

111TH CONGRESS
2D SESSION

S. 3277

To amend the American Recovery and Reinvestment Act of 2009 to reserve funds under the programs for payments to the Bureau of Indian Education of the Department of the Interior for Indian children.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2010

Mr. UDALL of New Mexico introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the American Recovery and Reinvestment Act of 2009 to reserve funds under the programs for payments to the Bureau of Indian Education of the Department of the Interior for Indian children.

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. FINDINGS.**

4 Congress finds that—

5 (1) the Federal Government has a unique and
6 continuing trust relationship with, and responsibility
7 to, Indians for the education of Indians;

1 (2) title XIV of the American Recovery and Re-
2 investment Act of 2009 (Public Law 111–5; 123
3 Stat. 279) established the State Fiscal Stabilization
4 Fund, which includes programs administered by the
5 Department of Education for the purpose of advanc-
6 ing education reform; and

7 (3) the Bureau of Indian Education of the De-
8 partment of the Interior and tribal governments,
9 many of which operate tribal elementary and sec-
10 ondary schools, tribal colleges and universities, early
11 childhood education programs, and tribal education
12 departments, are ineligible to participate in the
13 State Fiscal Stabilization Fund programs due to an
14 oversight in that Act (Public Law 111–5; 123 Stat.
15 115).

16 **SEC. 2. PAYMENTS FOR INDIAN CHILDREN.**

17 (a) STATE INCENTIVE GRANTS.—Section 14006(a)
18 of division A of the American Recovery and Reinvestment
19 Act of 2009 (Public Law 111–5; 123 Stat. 283) is amend-
20 ed—

21 (1) by redesignating paragraph (2) as para-
22 graph (3); and

23 (2) by inserting after paragraph (1) the fol-
24 lowing:

1 “(2) INDIAN CHILDREN.—After reserving funds
2 under paragraph (1) for fiscal year 2010 and for
3 each subsequent fiscal year for which funds are
4 made available, the Secretary shall reserve at least
5 1 percent, but not more than 5 percent, of the unob-
6 ligated balance of the funds reserved under section
7 14001(c) to make a grant during fiscal year 2010
8 or the subsequent fiscal year to the Bureau of In-
9 dian Education of the Department of the Interior to
10 carry out activities consistent with this section for
11 Indian children under such terms and conditions as
12 the Secretary of Education determines to be appro-
13 priate.”.

14 (b) INNOVATION FUND.—Section 14007(a) of divi-
15 sion A of the American Recovery and Reinvestment Act
16 of 2009 (Public Law 111–5; 123 Stat. 284) is amended—

17 (1) by redesignating paragraph (3) as para-
18 graph (4); and

19 (2) by inserting after paragraph (2) the fol-
20 lowing:

21 “(3) INDIAN CHILDREN.—Of the amount avail-
22 able to carry out this section for fiscal year 2010
23 and for each subsequent fiscal year for which funds
24 are made available, the Secretary shall reserve, from
25 the unobligated balance of that amount, at least 1

1 percent, but not more than 5 percent, to make a
2 grant to the Bureau of Indian Education of the De-
3 partment of the Interior to carry out activities con-
4 sistent with this section for Indian children under
5 such terms and conditions as the Secretary of Edu-
6 cation determines to be appropriate.”.

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