

103^D CONGRESS
1ST SESSION

S. 1121

To establish the National Indian Research Institute.

IN THE SENATE OF THE UNITED STATES

JUNE 16 (legislative day, June 15), 1993

Mr. INOUE (for himself, and Mr. MCCAIN, Mr. CAMPBELL, Mr. DOMENICI, Mrs. KASSEBAUM, and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To establish the National Indian Research Institute.

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 “National Indian
5 Research Institute Act”.

6 **SEC. 2. FINDINGS.**

7 (a) FINDINGS OF CONGRESS.—The Congress finds
8 that:

9 (1) The policy of the United States toward In-
10 dian and Alaska Native tribes which has emerged

1 over the course of 200 years of relationships is based
2 upon the following fundamental principles:

3 (A) Federal-Indian policy is premised upon
4 the government-to-government relationship be-
5 tween the United States and Indian tribal gov-
6 ernments;

7 (B) the United States has a trust respon-
8 sibility to protect, maintain, and manage Indian
9 lands and related natural resources, including
10 water, fisheries, game and game habitat, and to
11 preserve permanent homelands for native people
12 within this Nation;

13 (C) tribal rights of self-government are
14 recognized under the United States Constitu-
15 tion and numerous treaties, intergovernmental
16 agreements, statutes and Executive orders, and
17 have been consistently upheld by the highest
18 courts of the United States;

19 (D) the goals of economic self-sufficiency
20 and improvement of the social well-being of
21 tribal communities, with the objective of achiev-
22 ing parity with the general United States popu-
23 lation as evidenced by national averages for
24 health care, per capita income and rates of em-
25 ployment and educational achievement, are rec-

1 ognized as the basis of numerous Federal stat-
2 utes and administrative policies;

3 (E) the unique cultural heritage of tribal
4 people in the United States, including mainte-
5 nance of native language proficiency, the prac-
6 tice of traditional ceremonies, and religious and
7 artistic expression, is recognized in numerous
8 Acts of Congress as an irreplaceable national
9 heritage to be supported and protected; and

10 (F) for nearly two decades, the United
11 States has consistently endorsed and advanced
12 the principle of Indian self-determination, with
13 the objective of ending Federal domination of
14 programs affecting Indians and ensuring that
15 tribal governments are empowered to plan, con-
16 duct, and administer such programs themselves.

17 (2) Despite broad agreement on the underlying
18 principles of United States Indian policy, laws en-
19 acted by the Congress and regulations adopted by
20 Federal agencies do not invariably reflect such prin-
21 ciples owing to the large number of executive branch
22 agencies and the large number of congressional com-
23 mittees determining policy and owing to the absence
24 of an institutional resource from which agencies and
25 congressional committees might obtain objective and

1 reliable data, information, and analyses based upon
2 the fullest knowledge of the underlying policy prin-
3 ciples.

4 (3) Performance of its trust responsibility to
5 American Indians consistent with the highest fidu-
6 ciary standards requires the United States to assure
7 that accurate and reliable information and scholarly
8 analyses are available to institutions shaping public
9 policy.

10 (4) Federal Indian policy impacts the lives and
11 property of all American citizens, Indian and non-In-
12 dian, living on or near reservations throughout In-
13 dian country.

14 (5) Establishment of an independent, non-
15 partisan, institute to provide data, information, and
16 analyses related to Indian issues would assist insti-
17 tutions in shaping sound and consistent public policy
18 and its establishment is warranted.

19 (6) The establishment of an institute is not in-
20 tended, nor should it be construed as, a delegation
21 of the responsibilities of the United States in formu-
22 lating and adopting public policy.

23 **SEC. 3. DEFINITIONS.**

24 For purposes of this Act:

1 (1) The term “Indian” means any person who
2 is a member of an Indian tribe.

3 (2) The term “Indian tribe” means any tribe,
4 band, nation, or other organized group or commu-
5 nity of Indians including any Alaska Native village
6 which is recognized by the United States as eligible
7 for special programs and services provided by the
8 United States to Indians because of their status as
9 Indians.

10 (3) The term “Institute” means the National
11 Indian Research Institute established by this Act.

12 (4) The term “Board” means the Board of Di-
13 rectors of the Institute.

14 (5) The term “president” means the president
15 of the George Washington University located in
16 Washington, District of Columbia.

17 **SEC. 4. ESTABLISHMENT OF INSTITUTE.**

18 (a) IN GENERAL.—There is established a federally
19 chartered corporation to be known as the “National In-
20 dian Research Institute” which shall be located in Wash-
21 ington, District of Columbia, and, with the consent of
22 George Washington University, as indicated by the accept-
23 ance by it of the grant authorized under section 12 of this
24 Act, within the George Washington University for pur-
25 poses of administration and management. For purposes

1 of policy and direction, the Institute shall be under the
2 control of the Board of Directors established under section
3 7 of this Act.

4 (b) SUCCESSION AND AMENDMENT OF CHARTER.—
5 The Federal corporation established by this Act shall have
6 succession, subject to the review provided for in subsection
7 (c), until dissolved by Act of Congress. The Congress shall
8 have exclusive authority to revise or amend the provisions
9 of this Act involving the establishment and operation of
10 such corporation.

11 (c) REVIEW.—No later than 60 months after enact-
12 ment of this Act, the Congress shall review the activities
13 and performance of the Institute and of George Washing-
14 ton University in support of the Institute's purposes to
15 determine whether amendments to this Act are required.

16 **SEC. 5. FUNCTIONS.**

17 (a) RESEARCH AND ANALYSIS.—The Institute shall,
18 at the request of institutions shaping policies affecting In-
19 dians or upon its own initiative, conduct or commission
20 research and analysis to be carried out, in accordance with
21 the highest standards of scholarship and independence, on
22 issues related to the development of public policy affecting
23 Indians. The Institute shall adopt criteria and procedures
24 to guide the selection of research projects. Priority consid-
25 eration shall be given to policy initiatives proposed for con-

1 sideration by the executive or legislative branches of the
2 Federal Government. In conducting or commissioning re-
3 search and analysis on issues relating to the development
4 of public policy affecting Indians, the Institute shall en-
5 sure that such research shall consider all factors affecting
6 Indian policy including the impact of such policy upon
7 other Americans.

8 (b) DATA AND INFORMATION CLEARINGHOUSE.—
9 The Institute shall establish a data base to make acces-
10 sible information and data maintained by Government
11 agencies, academic institutions, and Indian and other or-
12 ganizations, and shall develop computer and telecommuni-
13 cation networks to make such information recoverable by
14 policymakers and the public. Where it is determined that
15 developing a new and specific data base is required, the
16 Institute shall undertake to meet such need.

17 (c) FORUMS AND SYMPOSIA.—The Institute shall
18 conduct periodic public forums to identify and explore
19 emerging Indian policy issues and to identify needs for
20 data, information, or analyses, and shall conduct
21 symposia, when appropriate, to clarify options for policy-
22 makers and to advance an understanding of complex and
23 interrelated public policy issues as they affect Indian peo-
24 ple and the formulation of Indian policy.

1 (d) PUBLIC INFORMATION.—(1) The Institute shall
2 publish and make available to the executive and legislative
3 branches of the Federal Government, tribal governments,
4 tribal colleges, and the public, the products of its research
5 and reports of other activities by disseminating informa-
6 tion about such research and reports as deemed appro-
7 priate by the Board.

8 (2) Nothing in paragraph (1) or any other provision
9 of this Act shall be construed as prohibiting any Indian
10 tribal government from imposing any condition, limitation,
11 or other restriction on the use or dissemination of any in-
12 formation or other data made available by such tribal gov-
13 ernment to the Institute under this Act.

14 **SEC. 6. GENERAL POWERS OF INSTITUTE.**

15 (a) POWERS OF INSTITUTE.—In carrying out the
16 provisions of this Act, the Institute shall have the power,
17 consistent with the provisions of this Act—

18 (1) to adopt, use and alter a corporate seal;

19 (2) to make, subject to the availability of funds,
20 agreements and contracts with persons, Indian tribal
21 governments, tribal organizations, and private or
22 governmental entities, and to make payments or ad-
23 vance payments under such agreements or contracts
24 without regard to the provisions of section 3324 of
25 title 31, United States Code;

1 (3) to sue and be sued in its corporate name
2 and to complain and defend in any court of com-
3 petent jurisdiction;

4 (4) to represent itself, or to contract for rep-
5 resentation, in all judicial, legal, and other proceed-
6 ings;

7 (5) with the approval of the Federal agency
8 concerned and on a reimbursable basis, to make use
9 of services, facilities, and property of any board,
10 commission, independent establishment, or executive
11 agency or department of the Federal Government in
12 carrying out the provisions of this Act, and to pay
13 for such use;

14 (6) to solicit, accept, and dispose of gifts, be-
15 quests, devises of money, securities, and other prop-
16 erties of whatever character, for the benefit of the
17 Institute;

18 (7) to receive grants from, and subject to the
19 availability of funds, enter into contracts and other
20 arrangements with Federal, State, tribal, or local
21 governments, public and private agencies, organiza-
22 tions, institutions, and individuals;

23 (8) to acquire, hold, maintain, use, operate, and
24 dispose of such real property, including improve-
25 ments thereon, personal property, equipment, and

1 other items, as may be necessary to enable the Insti-
2 tute to carry out the provisions of this Act;

3 (9) to obtain insurance or make other provi-
4 sions against losses;

5 (10) to use any funds or property received by
6 the Institute to carry out the purpose of this Act ex-
7 cept that any funds received by, or under the control
8 of the Institute that are not Federal funds shall be
9 accounted for separately from Federal funds; and

10 (11) to exercise all other lawful powers nec-
11 essarily or reasonably related to the establishment of
12 the Institute in order to carry out the provisions of
13 this Act and the exercise of the powers, purposes,
14 functions, duties, and authorized activities of the In-
15 stitute.

16 **SEC. 7. BOARD OF DIRECTORS.**

17 (a) COMPOSITION.—

18 (1) The Board of Directors of the Institute
19 shall consist of the following members:

20 (A) Seven individuals appointed within 12
21 months following the date of enactment of this
22 Act by the President pro tempore of the Senate
23 and 7 individuals appointed within the same pe-
24 riod by the Speaker of the House of Represent-
25 atives, who are representative of a broad range

1 of Indian policy expertise as evidenced by estab-
2 lished credentials in the different disciplines
3 which make up the diverse field of Indian pol-
4 icy, including degrees from recognized academic
5 institutions, leadership in public policymaking
6 positions, or affiliation with public and private
7 institutions which are known for their signifi-
8 cant contributions to the public interest. The
9 President pro tempore shall appoint from a list
10 of persons submitted by the chairman of the
11 Committee on Indian Affairs, and the Speaker
12 shall appoint from a list of persons submitted
13 by the chairman of the Committee on Natural
14 Resources of the House of Representatives.

15 (B) Two individuals appointed by the
16 president of George Washington University
17 within 12 months following the date of the en-
18 actment of this Act from among the faculty, of-
19 ficers, or employees of George Washington Uni-
20 versity. Members appointed pursuant to this
21 subparagraph shall serve at the pleasure of the
22 president.

23 (C) The president of George Washington
24 University, or his or her designee, and the Di-

1 rector of the Institute, both of whom shall serve
2 as ex officio voting members of the Board.

3 (2) In making appointments under subsection
4 (a)(1)(A), the appointing authorities shall—

5 (A) consult with Indian tribal governments
6 and tribal organizations;

7 (B) solicit nominations from Indian public
8 policy specialists, Indian tribal governments,
9 tribal colleges, other Indian organizations, aca-
10 demic institutions and public officials with In-
11 dian policy responsibilities; and

12 (C) ensure that a majority of appointments
13 are Indians who are broadly representative of
14 Indian country.

15 (b) INTERIM BOARD.—The Planning Committee, ap-
16 pointed by the president of George Washington University
17 to assist with the feasibility study for the establishment
18 of a National Center for Native American Studies and In-
19 dian Policy Development, as authorized by section 11 of
20 Public Law 101–301, and composed of those individuals
21 serving at the time of enactment of this Act, shall serve
22 as the interim Board until the appointments authorized
23 in subsection (a)(1) have been made. Their service shall
24 terminate on the date that all members authorized to be

1 appointed under subparagraphs (A) and (B) of paragraph
2 (1) of subsection (a) are appointed.

3 (c) TERMS OF OFFICE.—

4 (1) Except as otherwise provided in this section,
5 members of the Board of Directors appointed pursu-
6 ant to subsection (a)(1)(A) shall be appointed for
7 terms of office of 3 years.

8 (2) Of the members first appointed under sub-
9 section (a)(1)(A) of this section—

10 (A) 5 shall have a term of office of 12
11 months;

12 (B) 5 shall have a term of office of 24
13 months; and

14 (C) 4 shall have a term of office of 36
15 months.

16 (3) The term of office assigned to each of the
17 initial members of the Board as provided under
18 paragraph (2) shall be determined by the appointing
19 authorities at the time of appointment, except that
20 no member shall be eligible to serve in excess of 2
21 consecutive terms, but may continue to serve until
22 such member's successor is appointed.

23 (d) VACANCIES.—Any member of the Board ap-
24 pointed under subsection (a) of this section to fill a va-
25 cancy occurring before the expiration of the term to which

1 such member's predecessor was appointed shall be ap-
2 pointed for the remainder of such term.

3 (e) REMOVAL.—No member of the Board appointed
4 pursuant to subsection (a)(1)(A) of this section may be
5 removed during the term of office of such member except
6 for just and sufficient cause. However, absence from 3
7 consecutive meetings shall be considered just and suffi-
8 cient cause.

9 (f) POWERS OF BOARD.—The Board is authorized
10 to—

11 (1) formulate policy for the Institute and pro-
12 vide direction for its management, in consultation
13 with George Washington University; and

14 (2) make such bylaws and rules as it deems
15 necessary for the administration of its functions
16 under this Act, including the organization and oper-
17 ating procedures of the Board.

18 (g) OFFICERS AND EXECUTIVE COMMITTEE.—The
19 Board shall select from among its members an executive
20 committee to be comprised of a co-chair selected by the
21 Board to serve with a co-chair designated by George
22 Washington University, and a vice chair, secretary, treas-
23 urer, and one at-large member selected by the Board. In
24 accordance with the bylaws of the Board, such members
25 shall provide direction for the Board, and serve in lieu of

1 the Board on matters requiring Board action, subject to
2 review and action by the Board as the members of the
3 Board may deem appropriate.

4 (h) COMMITTEES.—The Board may establish such
5 committees, task forces, and working groups as it deems
6 appropriate and necessary.

7 (i) COMPENSATION.—Members of the Board ap-
8 pointed under subsection (a)(1)(A) shall, for each day they
9 are engaged in the performance of their duties, receive
10 compensation at the rate of \$125 per day, including travel
11 time. All members of the Board, while so serving away
12 from their homes or regular place of business, shall be
13 allowed travel expenses, including per diem in lieu of sub-
14 sistence.

15 **SEC. 8. RESOURCE ADVISORY COUNCIL.**

16 (a) RESOURCE ADVISORY COUNCIL.—There is estab-
17 lished the Resource Advisory Council to the National In-
18 dian Research Institute (hereafter referred to as the
19 “Council”) which shall provide assistance in the develop-
20 ment and operations of the Institute.

21 (b) COMPOSITION.—The membership of the Council
22 is as follows:

- 23 (1) Secretary of Health and Human Services;
- 24 (2) Secretary of Interior;
- 25 (3) Secretary of Education;

- 1 (4) Secretary, Smithsonian Institution;
- 2 (5) Secretary of Commerce;
- 3 (6) Secretary of Labor;
- 4 (7) Administrator of the Environmental Protec-
- 5 tion Agency;
- 6 (8) Director, National Academy of Sciences;
- 7 (9) Librarian of Congress;
- 8 (10) Director, Office of Technology Assessment
- 9 (11) Director, National Institutes of Health;
- 10 (12) Chairman, Committee on Indian Affairs,
- 11 United States Senate; and
- 12 (13) Chairman, Committee on Natural Re-
- 13 sources, United States House of Representatives.

14 (c) FUNCTIONS.—The Council, which is advisory only
15 and exercises no executive authority—

16 (1) shall make recommendations to the Board
17 of Directors regarding research procedures and or-
18 ganizational development;

19 (2) shall provide professional and technical as-
20 sistance upon request of the Board of Directors, in-
21 cluding staff support for the activities of the Coun-
22 cil;

23 (3) when biannual meetings are called by the
24 chairmen of the Senate Committee on Indian Affairs
25 and the Committee on Natural Resources of the

1 House of Representatives, shall attend such meet-
2 ings or shall designate an individual or individuals to
3 attend on behalf of the Council; and

4 (4) may make reports and recommendations to
5 the Board of Directors and to the Congress as they
6 may from time to time request, or as the Council
7 may consider necessary to more effectively accom-
8 plish the purposes of this Act.

9 **SEC. 9. OFFICERS AND EMPLOYEES.**

10 (a) DIRECTOR.—The Board of Directors, with the
11 concurrence of the president, shall appoint a Director of
12 the Institute. The Director may only be removed from of-
13 fice by the Board in accordance with the bylaws of the
14 Institute.

15 (b) RESPONSIBILITY OF DIRECTOR.—Subject to the
16 direction of the Board, and the general supervision of the
17 president, the Director shall have the responsibility for
18 carrying out the policies and functions of the Institute,
19 and shall have authority over all personnel and activities
20 of the Institute.

21 (c) EMPLOYEES.—The Director, with the approval of
22 the Board, shall have the authority to appoint and fix the
23 compensation and duties of such officers and employees
24 as may be necessary for the efficient administration of the
25 Institute.

1 (d) PREFERENCE.—In implementing this section, the
2 Board and the Director shall afford preference to Amer-
3 ican Indians.

4 **SEC. 10. NONPROFIT AND NONPOLITICAL NATURE OF IN-**
5 **STITUTE.**

6 (a) NOT AN ADVOCACY ORGANIZATION.—The Insti-
7 tute shall not engage in the advocacy of public policy alter-
8 natives, represent itself as the voice of tribal governments,
9 or take other actions that might be construed as interfer-
10 ing with or diminishing the government-to-government re-
11 lationship between tribal governments and the United
12 States.

13 (b) NO SUPPORT TO POLITICAL PARTIES.—The In-
14 stitute may not contribute to, or otherwise support, any
15 political party or candidate for elective public office.

16 (c) OTHER.—No part of the income or assets of the
17 Institute shall inure to the benefit of any director, officer,
18 employee, or any other individual, except as salary or rea-
19 sonable compensation for services.

20 **SEC. 11. TAX STATUS OF INSTITUTE.**

21 The Institute and the franchise, capital, reserves, in-
22 come and property of the Institute is exempt from all tax-
23 ation imposed by the United States, by any Indian tribal
24 government, or by any State or political subdivision there-
25 of, or the District of Columbia.

1 **SEC. 12. TRANSFER OF FUNCTIONS AND ADMINISTRATION**
2 **BY THE GEORGE WASHINGTON UNIVERSITY.**

3 (a) TRANSFER OF FUNCTIONS.—There are trans-
4 ferred to the Institute, and such Institute shall perform,
5 the functions set forth under section 11 of Public Law
6 101–301 relating to the National Center for Native Amer-
7 ican Studies and Indian Policy Development, and section
8 816(e) of the Native American Programs Act of 1974 (42
9 U.S.C. 2991 et seq.).

10 (b) GRANT.—Subject to an appropriation by the Con-
11 gress for this purpose, within 30 days following the date
12 of the enactment of this Act, the Secretary of Health and
13 Human Services shall award a grant to the George Wash-
14 ington University for all activities of the Institute and to
15 enable the University to provide such management, tech-
16 nical and support assistance to the Institute as may be
17 reasonable or necessary to operate the Institute, including
18 audit, accounting, computer services and building and
19 maintenance services. Subject to the availability of funds,
20 the grant shall be automatically renewable, at the option
21 of the University, on an annual basis until such time as
22 Congress may provide otherwise. No offsets or matching
23 requirements may be imposed.

24 **SEC. 13. RELATIONSHIP WITH TRIBAL COLLEGES.**

25 The Director of the Institute, pursuant to the direc-
26 tion of, and in consultation with, the Board of Directors,

1 is authorized to enter into contracts, memoranda of under-
2 standing and agreements with—

3 (1) tribally controlled community colleges as de-
4 fined by section 2(a)(4) of the Tribally Controlled
5 Community College Assistance Act of 1978; and

6 (2) the United Tribes Technical College, South-
7 west Indian Polytechnic Institute, Haskell Indian
8 Junior College, and Crownpoint Institute of Tech-
9 nology;

10 for the purpose of conducting research, developing issue
11 papers, or to assist the Institute in carrying out its respon-
12 sibilities under this Act.

13 **SEC. 14. REPORTS.**

14 (a) ANNUAL REPORT.—The Director of the Institute
15 shall submit an annual report to the chairman of the Sen-
16 ate Committee on Indian Affairs, the chairman of the
17 Committee on Natural Resources of the House of Rep-
18 resentatives, and to the Board concerning the activities
19 and status of the Institute during the 12-month period
20 preceding the date of the report. Such report shall include,
21 among other matters, a comprehensive summary of stud-
22 ies performed and activities carried out, a detailed state-
23 ment of private and public funds, gifts, and other items
24 of a monetary value received by the Institute during such
25 12-month period, and the disposition thereof, as well as

1 any recommendations for improving the Institute. Such
2 report shall also be provided to all tribal governments.

3 (b) BUDGET PROPOSAL.—(1) The Board shall sub-
4 mit a budget proposal for the Institute for fiscal year
5 1994, and each fiscal year thereafter, to the Secretary of
6 Health and Human Services. The Secretary of Health and
7 Human Services shall transmit such budget proposal, to-
8 gether with the budget proposal of the Department of
9 Health and Human Services, to the President of the
10 United States. The budget proposal of the Institute shall
11 be included in the annual budget of the President of the
12 United States.

13 (2) In determining the amount of funds to be appro-
14 priated for any fiscal year to the Institute on the basis
15 of the budget of the Institute for that fiscal year, the Con-
16 gress shall not consider the amount of private fundraising
17 or bequests made on behalf of the Institute during any
18 preceding fiscal year.

19 **SEC. 15. COMPLIANCE WITH FEDERAL LAWS.**

20 For the purpose of administering the Federal crimi-
21 nal laws relating to larceny, embezzlement, or conversion
22 of property or funds, the Institute shall be considered to
23 be a Federal entity and subject to such laws.

1 **SEC. 16. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated for fiscal
3 year 1994, \$1,000,000, and for fiscal years 1995 and
4 1996 such sums as may be necessary, to carry out the
5 provisions of this Act. Funds appropriated pursuant to the
6 authorizations under this section shall remain available
7 without fiscal year limitation.

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