

Presidential Documents

Executive Order 13021 of October 19, 1996

Tribal Colleges and Universities

By the authority vested in me as President by the Constitution and laws of the United States of America, in reaffirmation of the special relationship of the Federal Government to American Indians and Alaska Natives, and, for the purposes of helping to: (a) ensure that tribal colleges and universities are more fully recognized as accredited institutions, have access to the opportunities afforded other institutions, and have Federal resources committed to them on a continuing basis; (b) establish a mechanism that will increase accessibility of Federal resources for tribal colleges and universities in tribal communities; (c) promote access to high-quality educational opportunity for economically disadvantaged students; (d) promote the preservation and the revitalization of American Indian and Alaska Native languages and cultural traditions; (e) explore innovative approaches to better link tribal colleges with early childhood, elementary, and secondary education programs; and (f) support the National Education Goals (20 U.S.C. 5812), it is hereby ordered as follows:

Section 1. Definition of Tribal Colleges and Universities. Tribal colleges and universities ("tribal colleges") are those institutions cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled Community College Assistance Act of 1978, (25 U.S.C. 1801 et seq.), and Navajo Community College, authorized in the Navajo Community College Assistance Act of 1978, Public Law 95-471, title II (25 U.S.C. 640a note).

Sec. 2. Board of Advisors. (a) *Establishment.* There shall be established in the Department of Education a Presidential advisory committee entitled the President's Board of Advisors on Tribal Colleges and Universities ("Board"). Notwithstanding the provisions of any other Executive order, the responsibilities of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App.), with respect to the Board, shall be performed by the Secretary of Education ("Secretary"), in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) *Composition.* The Board shall consist of not more than 15 Members who shall be appointed by the President. The Board shall include representatives of tribal colleges. The Board may also include representatives of the higher, early childhood, elementary, and secondary education communities; tribal officials; health, business, and financial institutions; private foundations; and such other persons as the President deems appropriate. Members of the Board will serve terms of 2 years and may be reappointed to additional terms. A Member may continue to serve until his or her successor is appointed. In the event a Member fails to serve a full term, an individual appointed to replace that Member will serve the remainder of that term. All terms will expire upon the termination of the Board.

(c) *Role of Board.* The Board shall provide advice regarding the progress made by Federal agencies toward fulfilling the purposes and objectives of this order. The Board shall also provide recommendations to the President and the Secretary at least annually on ways tribal colleges can:

(1) utilize long-term development, endowment building, and master planning to strengthen institutional viability;

① agency early stage
② report to a federal committee
③ accomplish with Tribal College
Summit 6.11.11
College 11/2/19

(C) the transfer of excess and surplus Federal computer equipment under Executive Order 12999.

In developing the Five-Year Plans required by this order, agencies shall strive to include tribal colleges in all aspects and activities related to the attainment of the participation goals described in Executive Order 12928. "Promoting Procurement with Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals, Historically Black Colleges and Universities, and Minority Institutions." The Plans may also emphasize access to high-quality educational opportunity for economically disadvantaged Indian students; the preservation and revitalization of American Indian and Alaska Native languages and cultural traditions; innovative approaches to better link tribal colleges with early childhood, elementary, and secondary education programs; and the National Education Goals.

(b) *Submission.* Each agency shall submit its Five-Year Plan to the White House Initiative Office. In consultation with the Board, the White House Initiative Office shall then review these Five-Year Plans and develop an integrated Five-Year Plan for Assistance to Tribal Colleges, which the Secretary shall review and submit to the President. The Five-Year Plan for Assistance to Tribal Colleges may be revised within the 5-year period.

(c) *Annual Performance Reports.* Each agency shall submit to the White House Initiative Office an Annual Performance Report that shall measure each agency's performance against the objectives set forth in its Five-Year Plan. In consultation with the Board, the White House Initiative Office shall review and combine Annual Performance Reports into one annual report, which shall be submitted to the Secretary for review, in consultation with the Office of Management and Budget.

Sec. 6. Private Sector. In cooperation with the Board, the White House Initiative Office shall encourage the private sector to assist tribal colleges through increased use of such strategies as: (a) matching funds to support increased endowments;

(b) developing expertise and more effective ways to manage finance, improve information systems, build facilities, and improve course offerings; and

(c) increasing resources for and training of faculty.

Sec. 7. Termination. The Board shall terminate 2 years after the date of this Executive order unless the Board is renewed by the President prior to the end of that 2-year period.

Sec. 8. Administration. (a) *Compensation.* Members of the Board shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701-5707).

(b) *Funding.* The Board and the Initiative shall be funded by the Department of Education.

(c) *Administrative Support.* The Department of Education shall provide appropriate administrative services and staff support for the Board and the Initiative. With the consent of the Department of Education, other agencies participating in the Initiative shall provide administrative support to the White House Initiative Office consistent with statutory authority and shall make use of section 112 of title 3, United States Code, to detail agency employees to the extent permitted by law. The Board and the White House

To: Mary Smith, DPC

From: Carrie Billy, Executive Director
White House Initiative on Tribal Colleges and Universities

Date: September 2, 1998

Re: Update on Implementation of Executive Order 13021 on Tribal
Colleges and Universities

a

As we discussed on Monday, I have prepared a brief update on the implementation of Executive Order 13021. This is not a comprehensive update on the activities of each of the 30 or so participating agencies; rather, I have selected a few of my activities and a few agencies to highlight.

Background:

Executive Order on Tribal Colleges and Universities: President Clinton signed Executive Order 13021 on Tribal Colleges and Universities on October 19, 1996. Briefly, the Order has three purposes:

Resources: federal agencies will develop 5-year plans for integrating this nation's 30 tribal colleges into their programs and targeting new and existing federal resources to the colleges through the expansion of existing programs and the creation of new programs.

Advocacy: the Office of the White House Initiative on Tribal Colleges and Universities will be an advocate for the tribal colleges within the federal government, an advocate for the federal government to the tribal colleges, and the coordinator of implementation of the Executive Order.

Partnerships: the President's Advisory Board on Tribal Colleges will be a catalyst for new partnership creation: public-private (industries, federal agencies, and tribal colleges); inter-departmental; and inter-educational (tribal colleges, elementary-secondary, and early childhood).

Update on Advisory Board:

A key element of Executive Order 13021 is the 15-member Presidential Advisory Board on Tribal Colleges and Universities, which will make annual recommendations and monitor agency implementation of the Order. The board has not been appointed, but in August 1998, the Office of Presidential Personnel took a major step forward in this effort: it submitted a memo to the President recommending the appointment of the following 15 individuals:

Tribal College Presidents (6)

Dr. Gerald (Carty) Monette, President
Turtle Mountain Community College, North Dakota
Dr. Janine Pease-Pretty On Top, President
Little Big Horn College, Montana
Dr. Lionel Bordeaux, President
Sinte Gleska University, South Dakota (also member of Rosebud Tribal Council)
Dr. Joe McDonald, President
Salish Kootenai College, Montana
Dr. Tommy Lewis, President
Diné College, Arizona and New Mexico

Foundations (3)
Karl Stauber, President

Education (2)
Joe Martin

Northwest Area Foundation
Valerie Johnson
W.K.Kellogg Foundation
Allison Burnstein
Ford Foundation

Northern Arizona University
Tom Colonnese
University of Washington

Public Officials (2)
The Honorable Pat Williams, retired
U.S. House of Representatives
Debra Norris, Member
State of Arizona House

General Public (2)
Phil Jackson, retired
Chicago Bulls
Richard Trudell, Exec. Director
A.I.L.T.P.

Update on Office of the White House Initiative on Tribal Colleges:

(A) Staffing of White House Initiative Office:

Carrie Billy appointed director of office in mid-February 1998. The office is housed in the Department of Education's Office of Adult and Vocational Education.

Eventually, the office will have a staff of at least 4. Job announcements have been issued for the three remaining positions, but because these are career status positions, the hiring process is cumbersome and lengthy. As a result, the initiative continues to be a "one-woman show."

Activities of Office: Highlights include:

(1) Congress:

Legislation: As part of the reauthorization of the Higher Education Act, I worked closely with staff and members of the relevant House and Senate committees to ensure inclusion of a section for Tribal Colleges within Title III of the Act. I have undertaken similar work with the House and Senate agriculture staff to ensure that amendments to the 1994 land-grant legislation were included in legislation to reauthorize agriculture research programs and to ensure that Tribal Colleges are eligible to compete in new agriculture research programs. In addition, I worked with the Senate Labor Committee on amendments to Title II of the Tribally Controlled Community College Assistance Act, the 1994 land-grant legislation, national tobacco legislation, and other legislation impacting the tribal colleges.

Briefings: To facilitate necessary statutory changes (such as amendments to the Higher Education Act), I organized and am co-hosting a series of Congressional briefings on tribal colleges and American Indian education issues. Future briefings and policy forums, which will involve both Congressional and executive branch staff, are planned for the 106th Congress. In addition, I am working with Senate and House staff to establish formal task forces on Indian education.

Outline of EO Implementation Plan: Under the Executive Order, all departments and agencies are required to prepare 5-year plans for integrating the tribal colleges into their programs. In addition, they must develop and maintain comprehensive inventories of resources committed to the tribal colleges. My office, with the assistance of the Inter-departmental Committee on Tribal Colleges and Universities, will develop a coordinated and comprehensive federal 5-year plan based on the 32 or so individual plans. I also will assist the President's Advisory Board in preparing and submitting annual reports to the President on the Executive Order's implementation. To accomplish these tasks and to ensure maximum coordination at all levels, I have developed the following 5-point plan outline:

(A) Major Themes: Based on the goals articulated in the Executive Order, the initiative will focus on six major theme areas:

Technology: Develop and implement a comprehensive public-private plan to achieve 21st century state of the art technological capacity (Internet II access and information technology) at each tribal colleges and improve the technological skills of American Indian students to ensure maximum participation in the 21st century

higher education system and workforce.

Science and Math: Develop and implement a comprehensive public-private plan to increase the number of qualified math and science instructors at tribal colleges; ensure high quality math and science courses and curriculum at tribal colleges; and increase to 100 percent the number of American Indian middle school, high school, and college students who graduate proficient in math and the sciences.

Economic Development: Develop and implement a comprehensive public-private plan to help tribal colleges build the infrastructure they need to improve the economies of their reservations; develop community awareness of the benefits of economic self-sufficiency; encourage entrepreneurship, and provide American Indian students with the skills they need to become productive members of the 21st century workforce.

Education, Language and Culture: Develop and implement a comprehensive public-private plan to build an American Indian teacher workforce; help tribal colleges fulfill their missions of providing high quality higher education opportunities to all of their communities; ensure equitable participation of tribal colleges in federal education programs and research opportunities; and help tribal colleges preserve and promote their native languages and culture and build linkages throughout a lifelong education system.

Community Development: Develop and implement a comprehensive public-private plan to help tribal colleges address the social and cultural challenges facing their reservations communities, including problems of transportation infrastructure, violence, drug abuse, law enforcement, housing, and youth self-esteem and development.

Health: Develop and implement a comprehensive public-private plan to help tribal colleges improve the wellness of their communities and educate and train more American Indian health professionals.

These six theme areas should guide this office, the tribal colleges and the federal agencies as we work together to implement the Executive Order. Our unified missions should be centered on these theme areas, and any new program develop should focus on one or more of the theme areas. Using these themes of the core of our effort, we will develop common message statements, plan outlines, and strategies for communication with other federal agencies, the Congress, and the private sector.

(B) **Inter-departmental Committee on Tribal Colleges and Universities:** This high-level committee will serve as the overall coordinating body for the federal initiative. Meetings and discussions will help reduce duplication and serve as a means for sharing "best practices" and information on the initiative with all departments. I organized the committee's first meeting on April 15, 1998. The meeting was a tremendous success, with more than 45 attendees representing 27 of the 32 participating agencies. Five agencies did not attend; all but four have designated a liaison. Further meetings are being conducted as a large group and in "clusters" with tribal college representatives

(C) **"TCU Clusters:"** Several agency clusters" (groups of agencies and departments with similar missions) will serve as subcommittees of the Inter-departmental Committee on Tribal Colleges and Universities to coordinate work. Members of the inter-departmental committee will be divided into one or more clusters, which will be focussed around the six major theme areas. A small number of tribal college presidents will be assigned to each cluster to advise and assist their work. The clusters will develop new and coordinated programs for the tribal colleges, develop strategies for ensuring that tribal colleges can participate in existing programs for institutions of higher education, and generally assist one another in their efforts. Tribal college presidents who are assigned to each cluster will serve as advisors, partners in development of ideas, and consultants for agency 5-year plans.

My goal is that, eventually, the clusters will evolve into the type of business-federal clusters that support the historically Black colleges and universities (HBCU) initiative and mainstream post-secondary education research institutions. Initially, however, their focus will be on the development of comprehensive 5-year plans and new programs.

(D) **Intra-departmental committees or taskforces:** Each agency has been asked to organize an internal

committee or task force on the tribal college initiative, which will include representatives from across all agency program areas. These internal committees are the best mechanism for ensuring the development of comprehensive plans.

(E) Congress: Task forces on Indian education or Indian issues will be organized and assisted to serve as a means for offering and supporting amendments to existing legislation or introducing new legislation, when necessary, to ensure maximum participation of the tribal colleges in federal programs. This part of the plan is extremely important to our effort because many existing programs and most new programs will require legislative action. In addition to working directly with the Congress, identical legislative work must be done first at the agency level to ensure inclusion of tribal college initiatives in major authorizing legislation sent to the Congress. For example, successful examples include the Reauthorization of the Higher Education Act and the Reauthorization of Agriculture Research Programs. Currently, discussions are beginning or ongoing with agency and Congressional staff on several reauthorizations, including the Department of Defense Reauthorization; Elementary and Secondary Education Act; and the Indian Health Care Improvement Act.

Agency Commitments Under Executive Order:

Perhaps the most exciting, and definitely the most tangible, aspect of this Initiative is the growing monetary commitment of individual agencies to the Executive Order's goals. Throughout the executive branch, agencies are anxious to work with the tribal colleges and to help them maximize their potential and make higher education -- and economic self-sufficiency -- a reality for more American Indians. This is particularly heartening because many of the agencies did not even know that tribal colleges existed before President Clinton signed Executive Order 13021. Higher education on this nation's remote and rural Indian reservations was not something most people had ever contemplated, and it definitely was not something toward which they felt a degree of responsibility. Because of Executive Order 13021, that attitude is changing, and new opportunities for learning, sharing, and partnering are being created every day. A few examples include:

Department of Education: The Department of Education stepped forward early in the development of the Executive Order to assume primary responsibility for staffing and supporting the Office of the White House Initiative on Tribal Colleges and Universities. In its version of legislation to reauthorize the Higher Education Act and its Fiscal Year 1999 budget request, the Department proposed a new \$5 million program within Title III (Strengthening Institutions) specifically for tribal colleges, similar to the part and section, respectively, for Historically Black Colleges and Universities and Hispanic Serving Institutions. Both the House and Senate approved authority for the program -- the House at \$10 million; Senate at \$5 million. The legislation is currently in conference. Because the reauthorization has not been signed into law, however, neither body has appropriated funding for the new program. In July, Secretary Richard Riley took his first visit to a Tribal College, Salish Kootenai College in Montana.

After hearing of the tremendous need for more American Indian teachers in the elementary and secondary schools on the reservation (of approximately 450 teachers, only 6 are Native American), the Secretary expressed his desire to address the problem in a comprehensive manner.

Department of Agriculture: In 1994, the tribal colleges became "land-grant" institutions, joining state colleges and universities (called "1862" institutions because of the year they attained land-grant status) and Historically Black Colleges and Universities ("1890" institutions). Over the past few years, the USDA has used this authority and the Executive Order to improve and expand its relationship with the tribal colleges. In its Fiscal Year 1999 budget, the USDA proposed expansion of the 1994 extension program, and during the reauthorization of agriculture research programs, it supported the creation of a new research program for the tribal colleges, inclusion of tribal colleges in other USDA competitive grant programs, and several positive changes to the 1994 legislation. Compared to the extensive and well-funded programs that have existed for decades for the 1862 and 1890 institutions, the tribal colleges still have a long way to go. But the USDA is committed to forging new partnerships with the tr

ibal colleges through joint conferences, legislative changes, a 1998 Memorandum of Agreement, and the creation of the new "USDA-Tribal College Leadership Group." This commitment has led to optimism among the tribal colleges about their ability to compete in the programs that have built the best system of higher

education in the world, the land-grant system.

NASA: For the past two fiscal years, NASA has awarded at least \$3 million annually to the tribal colleges -- and considerably more to minority serving institutions in general -- to strengthen their capacity in math, science, engineering, and technology research and course delivery and to increase opportunities for MSET partnerships. In July 1998, Administrator Dan Golden visited Salish Kootenai College in Pablo, Montana, and delivered a keynote address at the Alliance for Minority Participation Annual Conference for students. Next month, NASA will host its eighth Annual Users' Conference, which for the first time will be held at a tribal college -- Southwest Indian Polytechnic Institute in New Mexico. The theme of the conference is "Strengthening Partnerships between Tribal and Non-Indian Institutions." Finally, as part of its FY99 grant program, NASA is contemplating expanding its commitment to the tribal colleges to include a new solicitation specifically aimed at helping tribal colleges in the areas

of curriculum and faculty development for technology training; distance learning; MSET curriculum development; and technology transfer training.

Department of Health and Human Services: Under the leadership of Deputy Secretary Kevin Thurm, the Department of Health and Human Services is emerging as a leader in the implementation of Executive Order 13021. Early on, the department organized a Working Group on Tribal Colleges and Universities, which includes representatives from all operating and staffing divisions, and in February 1998, the Deputy Secretary and all division heads held their first "talking circle" with the tribal college presidents. Already, the Department has made significant funding commitments to the colleges in the areas of faculty exchanges; curriculum development; distance learning; surplus property; research and data collection; and other areas. For example, the Administration on Native Americans funded the first-ever comprehensive data collection effort on higher education at the tribal colleges, and in FY99, the Administration on Children, Youth, and Families will announce a major new grant program for the tribal colleges in

early childhood development. The program will help the tribal colleges develop model early childhood teacher training programs, ensure widespread access to early childhood education opportunities in reservation communities, and generally improve the quality of life for tribal college students and their families. In January 1999, the Department will host its first "Expo," with the tribal colleges. The two to three day event will provide the first opportunity for many tribal college presidents and faculty to meet face-to-face with key program administrators throughout the department. This information sharing should lead to many new and exciting partnerships.

National Science Foundation: In response to the White House Initiative on Tribal Colleges, the National Science Foundation made a commitment to expand its innovative "High Plains Rural Systemic Initiative (HP-RSI)," which is a collaborative effort to promote K-12 science, math, engineering, and technology using the tribal colleges as spring boards for addressing systemic change in these subject areas. Through the HP-RSI, the tribal colleges are helping K-12 schools develop standards-based science and math curricula; providing teacher training and summer enrichment programs; and creating exciting new partnerships. The revamped program -- the Tribal College Rural Systemic Initiative (TC-RSI) -- currently serves 18 tribal colleges and one reservation site in Wyoming. Each participating tribal college is responsible for providing leadership to the K-12 school systems located on their respective reservations. All aspects of the school system are considered in addressing system reform from community and parenta

l participation, providing professional development activities, building a broad-based support including the business community, promoting the convergence of resources to support the initiative and instituting aligned student assessment systems. All of these activities are organized and implemented with careful consideration of the cultural academic needs of the respective tribe and students being served. The ultimate goal is to include all 30 tribal colleges in the new TC-RSI program.

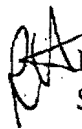
Department of the Interior: Over the past two fiscal years, the Department of the Interior has included increased funding for core operations of the tribal colleges in its budget requests. In FY98, the Department requested an increase of about \$3 million (for a total of nearly \$30 million) and in FY99, the Department requested a \$5.5 million increase for core funding. In addition to its stronger support for core operations (which is one-half of the authorized amount and one-half of the amount received by mainstream colleges and universities), the Department is expanding opportunities for the tribal colleges in other areas. In November, it will host the first joint Tribal College-Interior Summit at Spirit Lake, North Dakota.

Department of Defense: The Department -- through its impressive ability to mobilize a rapid response -- recently came to the aid of Diné College and hundreds of its students. Less than two weeks before classes were scheduled to begin this fall, the college's Shiprock campus was significantly damaged by fire. All of its math, science, biology, and geology classrooms and laboratories were destroyed. Using Kirkland Air Force Base in Albuquerque as the coordinating site, the Department has been able to locate nearly all of the equipment and supplies the school needs to conduct classes. The National Guard is scheduled to deliver the equipment on Wednesday, September 9, 1998. In addition to the Department of Defense and Air Force, USDA and the Forest Service have been particularly helpful in coming to the aid of the school.

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF LEGAL COUNSEL
WASHINGTON, D.C. 20530**

FACSIMILE TRANSMISSION SHEET

DATE: SEPTEMBER 3, 1998

FROM:  ROSEMARY HART
SENIOR COUNSEL

OFFICE PHONE: 202/514-2027

TO: MARY SMITH
DOMESTIC POLICY STAFF

OFFICE PHONE: 202/456-5571

FACSIMILE NUMBER: 456-7431

NUMBER OF PAGES: 1 + COVER

Mary: Suggested revisions attached. As I mentioned in my voice mail to you this morning, the Federal Advisory Committee Act provides that "[e]ach advisory committee...shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless....in the case of an advisory committee established by the President...such advisory committee is renewed by the President ...prior to the end of such period." 5 U.S.C. App, § 14(a)(2). The FACA also provides that any advisory committee renewed by the President "may be continued only for successive two-year periods." *Id.* at § 14(c). Because the advisory Board in question must terminate two years unless extended for 2 years by the President, it cannot be made permanent. Accordingly, the words "and may permanent" must be removed from proposed section 2.

Similarly, terms of the Board members cannot run longer than two years. However, we believe that the President may provide for the staggered terms that you propose as long as it is clear that any term is subject to the Board being renewed as provided under the FACA. Thus, we ask that you include the following sentence at the end of proposed section 3: "All appointments are contingent upon renewal of the Board every two years pursuant to the Federal Advisory Committee Act."

EXECUTIVE ORDER

EXECUTIVE ORDER REGARDING TRIBAL COLLEGES AND UNIVERSITIES, DRAFT 9/1/98

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered as follows:

Section 1. Executive Order 13021, dated October 19, 1996, dealing with Tribal College and Universities, is hereby amended as provided in Sections 2 and 3. The terms of Executive Order 13021 remain in effect, except to the extent they are superseded by this order.

Section 2. The President's Board of Advisors on Tribal Colleges and Universities, which would have expired on October 19, 1998, is hereby renewed ~~and made permanent~~ *delete*

Section 3. The initial appointments to the Board will be divided, as nearly as possible, into three equal groups, one group serving for a term of two years, one group serving for a term of three years, and one group serving for a term of four years. Thereafter, the terms of all Members will be three years. *All appointments are contingent upon renewal of the Board every two years pursuant to the Federal Advisory Committee Act.*

[signature]

The White House

_____, 1998

2 + 2 =
3 +
4 + 2

2 + 3 =
3 + 3
4 + 3

BIA EDUCATION CONSTRUCTION

(BA in millions of dollars)

<u>FY 1998</u>	<u>FY 1999 Req.</u>	<u>House</u>	<u>Senate</u>
54	87	59	60

The request is for a \$33 million (61%) increase to FY 1998 enacted funding to support the Administration's initiative to replace older, unsafe, and dilapidated schools on reservations in accordance with a Congressionally-approved priority list of replacement schools and would provide for much-needed health and safety-related repairs and improvements that together comprise a roughly \$700 million backlog.

The House-passed bill is \$28 million (32%) below the requested amount. In a SAP to the House, the Administration objected strongly to the inadequate funding for this Administration initiative. The House SAP also included a senior advisers' veto threat based on under funding of unspecified priority programs, as well as language issues.

The Senate Committee bill is \$27 million (31%) below the requested amount. The Administration letter objected to this level of funding, and included a veto threat from the Secretaries of Interior, Agriculture and Energy due to unspecified funding and language issues.

party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 3. Effective Date. This order shall be effective immediately and shall remain in effect until terminated.

WILLIAM J. CLINTON

THE WHITE HOUSE,

October 12, 1996.

Executive Order 13021 of October 19, 1996

Tribal Colleges and Universities

By the authority vested in me as President by the Constitution and laws of the United States of America, in reaffirmation of the special relationship of the Federal Government to American Indians and Alaska Natives, and, for the purposes of helping to: (a) ensure that tribal colleges and universities are more fully recognized as accredited institutions, have access to the opportunities afforded other institutions, and have Federal resources committed to them on a continuing basis; (b) establish a mechanism that will increase accessibility of Federal resources for tribal colleges and universities in tribal communities; (c) promote access to high-quality educational opportunity for economically disadvantaged students; (d) promote the preservation and the revitalization of American Indian and Alaska Native languages and cultural traditions; (e) explore innovative approaches to better link tribal colleges with early childhood, elementary, and secondary education programs; and (f) support the National Education Goals (20 U.S.C. 5812), it is hereby ordered as follows:

Section 1. Definition of Tribal Colleges and Universities. Tribal colleges and universities ("tribal colleges") are those institutions cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled Community College Assistance Act of 1978, (25 U.S.C. 1801 *et seq.*), and Navajo Community College, authorized in the Navajo Community College Assistance Act of 1978, Public Law 95-471, title II (25 U.S.C. 640a note).

Sec. 2. Board of Advisors. (a) *Establishment.* There shall be established in the Department of Education a Presidential advisory committee entitled the President's Board of Advisors on Tribal Colleges and Universities ("Board"). Notwithstanding the provisions of any other Executive order, the responsibilities of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App.), with respect to the Board, shall be performed by the Secretary of Education ("Secretary"), in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) *Composition.* The Board shall consist of not more than 15 Members who shall be appointed by the President. The Board shall include representatives of tribal colleges. The Board may also include representatives of the higher, early childhood, elementary, and secondary education communities; tribal officials; health, business, and financial institutions; private

foundations; and such other persons as the President deems appropriate. Members of the Board will serve terms of 2 years and may be reappointed to additional terms. A Member may continue to serve until his or her successor is appointed. In the event a Member fails to serve a full term, an individual appointed to replace that Member will serve the remainder of that term. All terms will expire upon the termination of the Board.

(c) *Role of Board.* The Board shall provide advice regarding the progress made by Federal agencies toward fulfilling the purposes and objectives of this order. The Board shall also provide recommendations to the President and the Secretary at least annually on ways tribal colleges can:

(1) utilize long-term development, endowment building, and master planning to strengthen institutional viability;

(2) utilize the Federal and private sector to improve financial management and security, obtain private sector funding support, and expand and complement Federal education initiatives;

(3) develop institutional capacity through the use of new and emerging technologies offered by both the Federal and private sectors;

(4) enhance physical infrastructure to facilitate more efficient operation and effective recruitment and retention of students and faculty; and

(5) help achieve National Education Goals and meet other high standards of education accomplishment.

(d) *Scheduled Meetings.* The Board shall meet at least annually to provide advice and consultation on tribal colleges and relevant Federal and private sector activities, and to transmit reports and present recommendations.

Sec. 3. *Office of White House Initiative.* There shall be established in the Department of Education the White House Initiative on Tribal Colleges and Universities ("Initiative"). The Initiative shall be authorized to: (a) provide the staff support for the Board;

(b) assist the Secretary in the role of liaison between the executive branch and tribal colleges;

(c) serve the Secretary in carrying out the Secretary's responsibilities under this order; and

(d) utilize the services, personnel, information, and facilities of other Federal, State, tribal, and local agencies with their consent, and with or without reimbursement, consistent with applicable law. To the extent permitted by law and regulations, each Federal agency shall cooperate in providing resources, including personnel detailed to the Initiative, to meet the objectives of the order.

Sec. 4. *Department and Agency Participation.* Each participating executive department and agency (hereinafter collectively referred to as "agency"), as determined by the Secretary, shall appoint a senior official, who is a full-time officer of the Federal Government and who is responsible for management or program administration, to serve as liaison to the White House Initiative. The official shall report directly to the agency head, or agency representative, on agency activity under this order and serve as liaison to the White House Initiative. To the extent permitted by law and regulation, each agency shall provide appropriate information in readily available formats requested by the White House Initiative staff pursuant to this order.

Sec. 5. Five-Year Federal Plan. (a) *Content.* Each agency shall, in collaboration with tribal colleges, develop and document a Five-Year Plan of the agency's efforts to fulfill the purpose of this order. These Five-Year Plans shall include annual performance indicators and appropriate measurable objectives for the agency. The plans shall address among other relevant issues:

(1) barriers impeding the access of tribal colleges to funding opportunities and to participation in Federal programs, and ways to eliminate the barriers;

(2) technical assistance and information that will be made available to tribal colleges regarding the program activities of the agency and the preparation of applications or proposals for grants, cooperative agreements, or contracts; and

(3) an annual goal for agency funds to be awarded to tribally controlled colleges and universities in:

(A) grants, cooperative agreements, contracts, and procurement;

(B) related excess property-type acquisitions under various authorities such as section 923 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2206a) and the Federal Property and Administrative Services Act of 1949, chapter 288, 63 Stat. 377 (codified as described at 40 U.S.C. 471 note); and

(C) the transfer of excess and surplus Federal computer equipment under Executive Order 12999.

In developing the Five-Year Plans required by this order, agencies shall strive to include tribal colleges in all aspects and activities related to the attainment of the participation goals described in Executive Order 12928, "Promoting Procurement with Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals, Historically Black Colleges and Universities, and Minority Institutions." The Plans may also emphasize access to high-quality educational opportunity for economically disadvantaged Indian students; the preservation and revitalization of American Indian and Alaska Native languages and cultural traditions; innovative approaches to better link tribal colleges with early childhood, elementary, and secondary education programs; and the National Education Goals.

(b) *Submission.* Each agency shall submit its Five-Year Plan to the White House Initiative Office. In consultation with the Board, the White House Initiative Office shall then review these Five-Year Plans and develop an integrated Five-Year Plan for Assistance to Tribal Colleges, which the Secretary shall review and submit to the President. The Five-Year Plan for Assistance to Tribal Colleges may be revised within the 5-year period.

(c) *Annual Performance Reports.* Each agency shall submit to the White House Initiative Office an Annual Performance Report that shall measure each agency's performance against the objectives set forth in its Five-Year Plan. In consultation with the Board, the White House Initiative Office shall review and combine Annual Performance Reports into one annual report, which shall be submitted to the Secretary for review, in consultation with the Office of Management and Budget.

Sec. 6. Private Sector. In cooperation with the Board, the White House Initiative Office shall encourage the private sector to assist tribal colleges

through increased use of such strategies as: (a) matching funds to support increased endowments;

(b) developing expertise and more effective ways to manage finance, improve information systems, build facilities, and improve course offerings; and

(c) increasing resources for and training of faculty.

Sec. 7. Termination. The Board shall terminate 2 years after the date of this Executive order unless the Board is renewed by the President prior to the end of that 2-year period.

Sec. 8. Administration. (a) *Compensation.* Members of the Board shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701-5707).

(b) *Funding.* The Board and the Initiative shall be funded by the Department of Education.

(c) *Administrative Support.* The Department of Education shall provide appropriate administrative services and staff support for the Board and the Initiative. With the consent of the Department of Education, other agencies participating in the Initiative shall provide administrative support to the White House Initiative Office consistent with statutory authority and shall make use of section 112 of title 3, United States Code, to detail agency employees to the extent permitted by law. The Board and the White House Initiative Office shall have a core staff and shall be supported at appropriate levels.

WILLIAM J. CLINTON

THE WHITE HOUSE,
October 19, 1996.

Executive Order 13022 of October 31, 1996

Administration of the Midway Islands

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 48 of the Hawaii Omnibus Act, Public Law 86-624, and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. The Midway Islands, Hawaiian group, and their territorial seas, located approximately between the parallels of 28 degrees 5 minutes and 28 degrees 25 minutes North latitude and between the meridians of 177 degrees 10 minutes and 177 degrees 30 minutes West longitude, were placed under the jurisdiction and control of the Department of the Navy by the provisions of Executive Order 199-A of January 20, 1903, and Part II of Executive Order 11048 of September 4, 1962, and are hereby transferred to the jurisdiction and control of the Department of the Interior. The provisions of Executive Order 199-A of January 20, 1903, and the provisions of Executive Order 11048 of September 4, 1962, that pertain to the Midway Islands are hereby superseded.

Sec. 2. The Midway Islands Naval Air Station. Executive Order 8729 of April 19, 1946.

Sec. 3. (a) The Secretary of the Interior shall, by and through the National Wildlife Refuge System, on or before March 1, 1996, of March

(1) maintain the refuge;

(2) provide for the protection and their habitats;

(3) fulfill the obligations with respect to

(4) provide for the protection, and conservation, and com-

(5) in a manner consistent with the policy statement of the Secretary of the Interior.

(b) The Secretary of the Interior shall, by and through the necessary for the protection of the Midway Islands.

Sec. 4. Any civil action brought under the jurisdiction of this order shall be administered by the Department of the Interior.

Sec. 5. To the extent consistent with the provisions of this order.

Sec. 6. Nothing in this order shall modify the authority of the States to represent their cases arising out of the provisions of this order.

THE WHITE HOUSE,
October 31, 1996.