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(Original Signature of Member)

113TH CONGRESS
2D SESSION

H. R.

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

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

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 amend-
5 ed 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 Interior, acting through
10 the Assistant Secretary of Indian Affairs and in conjunc-
11 tion with the Director of the Bureau of Indian Education,
12 shall establish a program to enter into contracts with eligi-
13 ble entities that have or serve Indian students to provide
14 educational benefits to such Indian students.

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

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

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

24 “(B) selected courses related to the aca-
25 demic and professional disciplines of science,
26 technology, engineering, and mathematics;

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

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

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

10 “(3) the purchase of equipment to facilitate
11 training for professional trade skills and intensified
12 college preparation programs.

13 “(c) FUNDING.—The Secretary shall transfer to the
14 Bureau of Indian Education the funds necessary to carry
15 out this section.

16 “(d) COMPUTATION OF AWARDS.—

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

23 “(A) determine the number of Indian stu-
24 dents who were in average daily attendance in
25 the schools of the public school districts served

1 by the eligible entity, and for whom such school
2 districts provided free public education during
3 the preceding school year; and

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

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

16 “(e) DATA USE.—

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

23 “(2) TRIBAL ORGANIZATION.—In the case of a
24 tribal organization that has been established by the
25 Bureau of Indian Affairs on or after October 1,

1 2012, such tribal organization, shall, for the first
2 year of operation of such organization, be based on
3 data for the public school districts served by the or-
4 ganization for the fiscal year for which the organiza-
5 tion is applying for a contract under subsection (a).

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

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

20 “(h) ANNUAL REPORT.—The Secretary shall include
21 in the Department of Interior fiscal year annual budget
22 request to Congress an annual assessment of the program
23 established under this section.

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary for the
3 carrying out this section such sums as may be necessary.

4 “(j) DEFINITIONS.—

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

7 “(A) tribal organization;

8 “(B) Indian Corporation;

9 “(C) public school district;

10 “(D) State; or

11 “(E) a consortium of tribal organizations.

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

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

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

20 “(B) is between the ages 3 and grade 12,
21 and—

22 “(i) resides on or near an Indian res-
23 ervation;

24 “(ii) is an enrolled member, or at
25 least one-fourth or more degree of Indian

1 blood descendant, of a member of a feder-
2 ally recognized Indian tribal government
3 eligible for service by the Bureau of Indian
4 Affairs; or

5 “(iii) is an Alaska Native.

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

8 “(A) serves public elementary schools or
9 public secondary schools; and

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

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

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

24 “(7) TRIBAL ORGANIZATION.—The term ‘Tribal
25 organization’ means any tribe, band, or community

1 of Indians which is subject to the laws of the United
2 States relating to Indian affairs or any corporation,
3 association, or group which is organized under any
4 of such laws including Indian Education Consor-
5 tiums and Tribal Colleges and Universities.”.