

Calendar No. 188109TH CONGRESS
1ST SESSION**S. 1231****[Report No. 109-118]**

To amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education.

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2005

Mr. MCCAIN (for himself and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

JULY 29, 2005

Reported by Mr. MCCAIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Fund for Ex-
3 cellence in American Indian Education Amendments Act
4 of 2005”.

5 **SEC. 2. NATIONAL FUND FOR EXCELLENCE IN AMERICAN**
6 **INDIAN EDUCATION.**

7 Section 501 of the Indian Self-Determination and
8 Education Assistance Act (25 U.S.C. 458bbb) is amend-
9 ed—

10 (1) in subsection (g), by striking paragraphs
11 (1) and (2) and inserting the following:

12 “(1) IN GENERAL.—The officers of the Founda-
13 tion shall be—

14 “(A) a chief operating officer, to be ap-
15 pointed in accordance with paragraph (2); and

16 “(B) any other officers, to be appointed or
17 elected in accordance with the constitution and
18 bylaws of the Foundation.

19 “(2) CHIEF OPERATING OFFICER.—

20 “(A) APPOINTMENT.—The Board shall ap-
21 point a chief operating officer to the Founda-
22 tion.

23 “(B) REQUIREMENTS.—The chief oper-
24 ating officer of the Foundation shall—

25 “(i) demonstrate experience and
26 knowledge in matters relating to—

1 “(I) education, in general; and

2 “(II) education of Indians, in
3 particular; and

4 “(ii) serve at the direction of the
5 Board.”; and

6 (2) by adding at the end the following:

7 “(o) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There is authorized to be
9 appropriated to carry out this section \$5,000,000 for
10 each of fiscal years 2007 through 2009.

11 “(2) EFFECT ON OTHER FUNDS.—Funds ap-
12 propriated under paragraph (1) shall not reduce the
13 amount of funds available for any other program re-
14 lating to Indian education.”.

15 **SEC. 3. ADMINISTRATIVE SERVICES AND SUPPORT.**

16 Section 502 of the Indian Self-Determination and
17 Education Assistance Act (25 U.S.C. 458bbb-1) is
18 amended—

19 (1) in subsection (a), by striking paragraph (2)
20 and inserting the following:

21 “(2) may provide funds—

22 “(A) to pay the operating costs of the
23 Foundation; and

1 “(B) to reimburse travel expenses of a
 2 member of the Board under section 501; and”;
 3 and
 4 (2) in subsection (b), by inserting “operating
 5 and” before “travel expenses”.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “National Fund for Ex-*
 8 *cellence in American Indian Education Amendments Act*
 9 *of 2005”.*

10 **SEC. 2. NATIONAL FUND FOR EXCELLENCE IN AMERICAN**
 11 **INDIAN EDUCATION.**

12 *Section 501 of the Indian Self-Determination and*
 13 *Education Assistance Act (25 U.S.C. 458bbb) is amended—*

14 (1) *in subsection (g), by striking paragraphs (1)*
 15 *and (2) and inserting the following:*

16 “(1) *IN GENERAL.—The officers of the Founda-*
 17 *tion shall be—*

18 “(A) *a chief operating officer, to be ap-*
 19 *pointed in accordance with paragraph (2); and*

20 “(B) *any other officers, to be appointed or*
 21 *elected in accordance with the constitution and*
 22 *bylaws of the Foundation.*

23 “(2) *CHIEF OPERATING OFFICER.—*

24 “(A) *APPOINTMENT.—The Board shall ap-*
 25 *point a chief operating officer to the Foundation.*

1 “(B) *REQUIREMENTS.*—*The chief operating*
2 *officer of the Foundation shall—*

3 “*(i) demonstrate experience and knowl-*
4 *edge in matters relating to—*

5 “*(I) education, in general; and*

6 “*(II) education of Indians, in*
7 *particular; and*

8 “*(ii) serve at the direction of the*
9 *Board.*”;

10 (2) *in subsection (l)(1), by striking “Beginning*
11 *with” and all that follows through subparagraph (B)*
12 *and inserting the following: “For each fiscal year fol-*
13 *lowing the first fiscal year during which the Founda-*
14 *tion is in operation, the administrative costs of the*
15 *Foundation shall not exceed—*

16 “*(A) for the first fiscal year, an amount*
17 *equal to 20 percent of the sum of—*

18 “*(i) the amounts transferred to the*
19 *Foundation under subsection (m) during*
20 *the preceding fiscal year; and*

21 “*(ii) donations received from private*
22 *sources during the preceding fiscal year;*

23 “*(B) for the second fiscal year, an amount*
24 *equal to 15 percent of the sum of—*

1 “(i) the amounts transferred to the
2 Foundation under subsection (m) during
3 the preceding fiscal year; and

4 “(ii) donations received from private
5 sources during the preceding fiscal year;
6 and

7 “(C) for the third fiscal year, and each fis-
8 cal year thereafter, an amount equal to 10 per-
9 cent of the sum of—

10 “(i) the amounts transferred to the
11 Foundation under subsection (m) during
12 the preceding fiscal year; and

13 “(ii) donations received from private
14 sources during the preceding fiscal year.”;
15 and

16 (3) by adding at the end the following:

17 “(o) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There is authorized to be ap-
19 propriated to carry out this section \$5,000,000 for
20 each of fiscal years 2007 through 2009.

21 “(2) EFFECT ON OTHER FUNDS.—Funds appro-
22 priated under paragraph (1) shall not reduce the
23 amount of funds available for any other program re-
24 lating to Indian education.”.

1 **SEC. 3. ADMINISTRATIVE SERVICES AND SUPPORT.**

2 *Section 502 of the Indian Self-Determination and*
3 *Education Assistance Act (25 U.S.C. 458bbb-1) is amend-*
4 *ed—*

5 *(1) in subsection (a), by striking paragraph (2)*
6 *and inserting the following:*

7 *“(2) may provide funds—*

8 *“(A) to pay the operating costs of the Foun-*
9 *ation; and*

10 *“(B) to reimburse travel expenses of a mem-*
11 *ber of the Board under section 501; and”;* and

12 *(2) in subsection (b)—*

13 *(A) in the subsection heading, by striking*
14 *“REIMBURSEMENTT” and inserting “REIM-*
15 *BURSEMENT”;* and

16 *(B) by inserting “operating and” before*
17 *“travel expenses”.*

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