

§ 635. Disposition of lands**(a) Lease of restricted lands; renewals**

Any restricted Indian lands owned by the Navajo Tribe, members thereof, or associations of such members, or by the Hopi Tribe, members thereof, or associations of such members, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, or business purposes, including the development or utilization of natural resources in connection with operations under such leases. All leases so granted shall be for a term of not to exceed twenty-five years, but may include provisions authorizing their renewal for an additional term of not to exceed twenty-five years, and shall be made under such regulations as may be prescribed by the Secretary. Restricted allotments of deceased Indians may be leased under this section, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in section 380 of this title. Nothing contained in this section shall be construed to repeal or affect any authority to lease restricted Indian lands conferred by or pursuant to any other provision of law.

(b) Lease, sale, or other disposition of lands owned in fee simple by Navajo Tribe

Notwithstanding any other provision of law, land owned in fee simple by the Navajo Tribe may be leased, sold, or otherwise disposed of by the sole authority of the Navajo Tribal Council, in any manner that similar land in the State in which such land is situated may be leased, sold, or otherwise disposed of by private landowners, and such disposition shall create no liability on the part of the United States.

(c) Transfer of unallotted lands to tribally owned or municipal corporations

The Secretary of the Interior is authorized to transfer, upon request of the Navajo Tribal Council, to any corporation owned by the tribe and organized pursuant to State law, or to any municipal corporation organized under State law, legal title to or a leasehold interest in any unallotted lands held for the Navajo Indian Tribe, and thereafter the United States shall have no responsibility or liability for, but on request of the tribe shall render advice and assistance in, the management, use, or disposition of such lands.

(Apr. 19, 1950, ch. 92, § 5, 64 Stat. 46; Pub. L. 86-505, § 1, June 11, 1960, 74 Stat. 199.)

AMENDMENTS

1960—Pub. L. 86-505 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

§ 636. Adoption of constitution by Navajo Tribe; method; contents

In order to facilitate the fullest possible participation by the Navajo Tribe in the program authorized by this subchapter, the members of the tribe shall have the right to adopt a tribal constitution in the manner herein prescribed. Such constitution may provide for the exercise by the Navajo Tribe of any powers vested in the tribe or any organ thereof by existing law, to-

gether with such additional powers as the members of the tribe may, with the approval of the Secretary of the Interior, deem proper to include therein. Such constitution shall be formulated by the Navajo Tribal Council at any regular meeting, distributed in printed form to the Navajo people for consideration, and adopted by secret ballot of the adult members of the Navajo Tribe in an election held under such regulations as the Secretary may prescribe, at which a majority of the qualified votes cast favor such adoption. The constitution shall authorize the fullest possible participation of the Navajos in the administration of their affairs as approved by the Secretary of the Interior and shall become effective when approved by the Secretary. The constitution may be amended from time to time in the same manner as herein provided for its adoption, and the Secretary of the Interior shall approve any amendment which in the opinion of the Secretary of the Interior advances the development of the Navajo people toward the fullest realization and exercise of the rights, privileges, duties, and responsibilities of American citizenship.

(Apr. 19, 1950, ch. 92, § 6, 64 Stat. 46.)

§ 637. Use of Navajo tribal funds

Notwithstanding any other provision of existing law, the tribal funds now on deposit or hereafter placed to the credit of the Navajo Tribe of Indians in the United States Treasury shall be available for such purposes as may be designated by the Navajo Tribal Council and approved by the Secretary of the Interior.

(Apr. 19, 1950, ch. 92, § 7, 64 Stat. 46.)

§ 638. Participation by Tribal Councils; recommendations

The Tribal Councils of the Navajo and Hopi Tribes and the Indian communities affected shall be kept informed and afforded opportunity to consider from their inception plans pertaining to the program authorized by this subchapter. In the administration of the program, the Secretary of the Interior shall consider the recommendations of the tribal councils and shall follow such recommendations whenever he deems them feasible and consistent with the objectives of this subchapter.

(Apr. 19, 1950, ch. 92, § 8, 64 Stat. 46.)

§ 639. Repealed. Pub. L. 104-193, title I, § 110(u), Aug. 22, 1996, 110 Stat. 2175

Section, acts Apr. 19, 1950, ch. 92, § 9, 64 Stat. 47; Oct. 30, 1972, Pub. L. 92-603, title III, § 303(c), 86 Stat. 1484; Dec. 31, 1973, Pub. L. 93-233, § 19(a), 87 Stat. 974, related to additional Social Security contributions to States for State expenditures for aid to dependent children to Navajo and Hopi Indians.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see

section 116 of Pub. L. 104-193, as amended, set out as an Effective Date note under section 601 of Title 42, The Public Health and Welfare.

§ 640. Repealed. Pub. L. 93-531, § 26, Dec. 22, 1974, 88 Stat. 1723

Section, act Apr. 19, 1950, ch. 92, § 10, 64 Stat. 47, established Joint Committee on Navajo-Hopi Indian Administration, with function of making a continuous study of programs for administration and rehabilitation of Navajo and Hopi Indians.

EFFECTIVE DATE OF REPEAL

Section 26 of Pub. L. 93-531 provided that the repeal is effective as of the close of business December 31, 1974.

§ 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

Section 1 of Pub. L. 92-189 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 Dine¹ 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.

¹ So in original. Probably should be “Diné”.