

108TH CONGRESS
2D SESSION

H. R. 5289

To establish the Mark O. Hatfield-Elizabeth Furse Scholarship and Excellence in Tribal Governance Foundation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2004

Mr. WU (for himself, Mr. BLUMENAUER, Ms. HOOLEY of Oregon, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish the Mark O. Hatfield-Elizabeth Furse Scholarship and Excellence in Tribal Governance 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 “Mark O. Hatfield-Eliz-
5 abeth Furse Scholarship and Excellence in Tribal Govern-
6 ance Act of 2004”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds as follows:

1 (1) Senator Mark O. Hatfield and Congress-
2 woman Elizabeth Furse served their country with
3 distinction and honor.

4 (2) Senator Mark O. Hatfield and Congress-
5 woman Elizabeth Furse have had a lasting impact
6 on this Nation’s relationship with Native Americans.

7 (3) Senator Mark O. Hatfield and Congress-
8 woman Elizabeth Furse have been champions of the
9 rights of Native Americans and Alaska Natives and
10 worked in the Congress to strengthen tribal self-gov-
11 ernance.

12 (4) It is a fitting tribute to the leadership, cour-
13 age, and bipartisan spirit that Senator Mark O.
14 Hatfield and Congresswoman Elizabeth Furse exem-
15 plified to establish in their names programs to en-
16 courage excellence in tribal government.

17 **SEC. 3. DEFINITIONS.**

18 For purposes of this Act:

19 (1) The term “Board” means the Board of
20 Trustees of the Mark O. Hatfield-Elizabeth Furse
21 Scholarship and Excellence in Tribal Governance
22 Foundation established under section 4(b).

23 (2) The term “eligible individual” means a cit-
24 izen or national of the United States or a permanent
25 resident alien of the United States.

1 (3) The term “Foundation” means the Mark O.
2 Hatfield-Elizabeth Furse Scholarship and Excellence
3 in Tribal Governance Foundation established under
4 section 4(a).

5 (4) The term “Fund” means the Mark O. Hat-
6 field-Elizabeth Furse Scholarship and Excellence in
7 Tribal Governance Fund established by section 7.

8 (5) The term “Institute” means the Institute
9 for Tribal Government established at Portland State
10 University in 2000.

11 (6) The term “institution of higher education”
12 has the meaning given to that term in section 101
13 of the Higher Education Act of 1965 (20 U.S.C.
14 1001).

15 (7) The term “Portland State University”
16 means Portland State University in Portland, Or-
17 egon.

18 (8) The term “State” means each of the several
19 States, the District of Columbia, Guam, the United
20 States Virgin Islands, American Samoa, the Com-
21 monwealth of the Northern Mariana Islands, the Re-
22 public of the Marshall Islands, the Federal States of
23 Micronesia, and the Republic of Palau.

1 **SEC. 4. ESTABLISHMENT OF THE MARK O. HATFIELD-ELIZA-**
2 **BETH FURSE SCHOLARSHIP AND EXCEL-**
3 **LENCE IN TRIBAL GOVERNANCE FOUNDA-**
4 **TION.**

5 (a) ESTABLISHMENT.—There is established as an
6 independent entity of the executive branch the Mark O.
7 Hatfield-Elizabeth Furse Scholarship and Excellence in
8 Tribal Governance Foundation.

9 (b) BOARD OF TRUSTEES.—The Foundation shall be
10 subject to the supervision and direction of the Board of
11 Trustees. The Board shall be comprised of 12 trustees,
12 11 of whom shall be voting members of the Board, as fol-
13 lows:

14 (1) Two trustees shall be appointed by the
15 President, with the advice and consent of the Sen-
16 ate, after considering the recommendation of the
17 Speaker of the House of Representatives, in con-
18 sultation with the minority leader of the House of
19 Representatives.

20 (2) Two trustees shall be appointed by the
21 President, with the advice and consent of the Sen-
22 ate, after considering the recommendation of the
23 President pro tempore of the Senate, in consultation
24 with the majority leader and the minority leader of
25 the Senate.

1 (3) Five trustees, not more than 3 of whom
2 shall be of the same political party, shall be ap-
3 pointed by the President with the advice and consent
4 of the Senate, from among individuals who have
5 shown leadership and interest in strengthening tribal
6 self-governance, such as tribal leaders involved in
7 health and public policy development affecting Na-
8 tive American and Alaska Native communities.

9 (4) The Secretary of the Interior, or the Sec-
10 retary's designee, who shall serve as a voting ex offi-
11 cio member of the Board but shall not be eligible to
12 serve as Chairperson.

13 (5) The Secretary of Education, or the Sec-
14 retary's designee, who shall serve as a voting ex offi-
15 cio member of the Board but shall not be eligible to
16 serve as Chairperson.

17 (6) The President of Portland State University,
18 who shall serve as a nonvoting, ex officio member
19 and shall not be eligible to serve as Chairperson.

20 (c) TERM OF OFFICE.—

21 (1) IN GENERAL.—Each trustee appointed pur-
22 suant to paragraph (1), (2), or (3) of subsection (b)
23 shall be appointed for a term of 6 years, except as
24 provided in paragraphs (2) and (3) of this sub-
25 section.

1 (2) TERMS OF INITIAL APPOINTEES.—As des-
2 ignated by the President at the time of the appoint-
3 ment, of the trustees first appointed—

4 (A) 1 trustee appointed pursuant to sub-
5 section (b)(2) and 2 trustees appointed pursu-
6 ant to subsection (b)(3) shall be appointed for
7 a term of 2 years;

8 (B) 1 trustee appointed pursuant to sub-
9 section (b)(1) and 2 trustees appointed pursu-
10 ant to subsection (b)(3) shall be appointed for
11 a term of 4 years; and

12 (C) 1 trustee appointed pursuant to sub-
13 section (b)(1), 1 trustee appointed pursuant to
14 subsection (b)(2), and 1 trustee appointed pur-
15 suant to subsection (b)(3) shall be appointed
16 for a term of 6 years.

17 (3) VACANCIES.—Any trustee appointed to fill a
18 vacancy occurring before the expiration of the term
19 for which the trustee's predecessor was appointed
20 shall be appointed only for the remainder of that
21 term and shall be appointed in the same manner as
22 the original appointment for that vacancy was made.

23 (d) TRAVEL AND SUBSISTENCE PAY.—Trustees shall
24 serve without pay, but shall be entitled to reimbursement
25 for travel, subsistence, and other necessary expenses in-

1 curred in the performance of their duties as members of
2 the Foundation, in accordance with applicable provisions
3 under subchapter I of chapter 57 of title 5, United States
4 Code.

5 (e) LOCATION OF FOUNDATION.—The Foundation
6 shall be located in Portland, Oregon.

7 (f) EXECUTIVE DIRECTOR.—

8 (1) IN GENERAL.—There shall be an Executive
9 Director of the Foundation who shall be appointed
10 by the Board. The Executive Director shall be the
11 chief executive officer of the Foundation and shall
12 carry out the functions of the Foundation subject to
13 the supervision and direction of the Board. The Ex-
14 ecutive Director shall carry out such other functions,
15 consistent with this Act, as the Board shall pre-
16 scribe.

17 (2) COMPENSATION.—The Executive Director
18 of the Foundation shall be compensated at the rate
19 specified for employees in level IV of the Executive
20 Schedule under section 5315 of title 5, United
21 States Code.

22 **SEC. 5. PURPOSES OF THE FOUNDATION.**

23 The purposes of the Foundation are—

1 (1) to develop resources to properly train Na-
2 tive American and Alaska Native tribal council mem-
3 bers in self-government and related fields;

4 (2) to foster among the American population
5 greater recognition and understanding of the role of
6 tribal self-government in the development of the
7 United States;

8 (3) to identify critical issues facing tribal gov-
9 ernments in the Nation;

10 (4) to establish a Program for Tribal Govern-
11 ance Research at the Institute; and

12 (5) to provide educational outreach regarding
13 tribal self-government.

14 **SEC. 6. AUTHORITY OF THE FOUNDATION.**

15 (a) IN GENERAL.—

16 (1) AUTHORITY.—The Foundation, in consulta-
17 tion with the Institute—

18 (A) may identify and conduct such pro-
19 grams, activities, and services as the Founda-
20 tion considers appropriate to carry out the pur-
21 poses described in section 5; and

22 (B) in accordance with subsections (b), (c),
23 (d), and (e), may award scholarships, fellow-
24 ships, internships, and grants and fund the In-

1 stitute to carry out and manage other pro-
2 grams, activities, and services.

3 (2) PRIORITIES.—Subject to section 10(b), the
4 Foundation shall determine the priority of the pro-
5 grams to be carried out under this Act and the
6 amount of funds to be allocated for such programs.

7 (3) COMPETITION.—The Foundation may pro-
8 vide, directly or by contract, for the conduct of na-
9 tional competition for the purpose of selecting recipi-
10 ents of scholarships, fellowships, internships, and
11 grants awarded under this Act.

12 (4) FIELDS OF STUDY.—The Foundation may
13 award scholarships, fellowships, internships, and
14 grants to eligible individuals in accordance with the
15 provisions of this Act for study in fields related to
16 tribal governance. Such scholarships, fellowships, in-
17 ternships, and grants shall be awarded only to eligi-
18 ble individuals who meet the minimum criteria es-
19 tablished by the Foundation.

20 (b) SCHOLARSHIP.—

21 (1) IN GENERAL.—The Foundation shall award
22 scholarships to outstanding undergraduate students
23 who intend to pursue careers related to tribal gov-
24 ernance and to outstanding Native American and

1 Alaska Native undergraduate students who intend to
2 pursue careers in tribal public policy.

3 (2) REQUIREMENTS.—An eligible individual
4 awarded a scholarship under this Act may receive
5 payments under this Act only during such periods as
6 the Foundation finds that the individual—

7 (A) is maintaining satisfactory proficiency;

8 (B) is engaging full time in study or re-
9 search; and

10 (C) is not engaging in gainful employment
11 other than employment that is—

12 (i) in addition to such full-time study
13 or research; and

14 (ii) approved by the Foundation pur-
15 suant to regulations of the Board.

16 (3) REPORTS.—The Foundation may require
17 any eligible individual awarded a scholarship under
18 this Act to submit reports at such time, in such
19 form, and containing such information as the Foun-
20 dation determines to be necessary. Such reports
21 shall—

22 (A) be accompanied by a certificate from
23 an appropriate official at the institution of
24 higher education;

25 (B) be approved by the Foundation; and

1 (C) state that the individual is making sat-
2 isfactory progress, and is engaging full time, in
3 study or research.

4 (c) FELLOWSHIPS.—The Foundation shall award fel-
5 lowships—

6 (1) to outstanding graduate students who in-
7 tend to pursue advanced degrees in fields related to
8 tribal governance and to outstanding Native Amer-
9 ican and Alaska Native graduate students who in-
10 tend to pursue advanced degrees in tribal public pol-
11 icy, including law and medicine; and

12 (2) to faculty from a variety of disciplines, for
13 the purpose of bringing the expertise of such faculty
14 to the Foundation.

15 (d) INTERNSHIPS.—To achieve the purposes de-
16 scribed in section 5, the Foundation shall award intern-
17 ships—

18 (1) to deserving and qualified individuals to
19 participate in internships in Federal, State, and
20 local agencies or in offices of major tribal govern-
21 ance organizations; and

22 (2) to deserving and qualified Native American
23 and Alaska Native individuals to participate in in-
24 ternships in Federal, State, and local agencies or in

1 offices of major public health or public policy organi-
2 zations.

3 (e) INSTITUTE PROGRAMS.—

4 (1) GRANTS.—Subject to paragraph (3), the
5 Foundation shall award grants to the Institute—

6 (A) to provide for an annual panel of ex-
7 perts to discuss contemporary tribal governance
8 issues;

9 (B) to conduct tribal governance policy re-
10 search;

11 (C) to conduct research on Native Amer-
12 ican and Alaska Native tribal public policy
13 issues; and

14 (D) for visiting policymakers to share their
15 practical experiences with the Foundation.

16 (2) COORDINATION.—Subject to paragraph (3),
17 the Foundation shall assist in the development and
18 implementation of a Program for Tribal Governance
19 Research to be located at the Institute.

20 (3) MATCHING FUNDS; FACILITIES.—The
21 Foundation may not make any grant or provide any
22 assistance under this subsection, unless the Institute
23 agrees—

24 (A) with respect to the costs of such
25 grants and assistance, to make available non-

1 Federal contributions toward such costs in an
2 amount that is not less than 25 percent of such
3 costs; and

4 (B) to provide adequate space at the Insti-
5 tute for the Executive Director and other ap-
6 propriate staff of the Foundation.

7 (f) ELIZABETH FURSE SCHOLARS.—Recipients of
8 scholarships, fellowships, internships, and grants under
9 this Act shall be known as “Elizabeth Furse Scholars”.

10 **SEC. 7. ESTABLISHMENT OF THE MARK O. HATFIELD - ELIZ-**
11 **ABETH FURSE SCHOLARSHIP AND EXCEL-**
12 **LENCE IN TRIBAL GOVERNANCE TRUST**
13 **FUND.**

14 (a) ESTABLISHMENT OF FUND.—There is estab-
15 lished in the Treasury of the United States a trust fund
16 to be known as the “Mark O. Hatfield-Elizabeth Furse
17 Scholarship and Excellence in Tribal Governance Trust
18 Fund” to be administered by the Foundation. The Fund
19 shall consist of amounts appropriated to the Fund pursu-
20 ant to section 10 and amounts credited to the Fund under
21 subsection (b).

22 (b) INVESTMENT OF FUND ASSETS.—The Secretary
23 of the Treasury, at the direction of the Board, shall invest
24 in full the amounts appropriated to the Fund. Such invest-
25 ments shall be in public debt securities with maturities

1 suitable to the needs of the Fund and shall bear interest
2 at rates determined by the Secretary of the Treasury, tak-
3 ing into consideration the current average market yield on
4 outstanding marketable obligations of the United States
5 of comparable maturity.

6 **SEC. 8. EXPENDITURES AND AUDIT OF TRUST FUND.**

7 (a) IN GENERAL.—The Foundation shall pay from
8 the interest and earnings of the Fund such sums as the
9 Board determines are necessary and appropriate to enable
10 the Foundation to carry out this Act.

11 (b) AUDIT BY GOVERNMENT ACCOUNTABILITY OF-
12 FICE.—The activities of the Foundation and the Institute
13 under this Act may be audited by the Government Ac-
14 countability Office under such rules and regulations as
15 may be prescribed by the Comptroller General of the
16 United States. Representatives of the Government Ac-
17 countability Office shall have access to all papers, things,
18 or property (including all books, accounts, records, and re-
19 ports filed) belonging to or in use by the Foundation or
20 the Institute, pertaining to such federally assisted activi-
21 ties and necessary to facilitate the audit.

22 **SEC. 9. ADMINISTRATIVE PROVISIONS.**

23 To carry out this Act, the Foundation may—

24 (1) appoint and fix the compensation of such
25 personnel as may be necessary to carry out the pro-

visions of this Act, except that in no case may employees other than the Executive Director be compensated at a rate to exceed the maximum rate of basic pay for GS–15 of the General Schedule under section 5332 of title 5, United States Code;

(2) procure or fund the Institute to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified for level IV of the Executive Schedule under section 5315 of title 5, United States Code;

(3) prescribe such regulations as the Foundation considers necessary governing the manner in which its functions shall be carried out;

(4) accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Foundation;

(5) accept and use the services of voluntary and noncompensated personnel and reimburse such personnel for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements or modifications thereof, to carry out

1 the provisions of this Act, and such contracts or
2 modifications thereof may, with the concurrence of
3 two-thirds of the members of the Board, be entered
4 into without performance or other bonds, and with-
5 out regard to section 3709 of the Revised Statutes
6 (41 U.S.C. 5); and

7 (7) make other expenditures necessary to carry
8 out this Act.

9 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—To carry out this Act, there are
11 authorized to be appropriated to the Fund \$50,000,000
12 for fiscal year 2005, and such sums as may be necessary
13 for each subsequent fiscal year.

14 (b) ALLOCATION.—Of the amounts appropriated to
15 carry out this Act, the Secretary shall allocate—

16 (1) not less than 50 percent of such amounts
17 to carry out subsections (b), (c), and (d) of section
18 6;

19 (2) not more than 15 percent of such amounts
20 for salaries and other administrative purposes; and

21 (3) not less than 20 percent of such amounts
22 to carry out section 6(e).

○