

EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994

[[Part C of title V of the Improving America's Schools Act of 1994 (Public Law 103-382; 108 Stat. 4048; 7 U.S.C. 301 note)]

[As Amended Through P.L. 113-79, Enacted February 7, 2014]

[Equity in Educational Land-Grant Status Act of 1994]

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PART C—1994 INSTITUTIONS

SEC. 531. [7 U.S.C. 301 note] SHORT TITLE.

This part may be cited as the “Equity in Educational Land-Grant Status Act of 1994”.

SEC. 532. [7 U.S.C. 301 note] DEFINITION.²

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

- (1) Bay Mills Community College.
- (2) Blackfeet Community College.
- (3) Cankdeska Cikana Community College.
- (4) College of Menominee Nation.
- (5) Crownpoint Institute of Technology.
- (6) D-Q University.
- (7) Dine College.
- (8) Chief Dull Knife Memorial College.
- (9) Fond du Lac Tribal and Community College.
- (10) Fort Belknap College.
- (11) Fort Berthold Community College.
- (12) Fort Peck Community College.
- (13) Haskell Indian Nations University.
- (14) Institute of American Indian and Alaska Native Culture and Arts Development.
- (15) Lac Courte Oreilles Ojibwa Community College.
- (16) Leech Lake Tribal College.

¹This table of contents is not part of the Act but is included for user convenience.

²For a version of section 532 (as amended by section 7402(a)(1) of Public Law 113-79) see note that appears at the end of this section.

- (17) Little Big Horn College.
- (18) Little Priest Tribal College.
- (19) Nebraska Indian Community College.
- (20) Northwest Indian College.
- (21) Oglala Lakota College.
- (22) Saginaw Chippewa Tribal College.
- (23) Tohono O'odham Community College.
- (24) Salish Kootenai College.
- (25) Sinte Gleska University.
- (26) Sisseton Wahpeton Community College.
- (27) Si Tanka/Huron University.
- (28) Sitting Bull College.
- (29) Southwestern Indian Polytechnic Institute.
- (30) Stone Child College.
- (31) Turtle Mountain Community College.
- (32) United Tribes Technical College.
- (33) White Earth Tribal and Community College.
- (34) Ilisagvik College.

【Note: Effective October 1, 2014, section 532, as amended in its entirety by section 7402(a)(1) of Public Law 113-79, reads as follows:】

SEC. 532. [7 U.S.C. 301 note] DEFINITION OF 1994 INSTITUTION.

In this part, the term "1994 Institution" means any of the following colleges:

- (1) *Aaniiih Nakoda College.*
- (2) *Bay Mills Community College.*
- (3) *Blackfeet Community College.*
- (4) *Cankdeska Cikana Community College.*
- (5) *Chief Dull Knife College.*
- (6) *College of Menominee Nation.*
- (7) *College of the Muscogee Nation.*
- (8) *D-Q University.*
- (9) *Dine College.*
- (10) *Fond du Lac Tribal and Community College.*
- (11) *Fort Berthold Community College.*
- (12) *Fort Peck Community College.*
- (13) *Haskell Indian Nations University.*
- (14) *Ilisagvik College.*
- (15) *Institute of American Indian and Alaska Native Culture and Arts Development.*
- (16) *Keweenaw Bay Ojibwa Community College.*
- (17) *Lac Courte Oreilles Ojibwa Community College.*
- (18) *Leech Lake Tribal College.*
- (19) *Little Big Horn College.*
- (20) *Little Priest Tribal College.*
- (21) *Navajo Technical College.*
- (22) *Nebraska Indian Community College.*
- (23) *Northwest Indian College.*
- (24) *Oglala Lakota College.*
- (25) *Saginaw Chippewa Tribal College.*
- (26) *Salish Kootenai College.*
- (27) *Sinte Gleska University.*

- (28) *Sisseton Wahpeton College.*
- (29) *Sitting Bull College.*
- (30) *Southwestern Indian Polytechnic Institute.*
- (31) *Stone Child College.*
- (32) *Tohono O'odham Community College.*
- (33) *Turtle Mountain Community College.*
- (34) *United Tribes Technical College.*
- (35) *White Earth Tribal and Community College.*

SEC. 533. [7 U.S.C. 301 note] LAND-GRANT STATUS FOR 1994 INSTITUTIONS.

(a) IN GENERAL.—

(1) STATUS OF 1994 INSTITUTIONS.—Except as provided in paragraph (2), 1994 Institutions shall be considered land-grant colleges established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act).

(2) 1994 INSTITUTIONS.—(A) 1994 Institutions shall not be considered as land-grant colleges that are eligible to receive funding under—

(i) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.);

(ii) the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343), except as provided under section 3(b)(3) of such Act (as added by section 534(b)(1) of this part); or

(iii) the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act).

(B) In lieu of receiving donations under the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act), relating to the donations of public land or scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, 1994 Institutions shall receive funding pursuant to the authorization under subsection (b).

(3) ACCREDITATION.—To receive funding under this section and sections 534, 535, and 536, a 1994 Institution shall certify to the Secretary that the 1994 Institution—

(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary, in consultation with the Secretary of Education, to be a reliable authority regarding the quality of training offered; or

(B) is making progress toward the accreditation, as determined by the nationally recognized accrediting agency or association.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1996 through 2018. Amounts appropriated pursuant to this section shall be held and considered to have been granted to 1994 Institutions to establish an endowment pursuant to subsection (c).

(c) ENDOWMENT.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary of the Treasury shall establish a 1994 Institutions Endowment Fund (hereafter in this subsection referred to as the “endowment fund”). The Secretary may enter into such agreements as are necessary to carry out this subsection.

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

(A) amounts made available by appropriations pursuant to subsection (b) (hereafter in this subsection referred to as the “endowment fund corpus”); and

(B) interest earned on the endowment fund corpus.

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

(4) WITHDRAWALS AND EXPENDITURES.—The Secretary may not make a withdrawal or expenditure from the endowment fund corpus. On the termination of each fiscal year, the Secretary shall withdraw the amount of the income from the endowment fund for the fiscal year, and after making adjustments for the cost of administering the endowment fund, distribute the adjusted income as follows:

(A) 60 percent of the adjusted income shall be distributed among the 1994 Institutions on a pro rata basis. The proportionate share of the adjusted income received by a 1994 Institution under this subparagraph shall be based on the Indian student count (as defined in section 390(3) of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day preceding the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998) for each 1994 Institution for the fiscal year³.

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

(d) MEMORANDUM OF AGREEMENT.—Not later than January 6, 1997, the Secretary shall develop and implement a formal memorandum of agreement with the 1994 Institutions to establish programs to ensure that tribally controlled colleges and Native American communities equitably participate in Department of Agriculture employment, programs, services, and resources.

SEC. 534. [7 U.S.C. 301 note] APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

³Section 7201(b) of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 116 Stat. 436) attempted to amend subparagraph (A) by striking “(as defined in section 390(3) of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day preceding the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998 (Oct. 31, 1998)) for each 1994 Institution for the fiscal year” and inserting “(as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)))”. The amendment could not be executed because the phrase “(Oct. 31, 1998)” in the matter purported to be struck does not appear in the actual law. Section 941(k)(2)(A) of the Higher Education Opportunity Act (Public Law 110-315; 122 Stat. 3465) amended section 533(c)(4)(A) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) by striking “Tribally Controlled College or University Assistance Act of 1978” and inserting “Tribally Controlled Colleges and Universities Assistance Act of 1978”.

(1) IN GENERAL.—For fiscal year 1996, and for each fiscal year thereafter, there are authorized to be appropriated to the Department of the Treasury an amount equal to—

- (A) \$100,000; multiplied by
- (B) the number of 1994 Institutions.

(2) PAYMENTS.—For each fiscal year, the Secretary of the Treasury shall pay to the treasurer of each 1994 Institution an amount equal to—

- (A) the total amount made available by appropriations pursuant to paragraph (1); divided by
- (B) the number of 1994 Institutions.

(3) USE OF FUNDS; REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act), and, except as otherwise provided in this subsection, the requirements of such Act shall apply to 1994 Institutions.

(B) REDISTRIBUTION.—Funds that would be paid to a 1994 Institution under paragraph (2) shall be withheld from that 1994 Institution and redistributed among the other 1994 Institutions if that 1994 Institution—

- (i) declines to accept funds under paragraph (2); or
- (ii) fails to meet the accreditation requirements under section 533(a)(3).

(b) FUNDING.—[Amended section 3 of the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343)]

SEC. 535. [7 U.S.C. 301 note] INSTITUTIONAL CAPACITY BUILDING GRANTS.

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

(1) FEDERAL SHARE.—The term “Federal share” means, with respect to a grant awarded under subsection (b), the share of the grant that is provided from Federal funds.

(2) NON-FEDERAL SHARE.—The term “non-Federal share” means, with respect to a grant awarded under subsection (b), the matching funds paid with funds other than funds referred to in paragraph (1), as determined by the Secretary.

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

(b) IN GENERAL.—

(1) INSTITUTIONAL CAPACITY BUILDING GRANTS.—For each of fiscal years 1996 through 2018, the Secretary shall make two or more institutional capacity building grants to assist 1994 Institutions with constructing, acquiring, and remodeling buildings, laboratories, and other capital facilities (including fixtures and equipment) necessary to conduct instructional activities more effectively in agriculture and sciences.

(2) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this section—

- (A) on the basis of a competitive application process under which appropriate officials of 1994 Institutions may

submit applications to the Secretary in such form and manner as the Secretary may prescribe; and

(B) in such manner as to ensure geographic diversity with respect to the 1994 Institutions that are the subject of the grants.

(3) **DEMONSTRATION OF NEED.**—The Secretary shall require, as part of an application for a grant under this subsection, a demonstration of need. The Secretary may only award a grant under this subsection to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

(4) **PAYMENT OF NON-FEDERAL SHARE.**—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount specified by the Secretary.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of Agriculture to carry out this section, such sums as are necessary for each of fiscal years 2002 through 2018.

SEC. 536. [7 U.S.C. 301 note] RESEARCH GRANTS.

(a) **RESEARCH GRANTS AUTHORIZED.**—The Secretary of Agriculture may make grants under this section, on the basis of a competitive application process (and in accordance with such regulations as the Secretary may promulgate), to a 1994 Institution to assist the Institution to conduct agricultural research that addresses high priority concerns of tribal, national, or multistate significance.

(b) **REQUIREMENTS.**—Grant applications submitted under this section shall certify that the research to be conducted will be performed under a cooperative agreement with—

(1) the Agricultural Research Service of the Department of Agriculture; or

(2) at least 1—

(A) other land-grant college or university (exclusive of another 1994 Institution);

(B) non-land-grant college of agriculture (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); or

(C) cooperating forestry school (as defined in that section).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2018. Amounts appropriated shall remain available until expended.