

104TH CONGRESS
1ST SESSION

S. 1159

To establish an American Indian Policy Information Center, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 10 (legislative day, JULY 10), 1995

Mr. INOUE (for himself, Mr. SIMON, Mr. CAMPBELL, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To establish an American Indian Policy Information Center,
and for other purposes.

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 “American Indian Pol-
5 icy Information Center Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (a) in the development of Federal policy, Fed-
9 eral laws and regulations designed to address social
10 and economic conditions in Indian country, Federal

1 agencies and the Congress have a continuing and ex-
2 panding need for information with regard to the so-
3 cial and economic status of Indian reservation com-
4 munities;

5 (b) there is no existing centralized source of in-
6 formation on the social and economic conditions in
7 Indian country from which agencies of the Federal
8 Government and the Congress could gather data
9 that would better inform the development of Federal
10 Indian policy, Federal laws and regulations;

11 (c) consistent with the Federal policies of In-
12 dian self-determination and tribal self-governance,
13 tribal governments are to be involved in the develop-
14 ment of Federal Indian law and policy;

15 (d) there is no existing centralized source of in-
16 formation from which tribal governments could gath-
17 er data that would better inform tribal government
18 participation in the development of Federal Indian
19 law and policy;

20 (e) tribal governments can more effectively gov-
21 ern and improve life opportunities for the citizens of
22 their communities if they have access to the fullest
23 range of information and analyses that can facilitate
24 the development of tribal laws and tribal government
25 programs;

1 (f) as the trustee for Indian lands and re-
2 sources, the United States has an obligation to en-
3 sure that thorough and comprehensive information
4 and analyses are available to tribal governments to
5 assure the effective management of Indian lands and
6 resources, as well as to effectively address prospec-
7 tive Federal executive branch actions or pending leg-
8 islation that will affect tribal lands and resources;

9 (g) as the trustee for Indian lands and re-
10 sources, the United States has an obligation to pro-
11 vide itself with such information and analyses as are
12 required for sound decisionmaking; and

13 (h) an independent, nonpartisan institution
14 should be established in order to address the infor-
15 mation, data, research, and policy analysis needs of
16 the agencies of the Federal Government, the Con-
17 gress, and tribal governments.

18 **SEC. 3. DEFINITIONS.**

19 For purposes of this Act—

20 (1) the term “Board” means the Board of Di-
21 rectors of the Center established under section 7 of
22 this Act;

23 (2) the term “Director” means the Director of
24 the Center appointed under section 9 of this Act;

1 (3) the term “Indian” means any individual
2 who is a member of an Indian tribe;

3 (4) the term “Indian tribe” means any tribe,
4 band, nation, or other organized group or commu-
5 nity of Indians including any Alaska Native village
6 which is recognized by the United States as eligible
7 for special programs and services provided by the
8 United States to Indians because of their status as
9 Indians;

10 (5) the term “Center” means the American In-
11 dian Policy Information Center established under
12 section 4 of this Act;

13 (6) the term “Secretary” means the Secretary
14 of the United States Department of Health and
15 Human Services; and

16 (7) the term “tribal government” means the
17 governing body of an Indian tribe.

18 **SEC. 4. ESTABLISHMENT OF CENTER.**

19 (a) IN GENERAL.—There is authorized to be estab-
20 lished a federally chartered corporation to be known as
21 the American Indian Policy Information Center, which
22 shall be governed by the Board of Directors established
23 under section 7 of this Act.

24 (b) SUCCESSION AND AMENDMENT OF CHARTER.—
25 Subject to the review provided for in subsection (c), the

1 Center shall have succession until dissolved by an Act of
2 the Congress.

3 (c) REVIEW.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of enactment of this Act, the Comptroller
6 General of the United States shall—

7 (A) review the activities and performance
8 of the Center to determine whether legislation
9 is required to amend this Act in order to ensure
10 the appropriate operation of the Center; and

11 (B) submit a report to the Committee on
12 Indian Affairs of the United States Senate and
13 to the Subcommittee on Native American and
14 Insular Affairs of the Committee on Resources
15 of the United States House of Representatives
16 containing specific findings and recommenda-
17 tions for amendment of this Act.

18 (2) TRIBAL CONSULTATION.—In carrying out
19 such review and preparing such report, the Comp-
20 troller General shall undertake consultation with
21 tribal governments.

22 **SEC. 5. FUNCTIONS.**

23 (a) DATA, INFORMATION, AND RESEARCH CLEAR-
24 INGHOUSE.—

25 (1) IN GENERAL.—

1 (A) The Center shall establish and admin-
2 ister a clearinghouse of data, information, and
3 research relevant to the needs of the agencies of
4 the Federal Government, the Congress, and
5 tribal governments for such data, information,
6 and research, and shall give emphasis to the
7 identification and collection of materials not
8 otherwise readily available to such governments.
9 In administering this function, the Center shall
10 engage in outreach to other information and re-
11 search organizations, Indian and Alaska Native
12 organizations, Federal and State agencies, and
13 colleges and universities, both in search of in-
14 formation and to provide assistance to such or-
15 ganizations.

16 (B) The Center shall periodically advise
17 agencies of the Federal Government, the Con-
18 gress, tribal governments, and tribal organiza-
19 tions of new information or research products,
20 and shall provide such materials to them upon
21 request. The Center is authorized to require
22 other requesters of information to pay minimal
23 fees for such materials.

24 (C) The Center shall also establish an elec-
25 tronic database of information.

1 (D) RESTRICTIONS.—

2 (i) A tribal government may impose
3 any condition, limitation, or other restric-
4 tion on the use or dissemination of any in-
5 formation or other data made available by
6 such tribal government to the Center pur-
7 suant to this Act.

8 (ii) The use or dissemination of any
9 information or other data made available
10 by a tribal government to the Center pur-
11 suant to this Act shall be subject to any
12 condition, limitation, or other restriction
13 on the use or dissemination of any infor-
14 mation or other data made available by
15 such tribal government to the Center pur-
16 suant to this Act.

17 (b) RESEARCH AND ANALYSIS.—

18 (1) IN GENERAL.—The Center is authorized to
19 conduct or commission research and analyses to be
20 carried out in accordance with the highest standards
21 of scholarship and independence.

22 (2) CRITERIA AND PROCEDURES.—The Center
23 shall adopt criteria and procedures to guide the se-
24 lection of research projects consistent with the provi-
25 sions of section 7(d)(4) of this Act.

1 (c) FORUMS AND SYMPOSIA.—The Center is author-
2 ized to conduct or sponsor forums and symposia to explore
3 emerging Federal Indian law or policy issues, to clarify
4 options on specific issues as they relate to the development
5 of Federal Indian law or policy, and to identify needs for
6 data, information, or analyses.

7 (d) ANNUAL REPORT.—

8 (1) The Center shall prepare and publish an
9 annual report to the Secretary which summarizes
10 the activities of the Center during the preceding
11 year.

12 (2) The annual report shall be available to
13 agencies of the Federal Government, the Congress,
14 tribal governments and tribal organizations, and the
15 public.

16 **SEC. 6. GENERAL POWERS AND AUTHORITIES OF THE CEN-**
17 **TER.**

18 (a) POWERS AND AUTHORITIES OF THE CENTER.—
19 In carrying out this Act, the Center shall have the follow-
20 ing powers and authorities, consistent with the provisions
21 of this Act—

22 (1) to adopt, use, and alter a corporate seal;

23 (2) subject to the availability of funds, to make
24 agreements and contracts with agencies of the Fed-
25 eral Government, the Congress, tribal governments,

1 tribal organizations, private or other governmental
2 entities, and persons, and to make payments or ad-
3 vance payments under such agreements or contracts
4 without regard to the provisions of section 3324 of
5 title 31, United States Code;

6 (3) on a reimbursable basis, to make use of
7 services, facilities, and property of any board, com-
8 mission, independent or executive agency, or depart-
9 ment of the Federal Government in carrying out the
10 provisions of this Act;

11 (4) to solicit, accept, and dispose of gifts, be-
12 quests, devises of funds, securities, and other prop-
13 erties of any character, for the benefit of the Center;

14 (5) to receive grants from, and subject to the
15 availability of funds, enter into contracts and other
16 arrangements with Federal, State, tribal, or local
17 governments, public and private agencies, organiza-
18 tions, institutions, and individuals;

19 (6) to acquire, hold, maintain, use, operate, and
20 dispose of such real property, including improve-
21 ments thereon, personal property, equipment, and
22 other items, as may be necessary to enable the Cen-
23 ter to carry out the Center's responsibilities under
24 this Act;

1 (7) to obtain insurance or make other provi-
2 sions against losses;

3 (8) to use any funds or property received by the
4 Center to carry out the Center's responsibilities
5 under this Act, except that any non-Federal funds
6 received by, or under the control of the Center shall
7 be accounted for separately from Federal funds; and

8 (9) to exercise all other lawful powers and au-
9 thorities necessarily or reasonably related to the es-
10 tablishment of the Center in order to carry out the
11 Center's responsibilities under this Act.

12 **SEC. 7. BOARD OF DIRECTORS.**

13 (a) COMPOSITION.—

14 (1) The Board of Directors of the Center shall
15 consist of 15 members appointed by the Secretary,
16 and shall include—

17 (A) one representative of a tribal govern-
18 ment from each of the twelve areas served by
19 the Bureau of Indian Affairs in 1994;

20 (B) two members chosen from among indi-
21 viduals who have expertise in Federal Indian
22 law or policy or statistical analysis as evidenced
23 by academic or professional credentials; and

24 (C) one member designated by the presi-
25 dent of the host institution.

1 (2) In making appointments under subpara-
2 graphs (1) (A) and (B), the Secretary shall—

3 (A) consult with Indian tribal govern-
4 ments; and

5 (B) solicit recommendations from Indian
6 public policy specialists, Indian tribal govern-
7 ments, tribally controlled colleges, tribal organi-
8 zations, academic institutions, and public offi-
9 cials with expertise in Federal Indian policy or
10 statistical analysis.

11 (b) TERMS OF OFFICE.—

12 (1) Except as otherwise provided in this section,
13 each of the members of the Board of Directors ap-
14 pointed pursuant to subparagraph (a)(1)(A) shall be
15 appointed for a term of office of three years.

16 (2) Of the initial members of the Board of Di-
17 rectors appointed under subparagraph (a)(1)(A),
18 four members shall be appointed for a term of office
19 of one year, four members shall be appointed for a
20 term of office of two years, and four members shall
21 be appointed for a term of office of three years.

22 (3) Except as otherwise provided in this section,
23 each of the members appointed pursuant to subpara-
24 graphs (a)(1) (B) and (C) shall be appointed for a
25 term of office of two years.

1 (4) Of the initial members of the Board of Di-
2 rectors appointed under subparagraph (a)(1)(B), one
3 member shall be appointed for a term of office of
4 one year.

5 (5) No member may serve more than two con-
6 secutive terms, but may continue to serve until such
7 member's successor is appointed.

8 (c) VACANCIES.—Any member of the Board of Direc-
9 tors appointed to fill a vacancy occurring before the expi-
10 ration of the term to which such member's predecessor
11 was appointed shall be appointed for the remainder of
12 such term.

13 (d) POWERS OF THE BOARD OF DIRECTORS.—The
14 Board is authorized and directed to—

15 (1) formulate policy for the Center and provide
16 for its management;

17 (2) adopt such bylaws and rules as the Board
18 deems necessary for the administration of its func-
19 tions under this Act, including the organization and
20 operating procedures of the Board;

21 (3) establish such committees, task forces, and
22 working groups as the Board deems appropriate and
23 necessary;

24 (4) establish a process for independent peer re-
25 view of major research proposals submitted to the

1 Center based upon criteria as the Board may iden-
2 tify for specific projects.

3 (e) OFFICERS AND EXECUTIVE COMMITTEE.—The
4 Board of Directors may elect such officers of the Board
5 as the Board may deem appropriate and may establish an
6 executive committee to be comprised of the officers of the
7 Board and at least one at-large member selected by the
8 Board from among its members. In accordance with the
9 bylaws of the Center adopted by the Board, the members
10 of the executive committee shall provide direction for the
11 Board, and serve in lieu of the Board on matters requiring
12 expeditious Board action, subject to review and action by
13 the Board as the members of the Board may deem appro-
14 priate.

15 (f) COMPENSATION.—Members of the Board shall re-
16 view compensation at the rate of \$125 per day, including
17 travel time for each day they are engaged in the perform-
18 ance of their official duties. Each member of the Board,
19 while serving away from his or her home or regular place
20 of business, shall be allowed travel expenses, including per
21 diem, in lieu of subsistence.

22 (g) INTERIM BOARD.—The Planning Committee ap-
23 pointed pursuant to section 11 of Public Law 101–301
24 and composed of those individuals serving on the date of
25 enactment of this Act shall serve as the interim Board

1 until the appointments authorized in subsection (a)(1) of
2 this section have been made. The service of the members
3 of the interim Board shall terminate on the date on which
4 all members authorized to be appointed under subsection
5 (a)(1) of this section are appointed.

6 **SEC. 8. DIRECTOR AND EMPLOYEES.**

7 (a) DIRECTOR.—The Board shall appoint a Director
8 of the Center. The Director may only be removed from
9 office in accordance with the bylaws of the Center adopted
10 by the Board.

11 (b) RESPONSIBILITY OF THE DIRECTOR.—Subject to
12 the direction of the Board, the Director shall be respon-
13 sible for carrying out the functions and responsibilities of
14 the Center, and shall have authority over all personnel and
15 activities of the Center.

16 (c) EMPLOYEES.—With the approval of the Board,
17 the Director may appoint and fix the compensation and
18 duties of such officers and employees as may be necessary
19 for the efficient administration of the Center.

20 (d) PREFERENCE.—In implementing this section, the
21 Board and the Director shall accord preference to Indians.

22 **SEC. 9. LIMITATIONS ON THE CENTER.**

23 (a) ADVOCACY.—The Center shall not engage in the
24 advocacy of public policy alternatives, represent itself as
25 the voice of tribal governments, or take other actions that

1 could be construed as interfering with the government-to-
2 government relationship between tribal governments and
3 the United States.

4 (b) POLITICAL ACTION.—The Center shall not con-
5 tribute to, or otherwise support, any political party or can-
6 didate for elective public office, including tribal govern-
7 ment office.

8 (c) TREATMENT OF INCOME AND ASSETS.—No part
9 of the income or assets of the Center shall inure to the
10 benefit of any member of the Board of Directors, or any
11 director, employee, or other individuals associated with the
12 Center, except as salary or reasonable compensation for
13 services.

14 **SEC. 10. TRANSFER OF FUNCTIONS AND ADMINISTRATION**
15 **TO THE CENTER.**

16 (a) TRANSFER OF FUNCTIONS.—The functions set
17 forth in section 11 of Public Law 101–301 relating to the
18 National Center of Native American Studies and Indian
19 Policy Development, and section 816(e) of the Native
20 American Programs Act of 1974 (42 U.S.C. 2992d(e)) are
21 authorized to be transferred to the Center, and the Center
22 shall thereafter perform any and all such functions.

23 (b) GRANT.—

24 (1) IN GENERAL.—Subject to the availability of
25 appropriations, not later than 30 days after the date

1 on which an appropriation for a grant under this
2 subsection is made available, the Secretary of Health
3 and Human Services shall award a grant to the Cen-
4 ter to carry out all activities of the Center and to
5 enable the Center to provide such management,
6 technical and support assistance as may be reason-
7 able or necessary to operate the Center, including
8 audit, accounting, computer services and building
9 and maintenance services.

10 (2) AUTOMATIC RENEWAL.—Subject to the
11 availability of appropriations, the grant shall be re-
12 newed automatically and awarded on an annual
13 basis until such time as the Congress may otherwise
14 provide.

15 **SEC. 11. RELATIONSHIP WITH TRIBAL COLLEGES AND**
16 **OTHER RESEARCH ORGANIZATIONS.**

17 (a) CONTRACTS AND AGREEMENTS.—Pursuant to
18 the direction of, and in consultation with the Board, the
19 Director may enter into contracts, memoranda of under-
20 standing and agreements with—

21 (1) tribally controlled community colleges as de-
22 fined by section 2(a)(4) of the Tribally Controlled
23 Community College Assistance Act of 1978 (U.S.C.
24 1801(a)(4));

1 (2) the United Tribes Technical College, South-
2 west Indian Polytechnic Institute, Haskell Indian
3 Junior College, and Crownpoint Institute of Tech-
4 nology; or

5 (3) other research institutions for the purpose
6 of conducting research, developing issue papers, or
7 assisting the Center in carrying out the responsibil-
8 ities of the Center under this Act.

9 (b) SPECIAL CONSIDERATION.—In entering into con-
10 tracts for research under this section, the Director may
11 give special consideration to institutions or individuals
12 that have successfully conducted research in cooperation
13 with tribal governments and tribal organizations.

14 (c) FACILITIES AND TECHNICAL SERVICES.—

15 (1) GEORGE WASHINGTON UNIVERSITY.—The
16 Board shall enter into an agreement with the George
17 Washington University to obtain facilities and tech-
18 nical services for a period not to exceed two years
19 beginning on the first day of the first fiscal year for
20 which funds are appropriated to carry out this Act.

21 (2) OTHER ACCREDITED INSTITUTIONS OF
22 HIGHER EDUCATION.—The Board may enter into
23 agreements with—

24 (A) the George Washington University;

1 (B) tribally controlled community colleges
2 as defined by section 2(a)(4) of the Tribally
3 Controlled Community College Assistance Act
4 of 1978 (U.S.C. 1801(a)(4));

5 (C) the United Tribes Technical College,
6 Southwest Indian Polytechnic Institute, Haskell
7 Indian Junior College, and Crownpoint Insti-
8 tute of Technology;

9 (D) accredited institutions of higher edu-
10 cation (as defined in section 1201(a) of the
11 Higher Education Act of 1965 (20 U.S.C.
12 1141(a)); or

13 (E) research institutions that have con-
14 ducted research in cooperation with Indians;
15 to obtain facilities and technical services for any pe-
16 riod after the expiration of the initial agreement
17 with the George Washington University referred to
18 in subparagraph (1).

19 (3) MATCHING FUND REQUIREMENT.—The
20 George Washington University or other institution
21 as set forth in subsection (2) of this section shall
22 provide financial assistance to the Center as pre-
23 scribed in section 803(b) of the Native American
24 Programs Act of 1975, as amended (42 U.S.C.
25 2991b).

1 **SEC. 12. BUDGET PROPOSAL.**

2 The Board shall submit an operating budget proposal
3 for the Center for fiscal year 1996, and each fiscal year
4 thereafter, to the Secretary. The Secretary shall transmit
5 such budget proposal, together with the budget proposal
6 of the Department of Health and Human Services, to the
7 President. The budget proposal of the Center shall be in-
8 cluded in the annual budget request of the President sub-
9 mitted to the Congress pursuant to section 1108 of title
10 31, United States Code.

11 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as may be necessary for each of the fiscal years 1996
14 through 2000 to carry out the provisions of this Act.
15 Funds made available by appropriations pursuant to this
16 section shall remain available without fiscal year limita-
17 tion.

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