

109TH CONGRESS
1ST SESSION

S. 474

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2005

Mr. SMITH introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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 2005”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

1 (1) Senator Mark O. Hatfield and Congress-
2 woman Elizabeth Furse served the United States
3 with distinction and honor;

4 (2) Senator Hatfield and Congresswoman Furse
5 have had a lasting impact on the relationship be-
6 tween the United States and Native Americans;

7 (3) Senator Hatfield and Congresswoman Furse
8 have been champions of the rights of Native Ameri-
9 cans and Alaska Natives and worked in Congress to
10 strengthen tribal self-governance; and

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

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) **BOARD.**—The term “Board” means the
19 Board of Trustees of the Foundation established
20 under section 4(b).

21 (2) **ELIGIBLE INDIVIDUAL.**—The term “eligible
22 individual” means a citizen or national of the United
23 States or a permanent resident alien of the United
24 States.

1 (3) FOUNDATION.—The term “Foundation”
2 means the Mark O. Hatfield-Elizabeth Furse Schol-
3 arship and Excellence in Tribal Governance Founda-
4 tion established by section 4(a).

5 (4) FUND.—The term “Fund” means the Mark
6 O. Hatfield-Elizabeth Furse Scholarship and Excel-
7 lence in Tribal Governance Fund established by sec-
8 tion 7.

9 (5) INSTITUTE.—The term “Institute” means
10 the Institute for Tribal Government at Portland
11 State University.

12 (6) INSTITUTION OF HIGHER EDUCATION.—The
13 term “institution of higher education” has the
14 meaning given the term in section 101(a) of the
15 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

16 (7) STATE.—The term “State” means—

17 (A) a State;

18 (B) the District of Columbia;

19 (C) American Samoa;

20 (D) the Commonwealth of the Northern
21 Mariana Islands;

22 (E) Guam;

23 (F) the Republic of the Marshall Islands;

24 (G) the Federal States of Micronesia;

25 (H) the Republic of Palau;

- 1 (I) the Commonwealth of Puerto Rico; and
 2 (J) the United States Virgin Islands.

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

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

11 (b) BOARD OF TRUSTEES.—

12 (1) IN GENERAL.—The Foundation shall be
 13 subject to the supervision and direction of a Board
 14 of Trustees.

15 (2) MEMBERSHIP.—The Board shall be com-
 16 prised of 12 trustees, of whom—

17 (A) 2 trustees shall be individuals ap-
 18 pointed by the President, by and with the ad-
 19 vice and consent of the Senate, after consid-
 20 ering recommendations of the Speaker of the
 21 House of Representatives, in consultation with
 22 the minority leader of the House of Representa-
 23 tives;

24 (B) 2 trustees shall be individuals ap-
 25 pointed by the President, by and with the ad-

1 vice and consent of the Senate, after consid-
2 ering recommendations of the President pro
3 tempore of the Senate, in consultation with the
4 majority and minority leaders of the Senate;

5 (C) 5 trustees, not more than 3 trustees of
6 whom shall be of the same political party, shall
7 be individuals appointed by the President, by
8 and with the advice and consent of the Senate,
9 who have demonstrated leadership and interest
10 in strengthening tribal self-governance, such as
11 tribal leaders involved in health and public pol-
12 icy development affecting Native American and
13 Alaska Native communities;

14 (D) 1 trustee shall be the Secretary of the
15 Interior;

16 (E) 1 trustee shall be the Secretary of
17 Education; and

18 (F) 1 trustee shall be the president of
19 Portland State University, who shall serve as a
20 nonvoting member and shall not be eligible to
21 serve as Chairperson.

22 (c) TERM.—

23 (1) IN GENERAL.—The term of a member of
24 the Board shall be 6 years, except that—

1 (A) in the case of the trustees first taking
2 office—

3 (i) as designated by the President, 1
4 trustee appointed under subsection
5 (b)(2)(B) and 2 trustees appointed under
6 subsection (b)(2)(C) shall serve 2 years;

7 (ii) as designated by the President, 1
8 trustee appointed under subsection
9 (b)(2)(A) and 2 trustees appointed under
10 subsection (b)(2)(C) shall serve 4 years;
11 and

12 (iii) as designated by the President, 1
13 trustee appointed under subsection
14 (b)(2)(A), 1 trustee appointed under sub-
15 section (b)(2)(B), and 1 trustee appointed
16 under subsection (b)(2)(C) shall serve 6
17 years; and

18 (B) a trustee appointed to fill a vacancy
19 shall—

20 (i) serve for the remainder of the term
21 for which the predecessor of the trustee
22 was appointed; and

23 (ii) be appointed in the same manner
24 as the original appointment for that va-
25 cancy was made.

1 (d) TRAVEL AND SUBSISTENCE PAY.—A trustee
 2 shall serve without pay, but shall be entitled to reimburse-
 3 ment for travel, subsistence, and other necessary expenses
 4 incurred in the performance of the duties of a member
 5 of the Board.

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

8 (f) EXECUTIVE DIRECTOR.—

9 (1) IN GENERAL.—There shall be an Executive
 10 Director of the Foundation, who shall be appointed
 11 by the Board.

12 (2) DUTIES.—The Executive Director—

13 (A) shall be the chief executive officer of
 14 the Foundation; and

15 (B) shall carry out the functions of the
 16 Foundation, subject to the supervision and di-
 17 rection of the Board, and such other functions
 18 consistent with this Act as the Board shall pre-
 19 scribe.

20 (3) COMPENSATION.—The Executive Director
 21 shall be compensated at the rate specified for an em-
 22 ployee in level IV of the Executive Schedule under
 23 section 5315 of title 5, United States Code.

24 **SEC. 5. PURPOSES.**

25 The purposes of the Foundation shall be—

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 people in the United States
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;

10 (4) to establish a program for tribal governance
11 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.—The Foundation, in consultation
16 with the Institute, may identify and conduct such pro-
17 grams, activities, and services as the Foundation considers
18 appropriate to carry out the purposes of the Foundation.

19 (b) PROGRAMS, ACTIVITIES, AND SERVICES.—The
20 Foundation may, in accordance with this section—

21 (1) award scholarships, fellowships, internships,
22 and grants; and

23 (2) provide grants to the Institute to carry out
24 and manage other programs, activities, and services.

1 (c) NATIONAL COMPETITION.—The Foundation may
2 provide, directly or by contract, for the conduct of national
3 competition for the purpose of selecting recipients of schol-
4 arships, fellowships, internships, and grants awarded
5 under this Act.

6 (d) AWARD OF SCHOLARSHIPS, FELLOWSHIPS, IN-
7 TERNSHIPS, AND GRANTS.—

8 (1) IN GENERAL.—The Foundation may award
9 scholarships, fellowships, internships, and grants to
10 eligible individuals who meet the minimum criteria
11 established by the Foundation, for study in fields re-
12 lating to tribal governance.

13 (2) ELIZABETH FURSE SCHOLARS.—Recipients
14 of scholarships, fellowships, internships, and grants
15 under this Act shall be known as “Elizabeth Furse
16 Scholars”.

17 (e) SCHOLARSHIPS.—

18 (1) IN GENERAL.—The Foundation may award
19 scholarships to outstanding—

20 (A) undergraduate students who intend to
21 pursue careers relating to tribal governance;
22 and

23 (B) Native American and Alaska Native
24 undergraduate students who intend to pursue
25 careers in tribal public policy.

1 (2) PAYMENTS.—An eligible individual awarded
2 a scholarship under this Act may receive payments
3 under this Act only during such periods as the
4 Foundation determines that the eligible individual—

5 (A) is maintaining satisfactory proficiency
6 and devoting full time to study or research; and

7 (B) is not engaging in gainful employment
8 other than employment approved by the Foun-
9 dation under regulations of the Board.

10 (3) REPORTS.—

11 (A) IN GENERAL.—The Foundation may
12 require reports containing such information, in
13 such form, and to be filed at such times as the
14 Foundation determines to be necessary from
15 any eligible individual awarded a scholarship
16 under this Act.

17 (B) CERTIFICATE.—Except as otherwise
18 provided under this subsection, a report under
19 subparagraph (A) shall be accompanied by a
20 certificate from an appropriate official at the
21 institution of higher education, approved by the
22 Foundation, stating that the individual is mak-
23 ing satisfactory progress in, and is devoting es-
24 sentially full time to, study or research.

1 (f) FELLOWSHIPS.—The Foundation may award fel-
2 lowships to—

3 (1) outstanding graduate students who intend
4 to pursue advanced degrees in fields relating to trib-
5 al governance;

6 (2) outstanding Native American and Alaska
7 Native graduate students who intend to pursue ad-
8 vanced degrees in tribal public policy, law, or medi-
9 cine; and

10 (3) faculty from a variety of disciplines to bring
11 the expertise of the faculty to the Foundation.

12 (g) INTERNSHIPS.—The Foundation may award in-
13 ternships to deserving and qualified—

14 (1) individuals, for use in participating in in-
15 ternships in Federal, State, and local agencies or in
16 offices of major tribal governance organizations; and

17 (2) Native American and Alaska Native individ-
18 uals, for use in participating in internships in Fed-
19 eral, State, and local agencies or in offices of major
20 public health or public policy organizations.

21 (h) GRANTS.—The Foundation shall award grants to
22 the Institute—

23 (1) to provide for an annual panel of experts to
24 discuss contemporary tribal governance issues;

25 (2) to conduct tribal governance policy research;

1 (3) to conduct research on Native American
2 and Alaska Native tribal public policy issues; and

3 (4) to invite visiting policymakers to share prac-
4 tical experiences with the Foundation.

5 (i) COORDINATION.—The Foundation shall assist in
6 the development and implementation of a program for
7 tribal governance research to be located at the Institute.

8 (j) PROGRAM PRIORITIES.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 the Foundation shall determine—

11 (A) the priority of the programs to be car-
12 ried out under this Act; and

13 (B) the amount of funds to be allocated for
14 the programs.

15 (2) REQUIREMENTS.—Of amounts made avail-
16 able to carry out this section—

17 (A) not less than 50 percent shall be used
18 for the programs described in subsections (e),
19 (f), and (g);

20 (B) not less than 20 percent shall be made
21 available to the Institute to carry out sub-
22 sections (h) and (i), on the conditions that—

23 (i) a 25-percent matching share is
24 provided from other non-Federal sources;
25 and

1 (ii) adequate space at the Institute is
 2 made available by the Institute for the Ex-
 3 ecutive Director and other appropriate
 4 staff of the Foundation; and

5 (C) not more than 15 percent shall be used
 6 for salaries and other administrative purposes.

7 **SEC. 7. ESTABLISHMENT OF MARK O. HATFIELD-ELIZA-**
 8 **BETH FURSE SCHOLARSHIP AND EXCEL-**
 9 **LENCE IN TRIBAL GOVERNANCE TRUST**
 10 **FUND.**

11 (a) ESTABLISHMENT OF FUND.—There is estab-
 12 lished in the Treasury of the United States a trust fund
 13 to be known as the “Mark O. Hatfield-Elizabeth Furse
 14 Scholarship and Excellence in Tribal Governance Trust
 15 Fund”, to be administered by the Foundation, consisting
 16 of amounts appropriated to the fund under section 10.

17 (b) INVESTMENT OF FUND ASSETS.—

18 (1) IN GENERAL.—The Secretary of the Treas-
 19 ury shall invest in full, at the direction of the Board,
 20 the amounts appropriated to the Fund.

21 (2) ELIGIBLE INVESTMENTS.—The investments
 22 shall be in public debt securities with maturities
 23 suitable for the needs of the Fund.

24 (3) INTEREST.—Investments in public debt se-
 25 curities shall bear interest at rates determined by

1 the Secretary of the Treasury, taking into consider-
2 ation the current average market yield on out-
3 standing marketable obligations of the United States
4 of comparable maturity.

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

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

10 (b) AUDIT BY GOVERNMENT ACCOUNTABILITY OF-
11 FICE.—

12 (1) IN GENERAL.—The activities of the Foun-
13 dation and the Institute under this Act may be au-
14 dited by the Government Accountability Office under
15 such regulations as may be promulgated by the
16 Comptroller General of the United States.

17 (2) ACCESS.—Representatives of the Govern-
18 ment Accountability Office shall have access to all
19 books, accounts, records, reports filed and all other
20 papers, things, or property belonging to or in use by
21 the Foundation and the Institute that pertain to fed-
22 erally-assisted activities and are necessary to facili-
23 tate the audit.

24 **SEC. 9. ADMINISTRATIVE PROVISIONS.**

25 To carry out this Act, the Foundation may—

1 (1) appoint, and fix the compensation of, such
2 personnel as are necessary to carry out this Act, ex-
3 cept that in no case shall an employee other than
4 the Executive Director be compensated at a rate
5 that exceeds the maximum rate for employees in
6 grade GS-15 of the General Schedule under section
7 5332 of title 5, United States Code;

8 (2) procure or fund the Institute to procure
9 temporary and intermittent services of such experts
10 and consultants as are necessary to the extent au-
11 thorized by section 3109 of title 5, United States
12 Code, but at rates not to exceed the rate specified
13 at the time of such service for level IV of the Execu-
14 tive Schedule under section 5315 of title 5, United
15 States Code;

16 (3) promulgate such regulations as the Founda-
17 tion considers to be necessary governing the manner
18 in which the functions of the Foundation shall be
19 carried out;

20 (4) accept, hold, administer, and use gifts, both
21 real and personal, for the purpose of aiding or facili-
22 tating the work of the Foundation;

23 (5) accept and use the services of voluntary and
24 noncompensated personnel and reimburse such per-
25 sonnel for travel expenses, including per diem ex-

1 penses, as authorized by section 5703 of title 5,
2 United States Code;

3 (6) enter into contracts, grants, or other ar-
4 rangements or modifications of contracts, grants, or
5 arrangements to carry out this Act, which contracts,
6 grants, arrangements, and modifications may, with
7 the concurrence of at least $\frac{2}{3}$ of the members of the
8 Board, be entered into without performance bond or
9 other bond, and without regard to section 3709 of
10 the Revised Statutes (41 U.S.C. 5); and

11 (7) make other necessary expenditures.

12 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated to the Fund
14 \$50,000,000.

○