

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4806

To provide land-grant status for certain Indian colleges and institutions.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 20, 1994

Mr. WILLIAMS (for himself, Mr. POMEROY, Ms. ENGLISH of Arizona, Mr. OBERSTAR, Mr. JOHNSON of South Dakota, Mr. STUPAK, Mr. SKEEN, Mr. RICHARDSON, Mr. SWIFT, Mr. KILDEE, Mrs. MEYERS of Kansas, Mr. FLAKE, Mr. HILLIARD, Mr. FAZIO, Mr. SCHIFF, Mr. SCOTT, Mr. MINGE, Mr. MARTINEZ, Mr. DELLUMS, and Mr. GUTIERREZ) introduced the following bill; which was referred jointly to the Committees on Agriculture and Education and Labor

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## A BILL

To provide land-grant status for certain Indian colleges and institutions.

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 “Equity in Educational  
5 Land-Grant Status Act of 1994”.

6 **SEC. 2. DEFINITION.**

7 As used in this Act, the term “1994 Institutions”  
8 means any one of the following colleges:

- 1 (1) Bay Mills Community College.
- 2 (2) Blackfeet Community College.
- 3 (3) Cheyenne River Community College.
- 4 (4) D-Q University.
- 5 (5) Dullknife Memorial College.
- 6 (6) Fond Du Lac Community College.
- 7 (7) Fort Belknap Community College.
- 8 (8) Fort Berthold Community College.
- 9 (9) Fort Peck Community College.
- 10 (10) LacCourte Orielles Ojibwa Community
- 11 College.
- 12 (11) Little Big Horn Community College.
- 13 (12) Little Hoop Community College.
- 14 (13) Nebraska Indian Community College.
- 15 (14) Northwest Indian College.
- 16 (15) Oglala Lakota College.
- 17 (16) Salish Kootenai College.
- 18 (17) Sinte Gleska University.
- 19 (18) Sisseton Wahpeton Community College.
- 20 (19) Standing Rock College.
- 21 (20) Stonechild Community College.
- 22 (21) Turtle Mountain Community College.
- 23 (22) Navajo Community College.
- 24 (23) United Tribes Technical College.
- 25 (24) Southwest Indian Polytechnic Institute.

1           (25) Institute of American Indian and Alaska  
2 Native Culture and Arts Development.

3           (26) Crownpoint Institute of Technology.

4           (27) Haskell Indian Junior College.

5           (28) Leech Lake Tribal College.

6           (29) College of the Menominee Nation.

7 **SEC. 3. LAND-GRANT STATUS FOR 1994 INSTITUTIONS.**

8           (a) IN GENERAL.—1994 Institutions shall be consid-  
9 ered land-grant colleges established for the benefit of agri-  
10 culture and the mechanic arts in accordance with the pro-  
11 visions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C.  
12 301–305, 307, and 308) except that this section shall not  
13 apply to the Act of May 8, 1914 (38 Stat. 372, Chapter  
14 79; 7 U.S.C. 341 et seq.) or the Act of March 2, 1887  
15 (24 Stat. 440, Chapter 314; 7 U.S.C. 361a et seq.).

16           (b) AUTHORIZATION OF APPROPRIATIONS.—In lieu  
17 of extending to 1994 Institutions, the provisions of the  
18 Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C.  
19 301 et seq.), there is authorized to be appropriated  
20 \$23,000,000 to establish an endowment pursuant to sub-  
21 section (c) for 1994 Institutions. Amounts appropriated  
22 pursuant to this section shall be held and considered to  
23 have been granted to 1994 Institutions to establish an En-  
24 dowment.

25           (c) ENDOWMENT.—

1           (1) IN GENERAL.—In accordance with this sec-  
2           tion, the Secretary of the Treasury shall establish a  
3           1994 Institutions Endowment Fund (referred to in  
4           this subsection as the “endowment fund”). The Sec-  
5           retary may enter into such agreements as are nec-  
6           essary to carry out this section.

7           (2) DEPOSIT TO THE ENDOWMENT FUND.—The  
8           Secretary shall deposit in the endowment fund  
9           any—

10                   (A) amounts made available by appropria-  
11                   tions pursuant to subsection (c) (referred to in  
12                   this subsection as the “endowment fund cor-  
13                   pus”); and

14                   (B) interest earned on the endowment  
15                   fund corpus.

16           (3) INVESTMENTS.—The Secretary shall invest  
17           the endowment fund corpus and income in interest-  
18           bearing obligations of the United States.

19           (4) WITHDRAWALS AND EXPENDITURES.—The  
20           Secretary may not make a withdrawal or expendi-  
21           ture from the endowment fund corpus. On the termi-  
22           nation of each fiscal year, the Secretary shall with-  
23           draw the amount of income from the endowment  
24           fund for the fiscal year, and after making adjust-

1 ments for the cost of administering the endowment  
2 fund, distribute the adjusted income as follows:

3 (A) 60 percent of the adjusted income  
4 shall be distributed among the 1994 Institu-  
5 tions on a pro rata basis. The proportionate  
6 share of the adjusted income received by a 1994  
7 Institution under this subparagraph shall be  
8 based on the Indian student count (as defined  
9 in section 390(3) of the Carl D. Perkins Voca-  
10 tional Education Act (20 U.S.C. 2397h(3) or as  
11 defined in section 2(a)(7) of the Tribally Con-  
12 trolled Community College Assistance Act (25  
13 U.S.C. 1801)) for each Institution for the fiscal  
14 year.

15 (B) 40 percent of the adjusted income  
16 shall be distributed in equal shares to the 1994  
17 Institutions.

18 **SEC. 4. APPROPRIATIONS.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—For each fiscal year, there  
21 are authorized to be appropriated to the Department  
22 of the Treasury an amount equal to—

23 (A) \$50,000; multiplied by

24 (B) the number of 1994 Institutions.

1           (2) PAYMENTS.—For each fiscal year, the Sec-  
2           retary of the Treasury shall pay to the treasurer of  
3           each 1994 Institution an amount equal to—

4                   (A) the total amount made available by ap-  
5                   propriations pursuant to paragraph (1); divided  
6                   by

7                   (B) the number of 1994 Institutions.

8           (3) USE OF FUNDS; REQUIREMENTS.—The  
9           amounts authorized to be appropriated under this  
10          subsection shall be used in the same manner as is  
11          prescribed for colleges under the Act of August 30,  
12          1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322 et  
13          seq.), and, except as otherwise provided in this sub-  
14          section, the requirements of such Act shall apply to  
15          1994 Institutions.

16          (b) AUTHORIZATION OF APPROPRIATIONS FOR COOP-  
17          ERATIVE AGREEMENTS.—Section 3 of the Act of May 8,  
18          1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343) is amend-  
19          ed—

20                   (1) in subsection (b), by adding at the end the  
21                   following new paragraph:

22                   “(3) There is authorized to be appropriated for  
23                   the fiscal year ending June 30, 1995, and for each  
24                   fiscal year thereafter, for payment on behalf of the  
25                   1994 Institutions, \$5,000,000 for the purposes set

1       forth in section 2. Such sums shall be in addition to  
2       the sums appropriated for the several States and  
3       Puerto Rico, the Virgin Islands, and Guam under  
4       the provisions of this section. Such sums shall be  
5       distributed on the basis of a competitive applications  
6       process to be developed and implemented by the Sec-  
7       retary and paid by the Secretary to State institu-  
8       tions established in accordance with the provisions of  
9       the Act of July 2, 1862 (12 Stat. 503, chapter 130;  
10      7 U.S.C. 301 et seq.) (other than 1994 Institutions)  
11      and administered by such institutions through coop-  
12      erative agreements with 1994 Institutions in their  
13      States in accordance with regulations to be adopted  
14      by the Secretary.”;

15           (2) by redesignating subsection (f) as sub-  
16      section (g); and

17           (3) by inserting after subsection (e) the follow-  
18      ing new subsection:

19      “(f) There shall be no matching requirement for  
20      funds made available pursuant to subsection (b)(3).”.

21      **SEC. 5. INSTITUTIONAL CAPACITY BUILDING GRANTS.**

22      (a) DEFINITIONS.—As used in this section:

23           (1) FEDERAL SHARE.—The term “Federal  
24      share” means, with respect to a grant awarded

1 under subsection (b), the share of the grant that is  
2 provided from Federal funds.

3 (2) NON-FEDERAL SHARE.—The term “non-  
4 Federal share” means, with respect to a grant  
5 awarded under subsection (b) the matching funds  
6 paid with funds other than funds referred to in  
7 paragraph (2), as determined by the Secretary.

8 (3) SECRETARY.—The term “Secretary” means  
9 the Secretary of Agriculture.

10 (b) IN GENERAL.—

11 (1) INSTITUTIONAL CAPACITY BUILDING  
12 GRANTS.—For each of fiscal years 1995 through  
13 1999, the Secretary shall make institutional capacity  
14 building grants to assist 1994 Institutions with con-  
15 structing, acquiring, and remodeling buildings, lab-  
16 oratories, and other capital facilities (including fix-  
17 tures and equipment) necessary to conduct research  
18 more effectively in agriculture and sciences.

19 (2) REQUIREMENTS FOR GRANTS.—The Sec-  
20 retary shall make grants under this section—

21 (A) on the basis of a competitive applica-  
22 tion process under which appropriate officials of  
23 1994 Institutions may submit applications to  
24 the Secretary in such form and manner as the  
25 Secretary may prescribe; and

1           (B) in such manner as to ensure geo-  
2           graphic diversity with respect to the 1994 Insti-  
3           tutions that are the subject of the grants.

4           (3) DEMONSTRATION OF NEED.—The Secretary  
5           shall require, as part of an application for a grant  
6           under this subsection, a demonstration of need. The  
7           Secretary may only award a grant under this sub-  
8           section to an applicant that demonstrates a failure  
9           to obtain funding for a project after making a rea-  
10          sonable effort to otherwise obtain the funding.

11          (4) PAYMENT OF NON-FEDERAL SHARE.—A  
12          grant awarded under this subsection shall be made  
13          on the condition that the recipient of the grant pay  
14          a non-Federal share in an amount specified by the  
15          Secretary.

16          (c) AUTHORIZATION OF APPROPRIATIONS.—There  
17          are authorized to be appropriated to the Department of  
18          Agriculture to carry out this section, \$1,700,000 for each  
19          of fiscal years 1995 through 1999.

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