

106TH CONGRESS
1ST SESSION

H. R. 3080

To amend the Indian Self-Determination and Education Assistance Act to direct the Secretary of the Interior to establish the American Indian Education Foundation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 1999

Mr. KILDEE (for himself, Mr. KENNEDY of Rhode Island, Mr. GEORGE MILLER of California, Mr. UDALL of New Mexico, Mr. HAYWORTH, Mr. POMEROY, and Mr. KOLBE) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Indian Self-Determination and Education Assistance Act to direct the Secretary of the Interior to establish the American Indian Education Foundation, 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 Edu-
5 cation Foundation Act of 1999”.

1 **SEC. 2. ESTABLISHMENT OF AMERICAN INDIAN EDU-**
2 **CATION FOUNDATION.**

3 The Indian Self-Determination and Education Assist-
4 ance Act (25 U.S.C. 450 et seq.) is amended by adding
5 at the end the following new title:

6 **“TITLE V—AMERICAN INDIAN**
7 **EDUCATION FOUNDATION**

8 **“SEC. 501. AMERICAN INDIAN EDUCATION FOUNDATION.**

9 “(a) IN GENERAL.—As soon as practicable after the
10 date of the enactment of this title, the Secretary of the
11 Interior shall establish, under the laws of the District of
12 Columbia and in accordance with this title, the American
13 Indian Education Foundation.

14 “(b) PERPETUAL EXISTENCE.—Except as otherwise
15 provided, the Foundation shall have perpetual existence.

16 “(c) NATURE OF CORPORATION.—The Foundation
17 shall be a charitable and nonprofit federally chartered cor-
18 poration and shall not be an agency or instrumentality of
19 the United States.

20 “(d) PLACE OF INCORPORATION AND DOMICILE.—
21 The Foundation shall be incorporated and domiciled in the
22 District of Columbia.

23 “(e) PURPOSES.—The purposes of the Foundation
24 shall be—

25 “(1) to encourage, accept, and administer pri-
26 vate gifts of real and personal property or any in-

1 come therefrom or other interest therein for the ben-
2 efit of, or in support of, the mission of the Office of
3 Indian Education Programs of the Bureau of Indian
4 Affairs (or its successor office);

5 “(2) to undertake and conduct such other ac-
6 tivities as will further the educational opportunities
7 of American Indians who attend a Bureau funded
8 school; and

9 “(3) to participate with, and otherwise assist,
10 Federal, State, and tribal governments, agencies, en-
11 tities, and individuals in undertaking and conducting
12 activities that will further the educational opportuni-
13 ties of American Indians attending Bureau funded
14 schools.

15 “(f) BOARD OF DIRECTORS.—

16 “(1) The Board of Directors shall be the gov-
17 erning body of the Foundation. The Board may ex-
18 ercise, or provide for the exercise of, the powers of
19 the Foundation.

20 “(2) The number of members of the Board, the
21 manner of their selection (including the filling of va-
22 cancies), and their terms of office shall be as pro-
23 vided in the constitution and bylaws of the Founda-
24 tion. However, the Board shall have at least 11
25 members, 2 of whom shall be the Secretary and the

1 Assistant Secretary of the Interior for Indian Af-
2 fairs, who shall serve as ex officio nonvoting mem-
3 bers, and the initial voting members of the Board
4 shall be appointed by the Secretary not later than 6
5 months after the date that the Foundation is estab-
6 lished and shall have staggered terms (as determined
7 by the Secretary).

8 “(3) The members of the Board shall be United
9 States citizens who are knowledgeable or experienced
10 in American Indian education and shall, to the ex-
11 tent practicable, represent diverse points of view re-
12 lating to the education of American Indians.

13 “(4) COMPENSATION.—Members of the Board
14 shall not receive compensation for their services as
15 members, but shall be reimbursed for actual and
16 necessary travel and subsistence expenses incurred
17 by them in the performance of the duties of the
18 Foundation.

19 “(g) OFFICERS.—

20 “(1) The officers of the Foundation shall be a
21 secretary, elected from among the members of the
22 Board, and any other officers provided for in the
23 constitution and bylaws of the Foundation.

24 “(2) The secretary shall serve, at the direction
25 of the Board, as its chief operating officer and shall

1 be knowledgeable and experienced in matters relat-
2 ing to education in general and education of Amer-
3 ican Indians in particular.

4 “(3) The manner of election, term of office, and
5 duties of the officers shall be as provided in the con-
6 stitution and bylaws of the Foundation.

7 “(h) POWERS.—The Foundation—

8 “(1) shall adopt a constitution and bylaws for
9 the management of its property and the regulation
10 of its affairs, which may be amended;

11 “(2) may adopt and alter a corporate seal;

12 “(3) may make contracts, subject to the limita-
13 tions of this Act;

14 “(4) may acquire (through a gift or otherwise),
15 own, lease, encumber, and transfer real or personal
16 property as necessary or convenient to carry out the
17 purposes of the Foundation;

18 “(5) may sue and be sued; and

19 “(6) may perform any other act necessary and
20 proper to carry out the purposes of the Foundation.

21 “(i) PRINCIPAL OFFICE.—The principal office of the
22 Foundation shall be in the District of Columbia. However,
23 the activities of the Foundation may be conducted, and
24 offices may be maintained, throughout the United States

1 in accordance with the constitution and bylaws of the
2 Foundation.

3 “(j) SERVICE OF PROCESS.—The Foundation shall
4 comply with the law on service of process of each State
5 in which it is incorporated and of each State in which the
6 Foundation carries on activities.

7 “(k) LIABILITY OF OFFICERS AND AGENTS.—The
8 Foundation shall be liable for the acts of its officers and
9 agents acting within the scope of their authority. Members
10 of the Board are personally liable only for gross negligence
11 in the performance of their duties.

12 “(l) RESTRICTIONS.—

13 “(1) LIMITATION ON SPENDING.—Beginning
14 with the fiscal year following the first full fiscal year
15 during which the Foundation is in operation, the ad-
16 ministrative costs of the Foundation may not exceed
17 10 percent of the sum of—

18 “(A) the amounts transferred to the Foun-
19 dation under subsection (m) during the pre-
20 ceding fiscal year; and

21 “(B) donations received from private
22 sources during the preceding fiscal year.

23 “(2) APPOINTMENT AND HIRING.—The ap-
24 pointment of officers and employees of the Founda-
25 tion shall be subject to the availability of funds.

1 “(3) STATUS.—Members of the Board, and the
2 officers, employees, and agents of the Foundation
3 are not, by reason of their association with the
4 Foundation, officers, employees, or agents of the
5 United States.

6 “(m) TRANSFER OF DONATED FUNDS.—The Sec-
7 retary may transfer to the Foundation funds held by the
8 Department of the Interior under the Act of February 14,
9 1931 (25 U.S.C. 451), if the transfer or use of such funds
10 is not prohibited by any term under which the funds were
11 donated.

12 “(n) AUDITS.—The Foundation shall comply with the
13 audit requirements set forth in section 10101 of title 36,
14 United States Code, as if it were a corporation in part
15 B of subtitle II of that title.

16 **“SEC. 502. ADMINISTRATIVE SERVICES AND SUPPORT.**

17 “(a) PROVISION OF SUPPORT BY SECRETARY.—Sub-
18 ject to subsection (b), during the 5-year period beginning
19 on the date that the Foundation is established, the
20 Secretary—

21 “(1) may provide personnel, facilities, and other
22 administrative support services to the Foundation;

23 “(2) may provide funds to reimburse the travel
24 expenses of the members of the Board under section
25 501; and

1 “(3) shall require and accept reimbursements
2 from the Foundation for any—

3 “(A) services provided under paragraph
4 (1); and

5 “(B) funds provided under paragraph (2).

6 “(b) REIMBURSEMENT.—Reimbursements accepted
7 under subsection (a)(3) shall be deposited in the Treasury
8 to the credit of the appropriations then current and
9 chargeable for the cost of providing services described in
10 subsection (a)(1) and the travel expenses described in sub-
11 section (a)(2).

12 “(c) CONTINUATION OF CERTAIN SERVICES.—Not-
13 withstanding any other provision of this section, the Sec-
14 retary of the Interior may continue to provide facilities
15 and necessary support services to the Foundation after the
16 termination of the 5-year period specified in subsection
17 (a), on a space available, reimbursable cost basis.

18 **“SEC. 503. DEFINITIONS.**

19 “For the purposes of this title—

20 “(1) the term ‘Bureau funded school’ has the
21 meaning given that term in title XI of the Education
22 Amendments of 1978;

23 “(2) the term ‘Foundation’ means the Founda-
24 tion established by the Secretary pursuant to section
25 501; and

1 “(3) the term ‘Secretary’ shall mean the Sec-
2 retary of the Interior.”.

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