AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

108TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPT. 108–510
Part 1

AMENDING THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT TO REDESIGNATE THE AMERICAN INDIAN EDUCATION FOUNDATION AS THE NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION

MAY 20, 2004.—Ordered to be printed

Mr. POMBO, from the Committee on Resources, submitted the following

R E P O R T

[To accompany H.R. 3504]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3504) to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3504 is to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education.

BACKGROUND AND NEED FOR LEGISLATION

The Omnibus Indian Advancement Act (Public Law 106–568) directed the Secretary of the Interior to establish a charitable, non-profit foundation called the "American Indian Education Foundation." The goal of this foundation is to further the educational opportunities of American Indians who attend a Bureau of Indian Affairs-funded school.

It was subsequently discovered that the name "American Indian Education Foundation" is already used by an existing non-profit, which holds a trademark to the name. The name of the entity established by Public Law 106–568 must therefore be changed by an Act of Congress because it cannot incorporate under its statutorily given name.

This bill re-designates the entity established under Public Law 106–568 as "The National Fund for Excellence in American Indian Education." According to a memorandum prepared by the Principle Deputy Assistant Secretary of the Interior for Indian Affairs dated October 8, 2003, there is no other entity that has registered a trademark to "The National Fund for Excellence in American Indian Education."

COMMITTEE ACTION

H.R. 3504 was introduced on November 17, 2003, by Congressman Rick Renzi (R–AZ). The bill was referred primarily to the Committee on Education and the Workforce and additionally to the Committee on Resources. On May 5, 2004, the Full Resources Committee met to consider the bill. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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 this bill. However, clause 3(d)(3)(B) 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 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 17, 2004.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3504, a bill to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education.

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

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 3504—A bill to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education

H.R. 3504 would amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education. The bill would change the name of the foundation created by that act because it was determined that the name of the foundation had already been copyrighted for another foundation. Because the name of the foundation was specified in the law, a name change would require the new legislation.

CBO estimates that implementing H.R. 3504 would have no effect on the federal budget. H.R. 3504 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Paul Cullinan. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) 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):

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

* * * * * * *

[TITLE V—AMERICAN INDIAN EDUCATION FOUNDATION

[SEC. 501. AMERICAN INDIAN EDUCATION FOUNDATION.]

TITLE V—NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION

SEC. 501. NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this title, the Secretary of the Interior shall establish, under the laws of the District of Columbia and in accordance with this title, [the American Indian Education Foundation] *a foundation to be known as the "National Fund for Excellence in American Indian Education" (hereinafter referred to as the "Foundation")*.

* * * * * * *

○