

all the money he made from those sales was donated to the Salvation Army.

Don was not just a small-business owner, but also an important part of our community. He helped people struggling to find employment and supported people coming out of jail trying to start a new life.

Everyone who knew him at the family restaurant described him as more than a boss, but everybody's friend. He loved to spend time with his family and in his neighborhood, and he loved to listen to polka music.

Before opening the restaurant, he served in the U.S. Army. His commitment to our country will always be remembered.

Mid-Michigan lost a great friend and a bright spirit this week. The entire State of Michigan, the Bay City community, and I, personally, will miss him.

Thank you, Don, for everything you have done.

Mr. Speaker, I ask that the House join me in a brief moment of silence in Don's memory.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARTON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

#### JOHNSON-O'MALLEY SUPPLEMENTAL INDIAN EDUCATION PROGRAM MODERNIZATION ACT

Mr. ESTES of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 943) to direct the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 943

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Johnson-O'Malley Supplemental Indian Education Program Modernization Act".

#### SEC. 2. INDIAN EDUCATION PROGRAM STUDENT COUNT UPDATE.

The Act of April 16, 1934 (25 U.S.C. 5342 et seq.) (commonly referred to as the Johnson-O'Malley Act) is amended by adding at the end the following:

#### "SEC. 7. COMPUTATION OF STUDENT COUNT.

"(a) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

"(1) CONTRACTING PARTY.—The term 'contracting party' means an entity that has a contract through a program authorized under this Act.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that is eligible to apply for a contract for a supplemental or operational support program under this Act, as outlined in section 1.

"(3) EXISTING CONTRACTING PARTY.—The term 'existing contracting party' means a contracting party that has a contract under this Act that is in effect on the date of enactment of the JOM Modernization Act.

"(4) JOM MODERNIZATION ACT.—The term 'JOM Modernization Act' means the Johnson-O'Malley Supplemental Indian Education Program Modernization Act.

"(5) NEW CONTRACTING PARTY.—The term 'new contracting party' means an entity that enters into a contract under this Act after the date of enactment of the JOM Modernization Act.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(b) DETERMINATION OF THE NUMBER OF ELIGIBLE INDIAN STUDENTS.—

"(1) INITIAL DETERMINATIONS.—

"(A) IN GENERAL.—The Secretary shall make an initial determination of the number of eligible Indian students served or potentially served by each eligible entity in accordance with subparagraph (B).

"(B) PROCESS FOR MAKING THE INITIAL DETERMINATION.—

"(i) PRELIMINARY REPORT.—Not later than 180 days after the date of enactment of the JOM Modernization Act, the Secretary shall publish a preliminary report describing the number of eligible Indian students served or potentially served by each eligible entity, using the most applicable and accurate data (as determined by the Secretary in consultation with eligible entities) from the fiscal year preceding the fiscal year for which the initial determination is to be made from—

"(I) the Bureau of the Census;

"(II) the National Center for Education Statistics; or

"(III) the Office of Indian Education of the Department of Education.

"(ii) DATA RECONCILIATION.—To improve the accuracy of the preliminary report described in clause (i) prior to publishing, the Secretary shall reconcile the data described in the preliminary report with—

"(I) each existing contracting party's data regarding the number of eligible Indian students served by the existing contracting party for the fiscal year preceding the fiscal year for which the initial determination is made; and

"(II) identifiable tribal enrollment information.

"(iii) COMMENT PERIOD.—After publishing the preliminary report under clause (i) in accordance with clause (ii), the Secretary shall establish a 60-day comment period to gain feedback about the preliminary report from eligible entities, which the Secretary shall take into consideration in preparing the final report described in clause (iv).

"(iv) FINAL REPORT.—Not later than 120 days after concluding the consultation described in clause (iii), the Secretary shall publish a final report on the initial determination of the number of eligible Indian students served or potentially served by each eligible entity, including justification for not including any feedback gained during such consultation, if applicable.

"(2) SUBSEQUENT ACADEMIC YEARS.—For each academic year following the fiscal year for which an initial determination is made under paragraph (1) to determine the number of eligible Indian students served or potentially served by a contracting party, the Secretary shall determine the number of eligible Indian students served by the contracting party based on the reported eligible Indian student count numbers identified through

the reporting process described in subsection (c).

"(c) CONTRACTING PARTY STUDENT COUNT REPORTING COMPLIANCE.—

"(1) IN GENERAL.—For each academic year following the fiscal year for which an initial determination is made under subsection (b) to determine the number of eligible Indian students served or potentially served by a contracting party, the contracting party shall submit to the Secretary a report describing the number of eligible Indian students who were served using amounts allocated to such party under this Act during the previous fiscal year. The report shall also include an accounting of the amounts and purposes for which the contract funds were expended.

"(2) FAILURE TO COMPLY.—A contracting party that fails to submit a report under paragraph (1) shall receive no amounts under this Act for the fiscal year following the academic year for which the report should have been submitted.

"(3) NOTICE.—The Secretary shall provide contracting parties with timely information relating to—

"(A) initial and final reporting deadlines; and

"(B) the consequences of failure to comply outlined in paragraph (2).

"(4) TECHNICAL ASSISTANCE.—The Secretary, acting through the Director of the Bureau of Indian Education, shall provide technical assistance and training on compliance with the reporting requirements of this subsection to contracting parties.

"(d) ANNUAL REPORT.—

"(1) IN GENERAL.—The Secretary shall prepare an annual report, including the most recent determination of the number of eligible Indian students served by each contracting party, recommendations on appropriate funding levels for the program based on such determination, and an assessment of the contracts under this Act that the Secretary—

"(A) may include in the budget request of the Department of the Interior for each fiscal year;

"(B) shall submit to—

"(i) the Committee on Indian Affairs of the Senate;

"(ii) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the Senate;

"(iii) the Committee on Education and the Workforce of the House of Representatives; and

"(iv) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the House of Representatives; and

"(C) shall make publicly available.

"(2) MANNER OF PREPARATION.—The Secretary shall prepare the report under paragraph (1) in a manner so as to prevent or minimize new administrative burdens on contracting parties receiving funds under this Act.

"(e) HOLD HARMLESS.—

"(1) INITIAL HOLD HARMLESS.—

"(A) IN GENERAL.—Except as provided under subparagraph (B) and subject to subparagraphs (C) and (D), for a fiscal year, an existing contracting party shall not receive an amount under this Act that is less than the amount that such existing contracting party received under this Act for the fiscal year preceding the date of enactment of the JOM Modernization Act.

"(B) EXCEPTIONS.—

"(i) IN GENERAL.—An existing contracting party shall receive an amount under this Act for a fiscal year that is less than the amount that the existing contracting party received under this Act for the fiscal year preceding