

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

# H. R. 4783

To establish the National Indian Research Institute.

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IN THE HOUSE OF REPRESENTATIVES

JULY 19, 1994

Mr. MARTINEZ introduced the following bill; which was referred jointly to the  
Committees on Natural Resources and Education and Labor

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## A BILL

To establish the National Indian Research Institute.

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 “National Indian Re-  
5 search Institute Act”.

6 **SEC. 2. FINDINGS.**

7 (a) FINDINGS OF CONGRESS.—The Congress finds  
8 that:

9 (1) The policy of the United States toward In-  
10 dian and Alaska Native tribes which has emerged  
11 over the course of 200 years of relationships is based  
12 upon the following fundamental principles:

1 (A) Federal-Indian policy is premised upon  
2 the government-to-government relationship be-  
3 tween the United States and Indian tribal gov-  
4 ernments;

5 (B) the United States has a trust respon-  
6 sibility to protect, maintain, and manage Indian  
7 lands and related natural resources, including  
8 water, fisheries, game and game habitat, and to  
9 preserve permanent homelands for native people  
10 within this Nation;

11 (C) tribal rights of self-government are  
12 recognized under the United States Constitu-  
13 tion and numerous treaties, intergovernmental  
14 agreements, statutes and Executive orders, and  
15 have been consistently upheld by the highest  
16 courts of the United States;

17 (D) the goals of economic self-sufficiency  
18 and improvement of the social well-being of  
19 tribal communities, with the objective of achiev-  
20 ing parity with the general United States popu-  
21 lation as evidenced by national averages for  
22 health care, per capita income and rates of em-  
23 ployment and educational achievement, are rec-  
24 ognized as the basis of numerous Federal stat-  
25 utes and administrative policies;

1           (E) the unique cultural heritage of tribal  
2           people in the United States, including mainte-  
3           nance of native language proficiency, the prac-  
4           tice of traditional ceremonies, and religious and  
5           artistic expression, is recognized in numerous  
6           Acts of Congress as an irreplaceable national  
7           heritage to be supported and protected; and

8           (F) for nearly two decades, the United  
9           States has consistently endorsed and advanced  
10          the principle of Indian self-determination, with  
11          the objective of ending Federal domination of  
12          programs affecting Indians and ensuring that  
13          tribal governments are empowered to plan, con-  
14          duct, and administer such programs themselves.

15          (2) Despite broad agreement on the underlying  
16          principles of United States Indian policy, laws en-  
17          acted by the Congress and regulations adopted by  
18          Federal agencies do not invariably reflect such prin-  
19          ciples owing to the large number of executive branch  
20          agencies and the large number of congressional com-  
21          mittees determining policy and owing to the absence  
22          of an institutional resource from which agencies and  
23          congressional committees might obtain objective and  
24          reliable data, information, and analyses based upon

1 the fullest knowledge of the underlying policy prin-  
2 ciples.

3 (3) Performance of its trust responsibility to  
4 American Indians consistent with the highest fidu-  
5 ciary standards requires the United States to assure  
6 that accurate and reliable information and scholarly  
7 analyses are available to institutions shaping public  
8 policy.

9 (4) Federal Indian policy impacts the lives and  
10 property of all American citizens, Indian and non-In-  
11 dian, living on or near reservations throughout In-  
12 dian country.

13 (5) Establishment of an independent, non-  
14 partisan, institute to provide data, information, and  
15 analyses related to Indian issues would assist insti-  
16 tutions in shaping sound and consistent public policy  
17 and its establishment is warranted.

18 (6) The establishment of an institute is not in-  
19 tended, nor should it be construed as, a delegation  
20 of the responsibilities of the United States in formu-  
21 lating and adopting public policy.

22 **SEC. 3. DEFINITIONS.**

23 For purposes of this Act:

24 (1) The term “Indian” means any person who  
25 is a member of an Indian tribe.

1           (2) The term “Indian tribe” means any tribe,  
2           band, nation, or other organized group or commu-  
3           nity of Indians including any Alaska Native village  
4           which is recognized by the United States as eligible  
5           for special programs and services provided by the  
6           United States to Indians because of their status as  
7           Indians.

8           (3) The term “Institute” means the National  
9           Indian Research Institute established by this Act.

10          (4) The term “Board” means the Board of Di-  
11          rectors of the Institute.

12 **SEC. 4. ESTABLISHMENT OF INSTITUTE.**

13          (a) IN GENERAL.—There is established a federally  
14          chartered corporation to be known as the “National In-  
15          dian Research Institute” which shall be under the control  
16          of the Board of Directors established under section 7 of  
17          this Act.

18          (b) SUCCESSION AND AMENDMENT OF CHARTER.—  
19          The Federal corporation established by this Act shall have  
20          succession, subject to the review provided for in subsection  
21          (c), until dissolved by Act of Congress. The Congress shall  
22          have exclusive authority to revise or amend the provisions  
23          of this Act involving the establishment and operation of  
24          such corporation.

1 (c) REVIEW.—No later than 60 months after enact-  
2 ment of this Act, the Comptroller General of the United  
3 States shall—

4 (1) review the activities and performance of the  
5 Institute to determine whether amendments to this  
6 Act are required; and

7 (2) submit a report to the Speaker of the  
8 House of Representatives and the President pro  
9 tempore of the Senate containing specific findings  
10 and recommendations.

11 In carrying out such review and preparing such report,  
12 the Comptroller General shall ensure that there is signifi-  
13 cant opportunity for tribal input at all levels.

14 **SEC. 5. FUNCTIONS.**

15 (a) RESEARCH AND ANALYSIS.—The Institute shall,  
16 at the request of institutions shaping policies affecting In-  
17 dians (including Indian tribes, consortia of Indian tribes,  
18 the executive branch of the Federal Government, and the  
19 Congress) or upon its own initiative, conduct or commis-  
20 sion research and analysis to be carried out, in accordance  
21 with the highest standards of scholarship and independ-  
22 ence, on issues related to the development of public policy  
23 affecting Indians. The Institute shall adopt criteria and  
24 procedures to guide the selection of research projects con-  
25 sistent with section 7(f)(3). In conducting or commission-

1 ing research and analysis on issues relating to the develop-  
2 ment of public policy affecting Indians, the Institute shall  
3 ensure that such research shall consider all factors affect-  
4 ing Indian policy including the impact of such policy upon  
5 other Americans.

6 (b) DATA AND INFORMATION CLEARINGHOUSE.—  
7 The Institute shall establish a data base to make acces-  
8 sible information and data maintained by Government  
9 agencies, academic institutions, and Indian and other or-  
10 ganizations, and shall develop computer and telecommuni-  
11 cation networks to make such information recoverable by  
12 policy makers and the public. Where it is determined that  
13 developing a new and specific data base is required, the  
14 Institute shall undertake to meet such need.

15 (c) FORUMS AND SYMPOSIA.—The Institute shall  
16 conduct periodic public forums to identify and explore  
17 emerging Indian policy issues and to identify needs for  
18 data, information, or analyses, and shall conduct  
19 symposia, when appropriate, to clarify options for policy  
20 makers and to advance an understanding of complex and  
21 interrelated public policy issues as they affect Indian peo-  
22 ple and the formulation of Indian policy.

23 (d) PUBLIC INFORMATION.—(1) The Institute shall  
24 publish and make available to the executive and legislative  
25 branches of the Federal Government, tribal governments,

1 tribal colleges, and the public, the products of its research  
2 and reports of other activities by disseminating informa-  
3 tion about such research and reports as deemed appro-  
4 priate by the Board.

5 (2) Nothing in this Act shall be construed as prohibit-  
6 ing any Indian tribal government from imposing any con-  
7 dition, limitation, or other restriction on the use or dis-  
8 semination of any information or other data made avail-  
9 able by such tribal government to the Institute under this  
10 Act.

11 **SEC. 6. GENERAL POWERS OF INSTITUTE.**

12 (a) POWERS OF INSTITUTE.—In carrying out the  
13 provisions of this Act, the Institute shall have the power,  
14 consistent with the provisions of this Act—

15 (1) to adopt, use and alter a corporate seal;

16 (2) to make, subject to the availability of funds,  
17 agreements and contracts with persons, Indian tribal  
18 governments, tribal organizations, and private or  
19 governmental entities, and to make payments or ad-  
20 vance payments under such agreements or contracts  
21 without regard to the provisions of section 3324 of  
22 title 31, United States Code;

23 (3) to sue and be sued in its corporate name  
24 and to complain and defend in any court of com-  
25 petent jurisdiction;

1           (4) to represent itself, or to contract for rep-  
2           resentation, in all judicial, legal, and other proceed-  
3           ings;

4           (5) with the approval of the Federal agency  
5           concerned and on a reimbursable basis, to make use  
6           of services, facilities, and property of any board,  
7           commission, independent establishment, or executive  
8           agency or department of the Federal Government in  
9           carrying out the provisions of this Act, and to pay  
10          for such use;

11          (6) to solicit, accept, and dispose of gifts, be-  
12          quests, devises of money, securities, and other prop-  
13          erties of whatever character, for the benefit of the  
14          Institute;

15          (7) to receive grants from, and subject to the  
16          availability of funds, enter into contracts and other  
17          arrangements with Federal, State, tribal, or local  
18          governments, public and private agencies, organiza-  
19          tions, institutions, and individuals;

20          (8) to acquire with funds other than Federal  
21          funds, hold, maintain, use, operate, and dispose of  
22          such real property, including improvements thereon,  
23          personal property, equipment, and other items, as  
24          may be necessary to enable the Institute to carry out  
25          the provisions of this Act;

1           (9) to obtain insurance or make other provi-  
2           sions against losses;

3           (10) to use any funds or property received by  
4           the Institute to carry out the purpose of this Act ex-  
5           cept that any funds received by, or under the control  
6           of the Institute that are not Federal funds shall be  
7           accounted for separately from Federal funds; and

8           (11) to exercise all other lawful powers nec-  
9           essarily or reasonably related to the establishment of  
10          the Institute in order to carry out the provisions of  
11          this Act and the exercise of the powers, purposes,  
12          functions, duties, and authorized activities of the In-  
13          stitute.

14 **SEC. 7. BOARD OF DIRECTORS.**

15          (a) COMPOSITION.—

16           (1) The Board of Directors of the Institute  
17           shall consist of 13 members appointed by the Presi-  
18           dent, by and with the advice and consent of the Sen-  
19           ate, from among individuals who are representative  
20           of a broad range of Indian policy expertise as evi-  
21           denced by established credentials in the different  
22           disciplines which make up the diverse field of Indian  
23           policy, including degrees from recognized academic  
24           institutions, leadership in public policy-making posi-  
25           tions, or affiliation with public and private institu-

1 tions which are known for their significant contribu-  
2 tions to the public interest and shall include—

3 (A) 4 members appointed from among in-  
4 dividuals nominated by the Speaker of the  
5 House of Representatives; and

6 (B) 4 members appointed from among in-  
7 dividuals nominated by the President pro tem-  
8 pore of the Senate.

9 One of the 5 members appointed without regard to  
10 subparagraphs (A) and (B) shall be designated by  
11 the President, at the time of appointment, as the  
12 chairman of the Board.

13 (2) In making appointments under paragraph  
14 (1), the President shall—

15 (A) consult with Indian tribal governments  
16 and tribal organizations;

17 (B) solicit nominations from Indian public  
18 policy specialists, Indian tribal governments,  
19 tribal colleges, other Indian organizations, aca-  
20 demic institutions and public officials with In-  
21 dian policy responsibilities; and

22 (C) ensure that a majority of appointments  
23 are Indians who are broadly representative of  
24 Indian country.

1 (b) INTERIM BOARD.—The Planning Committee ap-  
2 pointed pursuant to section 11 of Public Law 101–301  
3 and composed of those individuals serving at the time of  
4 enactment of this Act shall serve as the interim Board  
5 until the appointments authorized in subsection (a)(1)  
6 have been made. Their service shall terminate on the date  
7 that all members authorized to be appointed under sub-  
8 section (a)(1) are first appointed.

9 (c) TERMS OF OFFICE.—

10 (1) Except as otherwise provided in this section,  
11 members of the Board of Directors appointed pursu-  
12 ant to subsection (a)(1) shall be appointed for terms  
13 of office of 3 years.

14 (2) Of the members first appointed under sub-  
15 section (a)(1)—

16 (A) 1 member appointed under subpara-  
17 graph (A) of such subsection, 1 member ap-  
18 pointed under subparagraph (B) of such sub-  
19 section, and 1 of the remaining members ap-  
20 pointed without regard to subparagraphs (A)  
21 and (B) of such subsection shall be appointed  
22 for a term of office of 12 months;

23 (B) 1 member appointed under subpara-  
24 graph (A) of such subsection, 1 member ap-  
25 pointed under subparagraph (B) of such sub-

1 section, and 1 of the remaining members ap-  
2 pointed without regard to subparagraphs (A)  
3 and (B) of such subsection shall be appointed  
4 for a term of office of 24 months; and

5 (C) all other members shall be appointed  
6 for a term of office of 36 months.

7 (3) The term of office assigned to each of the  
8 initial members of the Board as provided under  
9 paragraph (2) shall be determined by the President  
10 at the time of appointment, except that no member  
11 shall be eligible to serve in excess of 2 consecutive  
12 terms, but may continue to serve until such mem-  
13 ber's successor is appointed.

14 (d) VACANCIES.—Any member of the Board ap-  
15 pointed under subsection (a) to fill a vacancy occurring  
16 before the expiration of the term to which such member's  
17 predecessor was appointed shall be appointed for the re-  
18 mainder of such term.

19 (e) POWERS OF BOARD.—The Board is authorized  
20 and directed to—

21 (1) formulate policy for the Institute and pro-  
22 vide direction for its management;

23 (2) make such bylaws and rules as it deems  
24 necessary for the administration of its functions

1 under this Act, including the organization and oper-  
2 ating procedures of the Board; and

3 (3) establish a process for independent peer re-  
4 view of research proposals submitted to the Institute  
5 based upon the research competence of the appli-  
6 cant, the applicant's knowledge of related research,  
7 the utility or relevance of the research, and such  
8 other criteria as the Board may identify for specific  
9 projects.

10 (f) OFFICERS AND EXECUTIVE COMMITTEE.—The  
11 Board shall establish an executive committee to be com-  
12 prised of a vice chair, secretary, treasurer, and one at-  
13 large member selected by the Board from among its mem-  
14 bers, and the chairman of the Board. In accordance with  
15 the bylaws of the Board, such members shall provide di-  
16 rection for the Board, and serve in lieu of the Board on  
17 matters requiring Board action, subject to review and ac-  
18 tion by the Board as the members of the Board may deem  
19 appropriate.

20 (g) COMMITTEES.—The Board may establish such  
21 committees, task forces, and working groups as it deems  
22 appropriate and necessary.

23 (h) COMPENSATION.—Members of the Board ap-  
24 pointed under subsection (a)(1) shall, for each day they  
25 are engaged in the performance of their duties, receive

1 compensation at the rate of \$125 per day, including travel  
2 time. All members of the Board, while so serving away  
3 from their homes or regular place of business, shall be  
4 allowed travel expenses, including per diem in lieu of sub-  
5 sistence.

6 **SEC. 8. RESOURCE ADVISORY COUNCIL.**

7 (a) RESOURCE ADVISORY COUNCIL.—There is estab-  
8 lished the Resource Advisory Council to the National In-  
9 dian Research Institute (hereafter referred to as the  
10 “Council”) which shall provide assistance in the develop-  
11 ment and operations of the Institute.

12 (b) COMPOSITION.—The membership of the Council  
13 is as follows:

- 14 (1) Secretary of Health and Human Services.
- 15 (2) Secretary of Interior.
- 16 (3) Secretary of Education.
- 17 (4) Secretary, Smithsonian Institution.
- 18 (5) Secretary of Commerce.
- 19 (6) Secretary of Labor.
- 20 (7) Administrator of the Environmental Protec-  
21 tion Agency.
- 22 (8) Director, National Academy of Sciences.
- 23 (9) Librarian of Congress.
- 24 (10) Director, Office of Technology Assessment.
- 25 (11) Director, National Institutes of Health.

1           (12) Chairman, Committee on Indian Affairs,  
2 United States Senate.

3           (13) Chairman, Committee on Natural Re-  
4 sources, United States House of Representatives.

5           (c) FUNCTIONS.—The Council, which is advisory only  
6 and exercises no executive authority—

7           (1) shall make recommendations to the Board  
8 of Directors regarding research procedures and or-  
9 ganizational development;

10          (2) shall provide professional and technical as-  
11 sistance upon request of the Board of Directors, in-  
12 cluding staff support for the activities of the Coun-  
13 cil;

14          (3) when biannual meetings are called by the  
15 chairmen of the Senate Committee on Indian Affairs  
16 and the Committee on Natural Resources of the  
17 House of Representatives, shall attend such meet-  
18 ings or shall designate an individual or individuals to  
19 attend on behalf of the Council; and

20          (4) may make reports and recommendations to  
21 the Board of Directors and to the Congress as they  
22 may from time to time request, or as the Council  
23 may consider necessary to more effectively accom-  
24 plish the purposes of this Act.

1 **SEC. 9. OFFICERS AND EMPLOYEES.**

2 (a) DIRECTOR.—The Board of Directors shall ap-  
3 point a Director of the Institute. The Director may only  
4 be removed from office by the Board in accordance with  
5 the bylaws of the Institute.

6 (b) RESPONSIBILITY OF DIRECTOR.—Subject to the  
7 direction of the Board, the Director shall have the respon-  
8 sibility for carrying out the policies and functions of the  
9 Institute, and shall have authority over all personnel and  
10 activities of the Institute.

11 (c) EMPLOYEES.—The Director, with the approval of  
12 the Board, shall have the authority to appoint and fix the  
13 compensation and duties of such officers and employees  
14 as may be necessary for the efficient administration of the  
15 Institute.

16 (d) PREFERENCE.—In implementing this section, the  
17 Board and the Director shall afford preference to Amer-  
18 ican Indians.

19 **SEC. 10. NONPROFIT AND NONPOLITICAL NATURE OF IN-**  
20 **STITUTE.**

21 (a) NOT AN ADVOCACY ORGANIZATION.—The Insti-  
22 tute shall not engage in the advocacy of public policy alter-  
23 natives, represent itself as the voice of tribal governments,  
24 or take other actions that might be construed as interfer-  
25 ing with or diminishing the government-to-government re-

1 lationship between tribal governments and the United  
2 States.

3 (b) NO SUPPORT TO POLITICAL PARTIES.—The In-  
4 stitute may not contribute to, or otherwise support, any  
5 political party or candidate for elective public office, in-  
6 cluding tribal office.

7 (c) OTHER.—No part of the income or assets of the  
8 Institute shall inure to the benefit of any director, officer,  
9 employee, or any other individual, except as salary or rea-  
10 sonable compensation for services.

11 **SEC. 11. TRANSFER OF FUNCTIONS AND ADMINISTRATION**  
12 **BY THE INSTITUTE.**

13 (a) TRANSFER OF FUNCTIONS.—There are trans-  
14 ferred to the Institute, and such Institute shall perform,  
15 the functions set forth under section 11 of Public Law  
16 101–301 relating to the National Center for Native Amer-  
17 ican Studies and Indian Policy Development, and section  
18 816(e) of the Native American Programs Act of 1974 (42  
19 U.S.C. 2991 et seq.).

20 (b) GRANT.—Subject to an appropriation by the Con-  
21 gress for this purpose, within 30 days following the date  
22 of such appropriation, the Secretary of Health and  
23 Human Services shall award a grant to the Institute for  
24 all activities of the Institute and to enable the Institute  
25 to provide such management, technical and support assist-

1 ance as may be reasonable or necessary to operate the In-  
2 stitute, including audit, accounting, computer services and  
3 building and maintenance services. Subject to the avail-  
4 ability of funds, the grant shall be automatically renewable  
5 on an annual basis until such time as Congress may pro-  
6 vide otherwise.

7 **SEC. 12. RELATIONSHIP WITH TRIBAL COLLEGES AND**  
8 **OTHER RESEARCH ORGANIZATIONS.**

9 (a) **CONTRACTS AND AGREEMENTS.**—The Director of  
10 the Institute, pursuant to the direction of, and in consulta-  
11 tion with, the Board of Directors, is authorized to enter  
12 into contracts, memoranda of understanding and agree-  
13 ments with—

14 (1) tribally controlled community colleges as de-  
15 fined by section 2(a)(4) of the Tribally Controlled  
16 Community College Assistance Act of 1978;

17 (2) the United Tribes Technical College, South-  
18 west Indian Polytechnic Institute, Haskell Indian  
19 Junior College, and Crownpoint Institute of Tech-  
20 nology; and

21 (3) other research institutions which have expe-  
22 rience in the conduct of research that has been suc-  
23 cessfully carried out in cooperation with American  
24 Indians;

1 for the purpose of conducting research, developing issue  
2 papers, or to assist the Institute in carrying out its respon-  
3 sibilities under this Act.

4 (b) PREFERENCES.—In the award of contracts for re-  
5 search, the Director may give preference to institutions  
6 or individuals that have successfully conducted research  
7 in cooperation with American Indian tribal governments  
8 and organizations.

9 (c) GEORGE WASHINGTON UNIVERSITY.—The Board  
10 of Directors is authorized to enter into an agreement with  
11 the George Washington University to obtain facilities and  
12 technical services.

13 **SEC. 13. REPORTS.**

14 (a) ANNUAL REPORT.—The Director of the Institute  
15 shall submit an annual report to the Speaker of the House  
16 of Representatives, the President pro tempore of the Sen-  
17 ate, and to the Board concerning the activities and status  
18 of the Institute during the 12-month period preceding the  
19 date of the report. Such report shall include, among other  
20 matters, a comprehensive summary of studies performed  
21 and activities carried out, a detailed statement of private  
22 and public funds, gifts, and other items of a monetary  
23 value received by the Institute during such 12-month pe-  
24 riod, and the disposition thereof, as well as any rec-

1 ommendations for improving the Institute. Such report  
2 shall also be provided to all tribal governments.

3 (b) BUDGET PROPOSAL.—The Board shall submit a  
4 budget proposal for the Institute for fiscal year 1995, and  
5 each fiscal year thereafter, to the Secretary of Health and  
6 Human Services. The Secretary of Health and Human  
7 Services shall transmit such budget proposal, together  
8 with the budget proposal of the Department of Health and  
9 Human Services, to the President. The budget proposal  
10 of the Institute shall be included in the annual budget of  
11 the President.

12 **SEC. 14. COMPLIANCE WITH FEDERAL LAWS.**

13 For the purpose of administering the Federal crimi-  
14 nal laws relating to larceny, embezzlement, or conversion  
15 of property or funds, the Institute shall be considered to  
16 be a Federal entity and subject to such laws.

17 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated \$1,000,000  
19 for fiscal year 1995, and such sums as may be necessary  
20 for fiscal years 1996 and 1997, to carry out this Act.  
21 Funds appropriated under this section shall remain avail-  
22 able without fiscal year limitation.

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