

**TESTIMONY OF  
MICHAEL BLACK  
DIRECTOR, BUREAU OF INDIAN AFFAIRS  
UNITED STATES DEPARTMENT OF THE INTERIOR  
BEFORE THE  
COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE  
ON  
S. 2564, THE DINÉ COLLEGE ACT OF 2016**

**APRIL 13, 2016**

Good afternoon Chairman Barrasso, Vice Chairman Tester, and members of the Committee. My name is Mike Black. I am the Director for the Bureau of Indian Affairs at the Department of the Interior (Department). I am here today to provide the Department's position on S. 2564, the Diné College Act of 2016.

The Department supports S. 2564, with amendments and also has a concern with the legislation.

**Background**

Nearly four decades ago, Congress passed the Navajo Community College Assistance Act of 1978 (P.L. Pub. L. 95-471), and provided for a facilities study to be completed by the Department by August 1978. The 1978 Facility Study was never completed and funding for the Navajo Community College, now the Diné College, construction and facilities were never appropriated. In 2008, Congress passed the Navajo Nation Higher Education Act. Language in the 2008 Act provided that the Secretary for the Department "shall conduct a detailed survey and study of the academic facilities needs of Diné 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." However, the Department was unable to provide this mandated report in the 2008 Navajo Nation Higher Education Act due to the lack of necessary information from the College necessary to compile and complete the report.

In adherence to the original 1978 congressionally mandated facility study for the College, the BIA Navajo Regional Office made numerous attempts to work with the College leadership to attain the data needed to include in prior mandated reports to Congress. The BIA Navajo Regional facilities staff and IA Division of Facilities Management and Construction (DFMC) staff have met with the College over the last couple of months to resolve the data requirements and coordinate efforts to address this need.

As of April 5, 2016, the following documents were pending submission or being revised by the College and resubmitted to the BIA Navajo Region:

- Environmental Data (Pending),
- Drawings of the campus site (being revised),

- Annual Operations & Maintenance actual costs for the site (being revised), and
- Information Technology Assessment (being revised).

The detail required from the College will assist the Department in calculating actual costs for an accurate Report to Congress. The Navajo Regional Facilities staff and DFMC will continue to work with the College to clarify the data and inventory requirements to facilitate a comprehensive and accurate survey to identify the needs of the College. The College is including facility locations and inventory needs outside the main Tsaile Dine College location; for example, Shiprock, New Mexico, Tuba City, Arizona, and Crownpoint, New Mexico. The Department recommends the facility study be limited to the Tsaile, Arizona College location.

### **S. 2564**

S. 2564, a bill to modernize prior legislation relating to Diné College, would provide funding to strengthen institutions of higher education, in particular, the Diné College (College), located in Tsaile, Arizona, on the Navajo Nation, and subsequent College branch locations located within the Navajo Nation. S. 2564 directs the College to prepare and submit an inventory that identifies the renovations and repairs necessary to meet the health and safety standards of the College and any other requirements the College determines is necessary to the Department's Secretary by August 1, 2016. The Department is concerned that S. 2564 does not take into consideration the potential need to change this date in the event that the College cannot meet this deadline. The Department recommends adding additional language that provides an alternative if the College cannot meet the deadline.

Upon receipt of the inventory provided by the College, the Secretary shall use the inventory as baseline data to inform and conduct a detailed survey and study of all the capital projects and facility needs of the College. Thereafter, the Secretary shall submit a report on the results of the survey and study to appropriate committees of Congress by January 31, 2017. The report shall include recommendations by the Secretary and any recommendations or views submitted by the College or the Navajo Nation regarding the capital projects and facility needs of the College. The Department is concerned that S. 2564 does not take into consideration the potential need to change the Secretary's deadline for delivering the Report to Congress, as stated in S. 2564. In the event that the College fails to meet its deadline, such delay would result in a delay in the Secretary's Report to Congress. The Department recommends adding or amending the legislation to provide flexibility in the Secretary's Report delivery to Congress. S. 2564 also states that the Secretary may use amounts made available to the Secretary in general administrative appropriations to complete survey, study and report. As written, the Department will have to absorb the additional costs for this activity. Given our already limited resources, we propose amending the legislation to make it subject to appropriations.

S. 2564 also authorizes appropriations to the Secretary over four years (\$2 million per year) in grants to the College, for a total amount of \$8 million, for construction activities, including the renovation and repair or construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways) identified in the survey, study, and report. Although the Secretary's survey, study, and the report do not require operations and maintenance to be included, S. 2564 authorizes the Secretary to make grants to the College for operations and maintenance, subject to congressional appropriations over four years.

The Department is aware that the Navajo Nation (or the College) hired an architectural

firm, Dyron Murphy Architects, P.C., in October 2013 to conduct a facilities assessment of the College campus and branch locations. The report is titled "Facility Assessment and Recommendation." The Department understands that the assessment prioritized the needed work, starting with life safety, structures and other needs related to the physical condition of the College campus and its branch locations. The main College sits on approximately 1,005 acres.

This concludes my prepared statement. I will be happy to answer any questions the Committee may have.