

113TH CONGRESS
2D SESSION

H. R. 4328

To establish a program to award contracts to certain tribal organizations, Indian corporations, public school districts, and States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2014

Mr. COLE (for himself, Ms. MCCOLLUM, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish a program to award contracts to certain tribal organizations, Indian corporations, public school districts, and States, 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 “Johnson-O’Malley Sup-
5 plemental Indian Education Program Modernization Act”.

1 **SEC. 2. JOHNSON-O'MALLEY SUPPLEMENTAL INDIAN EDU-**
2 **CATION PROGRAM MODERNIZATION ACT.**

3 The Act of April 16, 1934 (commonly known as the
4 “Johnson-O'Malley Act”; 25 U.S.C. 452 et seq.), is
5 amended by adding at the end the following new section:

6 **“SEC. 7. JOHNSON-O'MALLEY SUPPLEMENTAL INDIAN EDU-**
7 **CATION PROGRAM MODERNIZATION ACT.**

8 “(a) ESTABLISHMENT.—Notwithstanding any other
9 provision of law, the Secretary of the Interior, acting
10 through the Assistant Secretary of Indian Affairs and in
11 conjunction with the Director of the Bureau of Indian
12 Education, shall establish a program to enter into con-
13 tracts with eligible entities that have or serve Indian stu-
14 dents to provide educational benefits to such Indian stu-
15 dents.

16 “(b) USES OF FUNDS.—An eligible entity that enters
17 into a contract under subsection (a) shall use the funds
18 available under the contract to provide educational bene-
19 fits to Indian students, by—

20 “(1) carrying out programs or expanding pro-
21 grams in existence before the contract period that
22 provide—

23 “(A) remedial instruction, counseling, and
24 cultural programs;

1 “(B) selected courses related to the aca-
2 demic and professional disciplines of science,
3 technology, engineering, and mathematics;

4 “(C) important needs, such as school sup-
5 plies and items that enable recipients to partici-
6 pate in curricular and extra-curricular pro-
7 grams; and

8 “(D) program activities that were available
9 to Indian students under contracts entered into
10 under this Act before October 1, 2012;

11 “(2) the establishment of targeted and cul-
12 turally sensitive dropout prevention activities; and

13 “(3) the purchase of equipment to facilitate
14 training for professional trade skills and intensified
15 college preparation programs.

16 “(c) FUNDING.—The Secretary shall transfer to the
17 Bureau of Indian Education the funds necessary to carry
18 out this section.

19 “(d) COMPUTATION OF AWARDS.—

20 “(1) DETERMINATION OF TOTAL STUDENTS.—
21 Except as provided under paragraph (2), for the
22 purpose of computing the amount that an eligible
23 entity may receive under a contract entered into
24 under subsection (a) for any fiscal year, the Sec-
25 retary shall—

1 “(A) determine the number of Indian stu-
2 dents who were in average daily attendance in
3 the schools of the public school districts served
4 by the eligible entity, and for whom such school
5 districts provided free public education during
6 the preceding school year; and

7 “(B) provide a minimum of \$125 per In-
8 dian student described in subparagraph (A).

9 “(2) HOLD HARMLESS.—In the case of an eligi-
10 ble entity that has or serves eligible Indian children
11 attending a public school that has been afforded
12 supplemental services under a contract entered into
13 under this Act on or before October 1, 1995, such
14 eligible entity shall receive an amount under a con-
15 tract entered into under subsection (a) that is at
16 least equal to the amount that such eligible entity
17 would have received under the contract entered into
18 under this Act on or before October 1, 1995.

19 “(e) DATA USE.—

20 “(1) IN GENERAL.—For purposes of the cal-
21 culation under subsection (d)(1), the Secretary shall
22 use data for a public school district from not later
23 than the fiscal year preceding the fiscal year for
24 which the eligible entity involved is applying for a
25 contract under subsection (a).

1 “(2) TRIBAL ORGANIZATION.—In the case of a
2 tribal organization that has been established by the
3 Bureau of Indian Affairs on or after October 1,
4 2012, such tribal organization, shall, for the first
5 year of operation of such organization, be based on
6 data for the public school districts served by the or-
7 ganization for the fiscal year for which the organiza-
8 tion is applying for a contract under subsection (a).

9 “(f) GEOGRAPHIC COVERAGE AND ENHANCED PAR-
10 TICIPATION.—In entering into contracts under subsection
11 (a), the Secretary shall, to the extent practicable, ensure
12 full geographic coverage and the full participation of all
13 federally recognized tribes and school districts that have
14 not entered into a contract under this Act before fiscal
15 year 2015.

16 “(g) COMPLEMENTARY PROGRAM PARTICIPANTS.—
17 In entering into contracts under subsection (a), the Sec-
18 retary may give preference a consortium of tribal organi-
19 zations, to encourage as many students and professionals
20 as possible to benefit from the program established under
21 this section, including such a consortium that includes a
22 Tribal college or university.

23 “(h) ANNUAL REPORT.—The Secretary shall include
24 in the Department of the Interior fiscal year annual budg-

1 et request to Congress an annual assessment of the pro-
 2 gram established under this section.

3 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to the Secretary for car-
 5 rying out this section such sums as may be necessary.

6 “(j) DEFINITIONS.—

7 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
 8 tity’ means a—

9 “(A) tribal organization;

10 “(B) Indian Corporation;

11 “(C) public school district;

12 “(D) State; or

13 “(E) a consortium of tribal organizations.

14 “(2) ESEA TERMS.—The terms ‘elementary
 15 school’, ‘secondary school’, and ‘State’ have the
 16 meanings given such terms in section 9101 of the
 17 Elementary and Secondary Education Act of 1965
 18 (20 U.S.C. 7801).

19 “(3) INDIAN STUDENT.—The term ‘Indian stu-
 20 dent’ means a student who—

21 “(A) attends a public school district; and

22 “(B) is between age 3 and grade 12,
 23 and—

24 “(i) resides on or near an Indian res-
 25 ervation;

1 “(ii) is an enrolled member, or at
2 least one-fourth or more degree of Indian
3 blood descendant, of a member of a feder-
4 ally recognized Indian tribal government
5 eligible for service by the Bureau of Indian
6 Affairs; or

7 “(iii) is an Alaska Native.

8 “(4) PUBLIC SCHOOL DISTRICT.—The term
9 ‘public school district’ means a school district that—

10 “(A) serves public elementary schools or
11 public secondary schools; and

12 “(B) has established or will establish local
13 committees under section 5 of this Act or is
14 using a committee or Indian advisory school
15 board described in such section 5 to approve
16 supplementary or operational support programs
17 beneficial to Indian students, including the pro-
18 grams described in paragraphs (1) through (3)
19 of subsection (b).

20 “(5) SECRETARY.—The term ‘Secretary’ means
21 the Secretary of the Interior.

22 “(6) TRIBAL COLLEGE OR UNIVERSITY.—The
23 term ‘Tribal college or university’ has the meaning
24 given the term in section 316(b)(3) of the Higher
25 Education Act of 1965 (20 U.S.C. 1059c(b)(3)).

1 “(7) TRIBAL ORGANIZATION.—The term ‘Tribal
2 organization’ means any tribe, band, or community
3 of Indians which is subject to the laws of the United
4 States relating to Indian affairs or any corporation,
5 association, or group which is organized under any
6 of such laws including Indian Education Consor-
7 tiums and Tribal Colleges and Universities.”.

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