

PROVIDING FOR CONTINUITY IN THE BOARD OF TRUSTEES  
OF THE INSTITUTE FOR AMERICAN INDIAN AND ALASKA  
NATIVE CULTURE AND ARTS DEVELOPMENT

---

MARCH 28, 1996.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

---

Mr. GOODLING, from the Committee on Economic and Educational  
Opportunities, submitted the following

REPORT

[To accompany H.R. 3049]

[Including cost estimate of the Congressional Budget Office]

The Committee on Economic and Educational Opportunities, to whom was referred the bill (H.R. 3049) to amend section 1505 of the Higher Education Act of 1965 to provide for the continuity of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF LEGISLATION

The purpose of this Act is to amend section 1505 of the Higher Education Amendments of 1986 to provide for the continuity of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development.

LEGISLATIVE ACTION

H.R. 3049 was introduced by Mr. Goodling on March 7, 1996. On March 14, 1996, the Committee on Economic and Educational Opportunities assembled to consider H.R. 3049. The Committee adopted the bill on a voice vote.

BACKGROUND AND NEED FOR LEGISLATION/COMMITTEE VIEWS

The Institute for American Indian Arts (the Institute) is a federally created institution of higher education, authorized under Title

XV of the Higher Education Amendments of 1986. Its primary purposes are to provide scholarly study of and instruction in Indian arts and culture and to establish programs which culminate in the awarding of degrees in the various fields of Indian art and culture. Policy for the Institute is set by a board of trustees (the Board) made up of 13 voting members, appointed by the President with the advice and consent of the Senate, and 6 non-voting members, including Members of Congress.

Unfortunately, the board appointment process has proven to be overly cumbersome and the appointment of voting members to the Board has not historically been made in a timely manner. This has led to a situation where board members feel compelled to serve additional terms in order to maintain a quorum for the purposes of doing business, and has threatened the continuity of the Board. H.R. 3049 is needed to correct this problem.

This legislation makes a simple correction to Section 1505 of the Higher Education Amendments of 1986 to allow the Board to recommend successors for Board members whose terms are expiring and who do not wish to serve additional terms. The President would have the prerogative to act on these recommendations, or to appoint another qualified individual of his choosing subject to confirmation by the Senate.

However, should the President fail to act within two months of the expiration of the sitting member's term, and should that member not wish to serve an additional term, then the individual recommended for appointment by the Board would be automatically seated.

This legislation makes a simple, commonsense correction to the Institute's board appointment process. It was requested of the Committee by the Interim President of the Institute, who is concerned that without this change the Board may not be able to maintain a quorum and the Institute and its students might suffer.

In reporting this legislation, the Committee is pleased to make a small contribution to the effort to make the federal government more responsive and less burdensome for those it is intended to serve. For the Institute, this small step will make a real difference as it prepares the next generation for preserving an important part of our heritage.

#### SUMMARY

H.R. 3049 amends Section 1505 (i) of the Higher Education Amendments of 1986 to allow the Board of Trustees (the Board) of the Institute of American Indian Arts to recommend to the President replacements to fill vacancies on the Board when a member's term expires. Under H.R. 3049, should the President fail to appoint new members to the Board in a timely manner, and should a member whose term is expiring refuse reappointment, the person recommended by the Board would automatically be deemed seated on the Board.

#### SECTION-BY-SECTION

Section 1 (1) amends Section 1505 (i) (1) of the Higher Education Amendments of 1986 to allow the Board of Trustees (the Board) to

make recommendations for appointments to the Board to fill expiring terms in the event that a member whose term is expiring declines reappointment.

Section 1 (2) amends Section 1505 (i) (2) of the Higher Education Amendments of 1986 such that, if the President fails to act on a nomination within 60 days from the date the member's term expires, and if the member refuses reappointment, the individual recommended for appointment by the Board under Paragraph (1) is automatically deemed to have been appointed to a full term with all the appropriate rights and responsibilities.

#### OVERSIGHT FINDINGS OF THE COMMITTEE

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

#### INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment into law of H.R. 3049 will have no significant inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the federal budget is negligible.

#### GOVERNMENT REFORM AND OVERSIGHT

With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3049.

#### COMMITTEE ESTIMATE

Clause 7 of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 3049. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

#### APPLICATION OF LAW TO LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104-1 requires a description of the application of this bill to the legislative branch. This bill provides for the continuity of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development. The bill does not prohibit legislative branch employees from otherwise being eligible to serve on the Board.

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act requires a statement of whether the provisions of the reported bill include unfunded mandates; the bill provides for the continuity of the Board and as such does not contain any unfunded mandates. The Committee also received a letter regarding unfunded mandates from the Director of the Congressional Budget Office. See *infra*.

## BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 2(l)(3)(B) of rule XI of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 2(l)(3)(C) of rule XI of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3049 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, March 22, 1996.*

Hon. WILLIAM F. GOODLING,  
*Chairman, Committee on Economic and Educational Opportunities,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has reviewed H.R. 3049, a bill to provide for the continuity of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development, as ordered reported by the Committee on Economic and Educational Opportunities on March 14, 1996. H.R. 3049 would alter the current process for filling vacancies on the Board of Trustees at the federally-chartered and federally-funded Institute of American Indian and Alaska Native Culture and Arts Development.

CBO estimates that enactment of H.R. 3049 would have no effect on the federal budget. Because enactment of H.R. 3049 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The bill contains no intergovernmental mandates as defined in P.L. 104-4 and would have no direct impact on the budgets of state, local, or tribal governments. Furthermore, this bill would not impose an unfunded mandate on the private sector.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Kalcevic.

Sincerely,

JAMES L. BLUM  
(For June E. O'Neill, Director).

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted

is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**SECTION 1505 OF THE HIGHER EDUCATION AMENDMENTS OF 1986**

**SEC. 1505. BOARD OF TRUSTEES.**

(a) \* \* \*

\* \* \* \* \*

(i) APPOINTMENT EXCEPTION FOR CONTINUITY.—

(1) In order to maintain the stability and continuity of the Board, the Board shall have the power to recommend the continuation of members on the Board pursuant to the provisions of this subsection *or to recommend another individual if the member does not consent to be reappointed.* When the Board makes such a recommendation, the Chairman of the Board shall transmit the recommendation to the President no later than 75 days prior to the expiration of the term of the member.

[(2) If the President has not transmitted to the Senate a nomination to fill the position of a member covered by such a recommendation within 60 days from the date that the member's term expires, the member shall be deemed to have been reappointed for another full term to the Board, with all the appropriate rights and responsibilities.]

*(2) If the President has not transmitted to the Senate a nomination to fill the position of a member covered by such a recommendation within 60 days from the date that the member's term expires—*

*(A) if the member consents to reappointment, the member shall be deemed to have been reappointed for another full term to the Board, with all the appropriate rights and responsibilities; or*

*(B) if the member does not consent to reappointment, an individual recommended by the Board under paragraph (1) shall be deemed to have been appointed for a full term to the Board with all the appropriate rights and responsibilities.*

\* \* \* \* \*