section and section 640c–1 of this title] may be cited as the ‘Navajo Community College Assistance Act of 1978’.”

SHORT TITLE

Pub. L. 92–189, §1, Dec. 15, 1971, 85 Stat. 646, provided: “That this Act [sections 640a to 640c–3 of this title] may be cited as the ‘Navajo Community College Act’.”

EXPANSION OF NAVAJO COMMUNITY COLLEGE

Pub. L. 95–471, title II, §202, Oct. 17, 1978, 92 Stat. 1329, provided that: “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 [sections 640a to 640c–3 of this title].”

§640b. Grants

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.

(Pub. L. 92–189, §3, Dec. 15, 1971, 85 Stat. 646; Pub. L. 110–315, title IX, §946(b), Aug. 14, 2008, 122 Stat. 3468.)

CODIFICATION

Section was not enacted as part of act Apr. 19, 1950, ch. 92, 64 Stat. 44, which comprises this subchapter.

AMENDMENTS

2008-Pub. L. 110-315, in first sentence, inserted "the" before "Interior" and substituted "Navajo Nation" for "Navajo Tribe of Indians" and "Diné College" for "the Navajo Community College", and, in second sentence, substituted "Navajo Nation" for "Navajo Tribe" and "Navajo people" for "Navajo Indians".

§640c. Study of facilities needs

(a) Contents; report to Congress

The Secretary shall conduct a detailed survey and study of the academic facilities needs of Dine ¹ 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) Funding

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) Inventory

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.

(Pub. L. 92-189, §4, Dec. 15, 1971, 85 Stat. 646; Pub. L. 95-471, title II, §203(a), Oct. 17, 1978, 92 Stat. 1330; Pub. L. 101-477, §2(b), Oct. 30, 1990, 104 Stat. 1153; Pub. L. 110-315, title IX, §946(c), Aug. 14, 2008, 122 Stat. 3468.)

CODIFICATION

Section was not enacted as part of act Apr. 19, 1950, ch. 92, 64 Stat. 44, which comprises this subchapter.

AMENDMENTS

2008-Subsec. (a). Pub. L. 110-315, §946(c)(1)(B), which directed substitution of "Navajo Nation" for "Navajo Tribe" in second sentence, was executed by making the substitution for "Navajo tribe", to reflect the probable intent of Congress.

Pub. L. 110-315, §946(c)(1)(A), in first sentence, substituted "Dine College" for "the Navajo Community College" and "October 31, 2010" for "August 1, 1979".

Subsec. (b). Pub. L. 110-315, §946(c)(2), substituted "October 1, 2007" for "October 17, 1978".

Subsec. (c). Pub. L. 110-315, §946(c)(3), substituted "Diné College" for "the Navajo Community College" in first sentence.

1990-Subsec. (c). Pub. L. 101-477 added subsec. (c).

1978-Pub. L. 95-471 substituted provisions relating to a detailed survey, study, and report and funding for this section for provisions authorizing appropriations for grants under sections 640a to 640c of this title.

DEFINITIONS

The definitions in section 1801 of this title apply to this section.

¹ So in original. Probably should be "Diné".

§640c-1. Authorization of appropriations

(a) Construction grants

- (1) For the purpose of making construction grants under sections 640a to 640c-3 of this title, 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) Diné College grants

- (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) 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) Funding requirements

The Secretary of the Interior is authorized and directed to establish by rule procedures to insure that all funds appropriated under sections 640a to 640c-3 of this title 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.

(Pub. L. 92-189, §5, as added Pub. L. 95-471, title II, §203(a), Oct. 17, 1978, 92 Stat. 1330; amended Pub. L. 96-374, title XIII, §1351(a), (b), Oct. 3, 1980, 94 Stat. 1501; Pub. L. 98-192, §14, Dec. 1, 1983, 97 Stat. 1343; Pub. L. 99-428, §7, Sept. 30, 1986, 100 Stat. 983; Pub. L. 100-297, title V, §5401, Apr. 28, 1988, 102 Stat. 414; Pub. L. 101-477, §2(a), Oct. 30, 1990, 104 Stat. 1153; Pub. L. 102-325, title XIII, §1301(d), July 23, 1992, 106 Stat. 797; Pub. L. 105-244, title IX, §902, Oct. 7, 1998, 112 Stat. 1829; Pub. L. 110-315, title IX, §946(d), Aug. 14, 2008, 122 Stat. 3468.)

CODIFICATION

Section was not enacted as part of act Apr. 19, 1950, ch. 92, 64 Stat. 44, which comprises this subchapter.

AMENDMENTS

2008-Subsec. (a)(1). Pub. L. 110-315, §946(d)(1)(A), substituted "such sums as are necessary for fiscal years 2009 through 2014" for "\$2,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years".

Subsec. (a)(3). Pub. L. 110-315, §946(d)(1)(B), added par. (3).

Subsec. (b)(1). Pub. L. 110-315, §946(d)(2)(A), in introductory provisions, substituted "Diné College" for "the Navajo Community College" and "such sums as are necessary for fiscal years 2009 through 2014 to pay the cost of-" for ", for each fiscal year, an amount necessary to pay expenses incurred for-".

Subsec. (b)(1)(A). Pub. L. 110-315, §946(d)(2)(B), substituted "College" for "college" in introductory provisions, semicolons for commas at end of cls. (i) and (iii), and "; and" for ", and" at end of cl. (ii).

Subsec. (b)(1)(B). Pub. L. 110-315, §946(d)(2)(C), substituted semicolon for comma at end.

Subsec. (b)(1)(E). Pub. L. 110-315, §946(d)(2)(D)-(F), added subpar. (E).

Subsec. (c). Pub. L. 110-315, §946(d)(3), substituted "Diné College" for "the Navajo Community College".

1998-Subsec. (a)(1). Pub. L. 105-244 substituted "1999" for "1993".

1992-Subsec. (a)(1). Pub. L. 102-325 amended par. (1) generally. Prior to amendment, par. (1) read as follows: "For the purpose of making construction grants under sections 640a to 640c-3 of this title, there are hereby authorized to be appropriated such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992."

1990-Subsec. (a)(1). Pub. L. 101-477 substituted "1990, 1991, and 1992" for "1987, 1988, 1989, and 1990".

1988-Subsec. (b)(1). Pub. L. 100-297 amended par. (1) generally. Prior to amendment, par. (1) read as follows: "There is further authorized to be appropriated for grants to the Navajo Community College, for each fiscal year beginning on or after October 1, 1979, an amount equal to the amount necessary for operation and maintenance of the college, including, but not limited to, administrative, academic, and operations and maintenance costs."

1986-Subsec. (a)(1). Pub. L. 99-428, §7(1), substituted "each of the fiscal years 1987, 1988, 1989, and 1990" for "the fiscal year beginning October 1, 1984, and for the three succeeding fiscal years".

Subsec. (b)(1). Pub. L. 99-428, §7(2), substituted "for each fiscal year" for "for any fiscal year".

1983-Subsec. (a)(1). Pub. L. 98-192 substituted "October 1, 1984" for "October 1, 1979".

1980-Subsec. (a)(1). Pub. L. 96-374, §1351(a), substituted "three succeeding fiscal years" for "two succeeding fiscal years".

Subsec. (b)(1). Pub. L. 96-374, §1351(b), added par. (1). Former par. (1), which authorized an appropriation for the Navajo Community College of \$4,000 for each full-time equivalent student which the Secretary estimated would be in attendance during the year, was struck out.

Subsec. (b)(2), (3). Pub. L. 96-374, §1351(b), redesignated par. (3) as (2). Former par. (2), which placed an upper limit on grants under this subsection, was struck out.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1988 AMENDMENT

For effective date and applicability of amendment by Pub. L. 100-297, see section 6303 of Pub. L. 100-297, set out as a note under section 1071 of Title 20, Education.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-374 effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96-374, set out as a note under section 1001 of Title 20, Education.

FISCAL YEAR BEGINNING OCTOBER 1, 1978

Pub. L. 95-471, title II, §203(b), Oct. 17, 1978, 92 Stat. 1331, provided that nothing in title II of Pub. L. 95-471, the Navajo Community College Assistance Act of 1978, shall be deemed to authorize appropriations for the fiscal year beginning Oct. 1, 1978.

DEFINITIONS

The definitions in section 1801 of this title apply to this section.

§640c-2. Effect on other laws

(a) Except as specifically provided by law, eligibility for assistance under sections 640a to 640c-3 of this title 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 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] 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 sections 640a to 640c-3 of this title 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.

(Pub. L. 92-189, §6, as added Pub. L. 96-374, title XIII, §1351(c), Oct. 3, 1980, 94 Stat. 1501; amended Pub. L. 100-297, title V, §5403(b), Apr. 28, 1988, 102 Stat. 416; Pub. L. 110-315, title IX, §946(e), Aug. 14, 2008, 122 Stat. 3469.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§1001 et seq.) of Title 20, Education, and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

CODIFICATION

Section was not enacted as part of act Apr. 19, 1950, ch. 92, 64 Stat. 44, which comprises this subchapter.

AMENDMENTS

2008-Subsec. (a). Pub. L. 110-315, §946(e)(1), substituted "Diné College" for "the Navajo Community College".

Subsec. (b). Pub. L. 110-315 substituted "Diné College" for "the Navajo Community College" and "College be used" for "college be used".

1988-Pub. L. 100-297 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1988 AMENDMENT

For effective date and applicability of amendment by Pub. L. 100-297, see section 6303 of Pub. L. 100-297, set out as a note under section 1071 of Title 20, Education.

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96-374, set out as an Effective Date of 1980 Amendment note under section 1001 of Title 20, Education.

§640c-3. Payments; interest

(a) Notwithstanding any other provision of law, the Secretary of the Interior shall not, in disbursing funds provided under sections 640a to 640c-3 of this title, use any method of payment which was not used during fiscal year 1987 in the disbursement of funds provided under sections 640a to 640c-3 of this title.

(b)(1)(A) Notwithstanding any provision of law other than subparagraph (B), any interest or investment income that accrues on any funds provided under sections 640a to 640c-3 of this title after such funds are paid to Diné College and before such funds are expended for the purpose for which such funds were provided under sections 640a to 640c-3 of this title 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 sections 640a to 640c-3 of this title 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.

(Pub. L. 92-189, §7, as added Pub. L. 100-297, title V, §5402(b), Apr. 28, 1988, 102 Stat. 415; amended Pub. L. 110-315, title IX, §946(f), Aug. 14, 2008, 122 Stat. 3469.)

CODIFICATION

Section was not enacted as part of act Apr. 19, 1950, ch. 92, 64 Stat. 44, which comprises this subchapter.

AMENDMENTS

2008-Subsec. (b). Pub. L. 110-315 substituted "Diné College" for "the Navajo Community College" wherever appearing.

EFFECTIVE DATE

For effective date and applicability of section, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of Title 20, Education.