



SUMMARY OF PROPOSED AMENDMENTS TO THE HIGHER EDUCATION ACT (INCLUDING THE REAUTHORIZATION OF THE TRIBAL COLLEGE ACT AND AMENDMENTS TO OTHER LAWS) (July 2015)

The presidents of the nation's Tribal Colleges and Universities (TCUs), who together are the American Indian Higher Education Consortium (AIHEC), recommend the following amendments be included in the final legislation to reauthorize of the Higher Education Act of 1965. In addition to changes to the current TCU-Title III-A program, TCUs seek the authorization of two additional programs within Title III-A to help address time critical Native language vitalization and training programs at TCUs; and the continuing need for expanded support services for our students to help ensure their persisting and success in competing their chosen course of study.

Recommended amendments to Title IV of the Higher Education Act include 1) restoring eligibility for Federal financial aid to disenfranchised populations, and 2) more equitable disbursement process for Federal Supplemental Educational Opportunity Grants (FSEOG) and Work-Study Grants.

Additionally, the Tribally Controlled Colleges and Universities Assistance Act will be reauthorized in conjunction with the HEA. AIHEC is seeking to update this critically important legislation.

The following are requests and justification of changes sought during the HEA reauthorization, listed by Title:

TITLE III: INSTITUTIONAL AID

- I. **A technical amendments:** (1) to remove a senseless requirement that the U.S. Department of Education impose a burdensome and unnecessary pre-application process on the clearly defined, and therefore strictly limited pool of participants in the Tribal Colleges and Universities Title III-A program (Sec. 316); (2) to extend for five years the time to expend funds obligated during the initial five year grant period, as currently provided for in the HBCU Title III formula funded grant awards; and (3) change distribution formula to count FTE rather than Indian student count (ISC).

- (1) **AMENDMENT LANGUAGE** (eliminate pre-application process): The Higher Education Act of 1965 is amended as follows:

"Strike Title III-A Sec 316 (d)(1) and redesignate the subparagraphs accordingly."

The eligibility requirement is intended to define and narrow the pool of applicants that may compete in the general Title III Strengthening Institutions grant program. Since 2008, the TCU-Title III program is formula funded and therefore, it is not necessary or relevant to impose the pre-application process. It is worth noting that the Historically Black Colleges and Universities Title III program, which has always been formula funded, is not subject to the pre-application process in order to be eligible to receive a grant under said program. While the Department has agreed that this is not a necessary step and has suspended the requirement, until the statutory language is removed, the Department can, at any time, return to the prior practice and require that all TCUs go through an annual process of applying for eligibility, *months prior to* submitting an application for participation. This unnecessary and often

confusing step is contrary to existing statutory language which directs the Department to “simplify and streamline the process of applying for grants” under the TCU Title III program (Sec. 316(d)(2)(B)). We are seeking this legislative change, which will help to streamline and simplify the process and to ensure that the needless step is permanently eliminated from the process of administering the TCU Title III formula funded grant program.

(2) **AMENDMENT LANGUAGE** (extension of grant carryover time limit): The Higher Education Act of 1965 is amended as follows:

At the end of Title III-A Sec 316(d)(3)(B) insert the following new subparagraph:

“(iii) Use of unexpended funds

Any funds paid to an institution and not expended or used for the purposes for which the funds were paid during the five-year period following the date of the initial grant award, may be carried over and expended during the succeeding five-year period, if such funds were obligated for a purpose for which the funds were paid during the five-year period following the date of the initial grant award.”

As many of the TCUs’ current Title III grants will expire on September 30, 2015 several of which have significant balances remaining since grant funds are intended for long-term projects, such as construction - the Department of Education has now decided that it does not have the authority to extend the time TCU-Title III grant funds must be formally obligated or encumbered beyond the five year limit of the grant. Should those funds remaining not be spent or at least formally obligated by September 30, 2015 the funds will revert to the U.S. Treasury and be lost to the program. AIHEC is working with the Department to get this apparent misinterpretation of current law fixed before the end of FY 2015. However, this requires a long-term fix to be included in the HEA reauthorization. The language sought is the same as that included in the Title III program for HBCUs, which is the other formula funded Title III program. By adding this same language to the TCUs program, the Department will be afforded the authority and direction needed for time extension to expend Title III grant funds intended for long-term projects that for many reasons may require additional time to complete.

Additional Information Regarding Technical Amendments:

Issues with Section 312(b), which specifies the eligibility criteria for participation in Title III-A programs, as applied to the TCUs’ Title III-A program, include:

- Under current law, this eligibility criterion applies to all programs authorized under Title III-A of the Higher Education Act that are not specifically exempted from all or part of Section 312(b). For the past several years, the Department has required that any tribal college wishing to receive a grant in the TCU-specific program must submit an online “application for eligibility,” which typically is due several months before the actual program proposal deadline. This has not always been the case, and has led to some confusion among TCUs. When the program was originally implemented in the late 1990s, the Department did not require TCUs to submit an eligibility application because it was clear to the Department which institutions were eligible for the specific TCU program, by definition.
- The arbitrary imposition and enforcement of the eligibility application process on TCUs has led to several TCUs being excluded from this vitally needed program. For example, in FY2008, Navajo Technical College (NTC) in Crownpoint, New Mexico was excluded from participating in the program simply because its name had changed (from Crownpoint Institute of Technology) between the time that it last filed an eligibility application and the FY2008 competition. The FY2008

competition was especially important because it included a one-time solicitation for \$60 million in mandatory construction funding under the *College Cost Reduction and Access Act* (CCRAA), specifically for TCUs. Without notifying the institution or asking a single question about the new name, Department of Education staff simply threw out its application, thus leaving NTC out of the competition for \$60 million in construction funding, as well as the smaller discretionary TCU construction program. Another TCU (Fort Peck Community College in Montana) also was arbitrarily excluded from the program, even though the institution received a letter signed by a Department official stating that it was eligible to compete.

- The criteria clearly are not relevant to Tribal Colleges:
 - Another example, 27 of the TCUs are funded under Title I of the Tribally Controlled Colleges and Universities Assistance Act (TCCUAA), and thus receive an IDENTICAL amount of funding, per student, for “educational and general expenditures,” therefore, section 312(b)(1)(B) is essentially irrelevant to these TCUs.
 - Included in the eligibility application is a waiver option for TCUs for both the needy student and the educational and general expenditures (E&G) requirements, which make it clear that the Department recognizes that this additional step in the application process is irrelevant for Tribal Colleges.
- Two legislative changes have been made to the TCU Title III program, in recognition of the small and clearly defined pool of eligible applicants and the burdensome application process: the first, included language that (a) directs the Secretary to “streamline and simplify the application process” for the TCU program and (b) exempts the TCU program from the 2-year wait out period applicable to the general Title III-A program; and most recently, the TCU program was changed from a competitive to a formula funded program.

(3) **AMENDMENT LANGUAGE** (Use FTE rather than ISC in distribution formula): The Higher Education Act of 1965 is amended as follows:

In Title III-A Sec 316 (d)(3)(B)(i)(I) strike “based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities.” And insert in lieu thereof “based on the full-time equivalent (FTE) of all students.”

Currently, the statutory formula for distributing funding under Title III-A §316 to tribal colleges is based on each institution’s Indian student count, which includes only those students that are enrolled in a federally recognized tribe, or the biological child of an enrolled tribal member. However, the TCU Title III program is intended to benefit of the entire college community and not one faction of its students. Therefore, all students, and not just members/children of members of federally recognized tribes, should be counted for the purpose of calculating each institution’s annual share of available funds. This amendment would correct the formula components by using each institution’s FTE students rather than its Indian student count.

Authorization of Appropriations: We are requesting a \$35 million authorization for fiscal year 2016 and “such sums” for each succeeding fiscal year. We are looking to increase funding authority to a level adequate to continue to support those institutions currently qualified to apply for funding under the TCU program, as well as to accommodate a number of identified emerging TCUs. These new TCUs will further expand access to and completion of quality higher education opportunities for American Indian and Alaska Native peoples.

II. TRIBAL COLLEGE OR UNIVERSITY NATIVE AMERICAN LANGUAGE VITALIZATION AND TRAINING PROGRAM.

An amendment creating a new section under Title III-A to provide grants to tribal colleges or universities to promote the preservation, revitalization, relevancy, and use of Native American languages.

AMENDMENT LANGUAGE: Part A of Title III of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

“SEC. NATIVE AMERICAN LANGUAGE VITALIZATION AND TRAINING PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) TRIBAL COLLEGE OR UNIVERSITY.—The term ‘tribal college or university’ has the meaning given the term ‘Tribal College or University’ in section 316(b).

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish a program, to be known as the ‘Native American Language Vitalization and Training Program’, under which the Secretary shall provide grants to tribal colleges or universities to promote the preservation, revitalization, relevancy, and use of Native American languages.

“(2) REQUIREMENTS.—

“(A) BASIS.—The Secretary shall provide grants under paragraph (1) on a competitive basis.

“(B) TERM.—The term of a grant under paragraph (1) shall be not more than five years.

“(3) APPLICATION.—

“(A) IN GENERAL.—To be eligible to receive a grant under this subsection a tribal college or university shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(B) STREAMLINED PROCESS.—The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants under this section.

“(C) INCLUSIONS.—An application under this paragraph shall include a plan for the program proposed to be carried out by the tribal college or university using the grant, including—

“(i) a description of a 5-year strategy of the tribal college or university for meeting the needs of American Indians or Alaska Natives, as appropriate, in the area served by the tribal college or university;

“(ii)(I) an identification of the population to be served by the tribal college or university; and

“(II) an identification of the status of Native American language understanding and use within that population and a description of the manner in which the program will help preserve and revitalize the relevant Native American language;

“(iii) a description of the services to be provided under the program, including the manner in which the services will be integrated with other appropriate activities; and

“(iv) a description, to be prepared in consultation with the Secretary, of the performance measures to be used to assess the performance of the tribal college or university in carrying out the program.

“(D) REQUIREMENT.—A program plan under subparagraph (C) shall be consistent with the purposes of this section, as determined by the Secretary.

“(c) USE OF FUNDS.—A tribal college or university may use a grant provided under this section to carry out activities, including—

“(1) curriculum development and academic instruction, including educational activities, programs, and partnerships relating to students in prekindergarten through grade 12;

“(2) professional development for tribal college and university faculty and in-service training programs for prekindergarten through grade 12 instructors and administrators; and

“(3) innovative Native American language programs for students in prekindergarten through grade 12, including language immersion programs.

“(d) APPLICABILITY OF OTHER PROVISIONS.—

“(1) CONCURRENT FUNDING.—A tribal college or university that receives a grant under this section may concurrently receive funds under section 316.

“(2) EXEMPTION.—Sections 312(b) and 313(d) shall not apply to a tribal college or university that receives a grant under this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2016 through 2020.”.

Explanation of Request: Tribal Colleges and Universities are engaged institutions of higher education created by American Indians for American Indians primarily on rural and isolated Indian reservations, which were virtually excluded from the rest of this nation’s system of higher education. Tribal Colleges and Universities and their students contribute significantly to the economic and social health of reservation communities. The TCUs offer a variety of social services for students and community members and often serve as community centers, libraries, tribal archives, career and business centers, economic development centers, public meeting places, and childcare and wellness centers. The nation’s 37 TCUs are ideal forums for advancing the time-sensitive efforts to rescue Native languages from extinction. Of the 155 Indigenous languages still being spoken in the United States, 135 of these are spoken only by elders. Native languages have rich oral cultures with stories, songs, and histories passed on to younger generations, but many have no written forms. When a language is lost, it is lost forever and with it an entire culture is lost. Language and culture are at the heart of the mission of each Tribal College and University, and these institutions play a strong leadership role in Native language immersion. Indeed, TCUs are responsible for the majority of the 50 or so Native language immersion programs in the United States. Despite the proven success of TCU Native language preservation and vitalization efforts, only minimal federal and private sector resources are directed toward these critical activities. Because many Native languages are on the verge of extinction we do not have the luxury of time. We must address this critical issue now, before it is too late.

III. TRIBAL COLLEGES AND UNIVERSITIES SUPPORT SERVICES FOR STUDENTS PROGRAM.

An amendment creating a new section under Title III-A to establish and expand student support services programs that will allow for more efficient and effective application and administration of such programs addressing the unique population of students at the nation’s Tribal Colleges and Universities.

AMENDMENT LANGUAGE: Part A of Title III of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

“SEC. TRIBAL COLLEGES AND UNIVERSITIES SUPPORT SERVICES FOR STUDENTS.

“(a) DEFINITIONS.—In this section:

“(1) TRIBAL COLLEGE OR UNIVERSITY.—The term ‘tribal college or university’ has the meaning given the term ‘Tribal College or University’ in section 316(b).

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish a program, to be known as the ‘Tribal Colleges and Universities Program’ to establish and expand support services for students that will allow for more efficient and effective application and administration of such

programs addressing the unique population of students at the nation's Tribal Colleges and Universities.

“(2) REQUIREMENTS.—

“(A) BASIS.—The Secretary shall provide grants under paragraph (1) on a competitive basis.

“(B) TERM.—The term of a grant under paragraph (1) shall be not more than five years.

“(3) APPLICATION.—

“(A) IN GENERAL.—To be eligible to receive a grant under this subsection a tribal college or university shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(B) STREAMLINED PROCESS.—The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants under this section.

“(C) INCLUSIONS.—An application under this paragraph shall include a plan for the program proposed to be carried out by the tribal college or university using the grant, including —

“(i) a description of a 5-year strategy of the tribal college or university for meeting the unique needs of American Indian/Alaska Native students;

“(ii) the number of students to be served for each year of the grant;

“(iii) a description of the services to be provided under the program; and

“(iv) a description, to be prepared in consultation with the Secretary, of the performance measures to be used to assess the performance of the tribal college or university in carrying out the program.

“(D) REQUIREMENT.—A program plan under subparagraph (C) shall be consistent with the purposes of this section, as determined by the Secretary.

“(c) USE OF FUNDS.—A tribal college or university may use a grant provided under this section to carry out activities, including—

“(1) academic tutoring, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

“(2) advice and assistance for students in navigating -

- (A) course selection
- (B) mentoring programs
- (C) student financial aid programs, including scholarships and assistance in completing public and private financial aid applications
- (D) education or counseling services designed to improve financial and economic literacy
- (E) application for admission to, and securing financial assistance for enrollment in four-year and/or graduate programs
- (F) other activities proposed in the application that contribute to carrying out the intent of this program as described in subsection (b) and are approved by the Secretary as part of the review and acceptance of such application

“(d) APPLICABILITY OF OTHER PROVISIONS.—

“(1) CONCURRENT FUNDING.—A tribal college or university that receives a grant under this section may concurrently receive funds under section 316.

“(2) EXEMPTION.—Sections 312(b) and 313(d) shall not apply to a tribal college or university that receives a grant under this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2016 through 2020.”.

Explanation of Request: Tribal colleges must find stable funding for student support services to achieve their collective goal to increase participation, retention, and completion rates of American Indian/Alaska Native students in postsecondary education. Among institutions of higher education, TCUs have a disproportionate number of students in need of developmental/remedial education and other services that can only be addressed through a sustained and comprehensive student support program. The penultimate TRIO student support services (SSS) competition (2005) resulted in a 26 percent drop in the number of SSS grants being awarded to TCUs. In 2010, the number of TCUs with SSS grants dropped again by 11.8 percent; and this year (2015) the number of TCUs with SSS grants dropped by 14.3 percent. The drop is not an indication of inferior proposals. On the contrary, it illustrates the extreme need for such programs and a lack of adequate funds available for such vital grant programs, nationwide. The grant scoring cut off of these SSS competitions is exceedingly high, further illustrating the dearth in available resources, and leaving many worthy programs unfunded. Clearly institutions such as tribal colleges and universities will be hard pressed to compete with larger, more developed institutions that have the stable resources and are in a position to hire professional grant writers. Prior experience points, complexity of application, and lack of adequate resources have kept TCUs from being able to participate in this critical program, at even a fraction of need. Tribal colleges propose this competitive program to afford the TCUs, which number less than 35, a solid opportunity to secure funds to build stable student support programs at their respective institutions. The continued drop in grant awards to TCUs is most unfortunate and needs to be reversed so that TCUs can continue to provide access and foster success in quality higher education opportunities for the Native and non-Native students enrolled at the nation’s Tribal Colleges and Universities.

TITLE IV: STUDENT ASSISTANCE

- **Federal Supplemental Educational Opportunity Grants (FSEOG) and Work-Study:** In addition to increasing authorization levels for these campus-based programs, changes are needed in order to create a system closer to parity between older institutions (those institutions in existence prior to 1979) that continue to benefit from “hold harmless” provisions of the law and newer institutions. Currently, aid disbursements for FSEOG and Work-Study programs fund older institutions at levels that are much higher than institutions established after 1979, even though student need is equal or greater at the newer institutions.

We do not believe that institutions should be penalized when documented student need is equal *or greater*, simply because they were not in existence when a program was originally established or modified. We urge reevaluation of the current funding and distribution processes for these programs in order to create a system that is fair to all students in need, regardless of the age of the institution they attend.

One possible solution would be to stipulate that for the disbursement of new funds, priority for full funding shall be given to institutions with high rates (75 percent or higher) of students in financial need. (The Pell grant threshold could be used for FSEOG and Work-Study.)

- **Restore eligibility for Federal financial aid to disenfranchised populations:** The elimination of aid for prisoners and individuals with non-violent, drug-related convictions represents an excessive and imprudent penalty for individuals who are already paying their debt to society. To help ensure that these individuals will become productive, taxpaying citizens, efforts must be made to promote their rehabilitation and positive contribution to the Nation. Restoring eligibility for Federal financial aid would be a step toward breaking recurring negative patterns and promoting rehabilitation among this population.

TITLE IX: AMENDMENTS TO OTHER LAWS.

I. Tribally Controlled Colleges and Universities Assistance Act of 1978

The Tribally Controlled Colleges and Universities Assistance Act of 1978 is reauthorized under Title IX (Amendments to Other Laws) of the Higher Education Act. During the 114th Congress reauthorization of the Higher Education Act, the Tribal Colleges and Universities (TCUs) seek inclusion of the following amendments to the Tribal College Act, in any bill ultimately enacted.

Technical Amendments to update statutory language: Changes made to the law subsequent to its initial enactment have not been cross-checked throughout the Act.

The following amendments, many of which are technical, are intended to update the legislative language, much of which is no longer relevant, and to remove ambiguities therein.

(1) **Technical Amendment:** Delete Sec. 1801(a)(9)

Justification: The language regarding Indian students making satisfactory progress in determining an institution’s Indian Student Count (ISC), which is the measure used for disseminating a TCU institutional operating funds under Title I of the Act, was removed in the last reauthorization of the Act (Pub. Law 110-

315). However, the definition of “satisfactory progress” related to the provision was not also removed at that time.

(2) **Amendment:** In Sec. 1809(3) strike “If in operation more than one year, has” and insert “Has”

Justification: This is truly a technical amendment to update the legislation from its first enactment in 1978, when the idea of TCUs -- The Tribal College Movement -- was just starting to take hold. Today, eligibility to receive any grant funding under this Act requires that the college has a majority American Indian/Alaska Native enrollment.

(3) **Amendment:** Delete Sec. 1804a.

Justification: This section was also included in the initial legislation to help define considerations for determining the feasibility of a tribe establishing a tribal college; the procedures for submitting and reviewing applications for planning grants; and the reservation of appropriated funds to do so. Today, there is a prescribed process for establishing a tribal college. For a tribe to seriously consider chartering a tribal college, they must be prepared to support the college until it is accredited and thereby eligible for Tribal College Act funding.

(4) **Amendment:** In Sec. 1805(a)(2) strike “tribally controlled college or university” and insert “tribally controlled colleges and universities”

Justification: Tribal colleges have a wide array of technical assistance needs, some specific to a few colleges and other issues of almost universal concern. The Bureau of Indian Education (BIE) has determined that it is much more efficient and cost effective to deliver technical assistance by contracting with an organization chosen by the stakeholders (TCUs) themselves. In doing so, all TCUs can benefit from the experiences of others through networking with peers, relevant workshops and professional development opportunities, as well as wide dissemination of best practices and problem solving methods, and valuable information about federal and private grant opportunities.

(5) **Amendments to Sec. 1806**

a. In Sec. 1806(a) - Strike “Bureau of Indian Affairs” and insert “Bureau of Indian Education”

Justification: In 2006, the Office of Indian Education Programs was renamed and the Bureau of Indian Education (BIE) established to reflect the parallel purpose and organizational structure BIE has in relation to other programs within the Office of the Assistant Secretary for Indian Affairs.

b. The last sentence in Sec. 1806(b) is amended to read: “Such a positive determination shall not be effective before the fiscal year succeeding the fiscal year in which such determination is made.”

Justification: A wait-out period is necessary to allow for adequate funding to be secured for any new TCU that becomes eligible for funding under Title I of the Tribal College Act so as to not negatively impact those institutions currently receiving operations funding under the Act.

c. In Sec. 1806(c)(2) strike “5 per centum” and insert “\$20,000”

Justification: Procedures and criteria for determining a prospective college’s eligibility to receive funding under the Act have long been delineated. A site visit of the prospective college is the final step in determining the institutions eligibility for funding under this section. The number of colleges and therefore the level of funding have increased considerably since the Act was initially funded in FY 1981. In FY 2015, 5 percent of the appropriation for operating Title I institutions would provide \$3.45 million to conduct a site visit of an applicant college. Therefore, we recommend that the

amount be limited to \$20,000, which should be more than adequate to conduct a site visit or even multiple visits should there be more than one viable application submitted in a single funding cycle.

(6) Amendments to Sec. 1807

- a. Strike "(c)" and insert "(b)"
- b. Delete Sec. 1807(d) and redesignate the subsequent subsection accordingly.

Justification: Redesignation of the subsection is simply that, correcting the numbering. The subsection (d) that lays out priority of number of grants was applicable when the legislation was new. This subsection is no longer relevant and therefore, unnecessary.

- c. In the newly redesignated subsection (c) insert "higher education" after "national Indian"

Justification: As this legislation only impacts Tribal institutions of higher education, consultation should be conducted with national Indian organizations that focus on and are experts in Tribal higher education.

(7) Amendments to Sec. 1808

- a. In subsection (a), strike "(2) Exception" and insert "(2) Exceptions"
- b. Insert a new subparagraph (A) as follows, and designate the subsequent paragraph as "(B):

"(A) If the sum appropriated for any fiscal year for grants under this section is not sufficient to pay in full the total amount that approved applicants are eligible to receive under this section for such fiscal year, the Secretary shall first allocate to each such applicant that received funds under this part for the preceding fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant's Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution's control."

Justification: A new exception is warranted to provide a "hold harmless" for those TCUs currently funded under the Title I of the Act. With the new exception, the Secretary is directed to first allocate available funds to existing TCUs before any new grants are awarded. This is to ensure some stability in operating budgets for the colleges currently funded under Title I.

- c. In the heading for Sec. 1808(b) strike "Advance installment payments" and insert "Payments";

In Sec. 1808 (b)(1) strike “funds available for allotment by October 15 or no later than 14 days after appropriations become available,” and insert “amounts appropriated for any fiscal year on July 1 of that fiscal year,” ; and
Strike “January” and insert “September”

Justification: In FY2010, forward funding of grants under Title I of the Act was initiated. Now the Title I funded TCUs receive their operating grants in July prior to the start of the new academic year. Therefore advanced installment payments are no longer applicable to these grants, and the timetable for dissemination of funds shifts from the federal fiscal year to that of the academic year.

- d. In the 1808(c)(2)
- strike “, in consultation with the National Center for Education Statistics,” and insert “either directly or by contract,”

Justification: The Integrated Postsecondary Education Data System (IPEDS), widely recognized as a critically flawed system, is a product of the NCES. Current law states that proposed the data collection system is for the purpose of “obtaining information with respect to the needs and costs of operation and maintenance of tribally controlled colleges and universities.” Given the unique nature of Tribal higher education institutions, consultation with the NCES seems ill-advised and most unnecessary.

- Strike “or universities” and insert “and universities”

(8) Amendments to Sec. 1809:

In the heading for Sec. 1809(b) and in the first sentence in Sec. 1809(c), strike “Indian Affairs” and insert “Indian Education”; and correct subsection numbering accordingly.

Justification: In 2006, the Office of Indian Education Programs was renamed and the Bureau of Indian Education (BIE) established to reflect the parallel purpose and organizational structure BIE has in relation to other programs within the Office of the Assistant Secretary for Indian Affairs.

(9) Technical Corrections to Sec. 1810:

In subsection (a) strike “2009” each place it occurs and insert “2016”;
Strike “such sums as may be necessary” in second place it occurs in each of subparagraphs (a)(2) and (a)(3); and
In subparagraph (a)(4) strike “or universities” and insert “and universities”

(10) Technical Correction to Sec. 1811:

In subsection (a)(2) strike “or universities” and insert “and universities”

(11) Technical Corrections to Sec. 1812:

In subsection (a) strike "or universities" and insert "and universities" ;
In subsection (c)(1) strike "Navajo Community" and insert "Diné"; and
In subsection (c)(2)(B) strike "or universities" and insert "and universities"

(12) Amendments to Sec. 1813:

Subparagraph (b)(2) is amended to read as follows:

"(2) must be accredited or determined to be a candidate for accreditation, by a nationally recognized accrediting agency listed by the Secretary of Education pursuant to the last sentence of section 1001 of title 20. In any case where a grant is awarded to an institution that is a candidate for accreditation, such grants under this section shall be available only for planning and development of proposals for construction."

Justification: The proposed language updates the law to current practice and holds TCUs seeking institutional operating grants to a higher standard than original law, by requiring formal accreditation candidacy status and eliminating subjective waivers based on the Secretary expectations of an institution being granted accreditation within 18 months.

(13) Technical Amendment: Strike Sec. 1815

Justification: This section was relevant in the initial legislation but is no longer applicable and is therefore, unnecessary.

(14) Technical correction to Sec. 1851

In subsection (a) strike "or universities" and insert "and universities"; and
In subsections (a) and (c) strike "Navajo Community" and insert "Diné"

II. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT & SMITH LEVER ACT

An amendment to provide all designated land-grant institutions eligibility to compete for grant funds administered as Smith Lever 3(d), particularly the Children, Youth, and Families at Risk (CYFAR) program.

AMENDMENT.-- Section 533 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended—

(1) in subsection (a)(2)(A)(ii) by striking "(as added by section 534(b)(1) of this part)" and inserting "(7 U.S.C. 343(b)(3)) and for programs for children, youth, and families at risk and for Federally recognized Tribes implemented under section 3(d) of such Act (7 U.S.C. 343(d))"; and

(2) in the first sentence of subsection (b), by striking "2012" and inserting "2018".

CONFORMING AMENDMENT.-- Section 3(d) of the Act of May 8, 1914 (commonly known as the "Smith-Lever Act"; 7 U.S.C. 343(d)), is amended in the second sentence by inserting "and in the case of programs for children, youth, and families at risk and for Federally recognized Tribes the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382))," before "may compete for".

Justification: The 1994 Land Grant Institutions need to be recognized as full members of the nation's land grant system. Currently, they are not. Funding for these institutions greatly lags behind the funds afforded programs expressly for the 1862 and 1890 land grant partners. One step toward rectifying this inequity and recognizing the 1994 Institutions as true partners in the land-grant system would be to afford them eligibility to compete for grant funding administered as Smith Lever 3(d) programs, particularly the Children, Youth, and Families at Risk (CYFAR) program.

- **CYFAR:** American Indian/Alaska Native teens suffer the highest rates of suicide in the nation. In some of our tribal communities, suicide among Native youth is nine to 19 times as frequent as among other youth. Native youth have more serious problems with mental disorders, including substance abuse and depression, than other youth, and Native youth are more affected by gang involvement than any other racial group. American Indians also have the highest high school drop-out rates in the nation and some of the highest unemployment and poverty rates as well. Yet, our Native children and youth are the only group in the country essentially excluded from participation in the CYFAR program because 1994 institutions are the only members of the land-grant family that cannot even apply to compete for CYFAR grants. The CYFAR program "supports comprehensive, intensive, community-based programs developed with active citizen participation in all phases. CYFAR promotes building resiliency and protective factors in youth, families, and communities." The 34 Tribal Colleges and Universities land grant institutions (1994 institutions) are truly community-based institutions. Our governing boards are majority tribal members and we provide public libraries, tribal archives, career centers, computer labs, community gardens, summer and after school programs, and child and elder care centers to our communities. We are not asking for additional funding, a set-aside or other special treatment, although our children and communities clearly need it. We are simply asking for the right to *compete* for this vitally needed funding and that the prohibition on 1994 Institutions' participation in CYFAR be removed.
- **FRTEP:** The U.S. Department of Agriculture Federally-Recognized Tribes Extension Program is open to 1862 and 1890 Land Grant Institutions. The programs stated purpose is: "supports extension agents on American Indian reservations and tribal jurisdictions to address the unique needs and problems of American Indian tribal nations. Emphasis is placed on assisting American Indians in the development of profitable farming and ranching techniques, providing 4-H and Youth development experiences for tribal youth, and providing education and outreach on tribally-identified priorities (e.g., family resource management and nutrition) using a culturally sensitive approach." Ironically, the 1994 Land Grant Institutions, which are chartered by and directly serve federally recognized American Indian tribes and are located on or near Indian reservations are not eligible to compete for these program funds. This apparent oversight in eligibility rights needs to be rectified.

The 1994 Land-Grant Institutions need to be recognized as full members of the nation's land grant system. Currently, they are not. Funding for these institutions greatly lags behind the funds afforded programs expressly for the 1862 and 1890 land grant partners. One step toward rectifying this inequity and recognizing the 1994 Institutions as true partners in the Land Grant system would be to afford them eligibility to compete for grant funding under the Smith Lever 3(d) programs, particularly the Children, Youth, and Families at Risk (CYFAR) program; and (2) Federally Recognized Tribes Extension Program (FRTEP).

III. MCINTIRE STENNIS ACT OF 1962

An amendment to allow McIntire Stennis funding for 1994 Institutions with baccalaureate degree programs in forestry: This amendment would establish eligibility for Tribal Land-Grant Institutions that offer a bachelor's degree in forestry, to receive a share of the appropriate state's McIntire Stennis Act formula funding.

AMENDMENT.— The McIntire Stennis Act of 1962 (16 U.S.C. 582a, et seq. Public Law 87-788) is amended --

In the second sentence of Sec. 2, after "Hatch Act of March 2, 1887 (24 Stat. 440), as amended," insert "and land-grant colleges established under the Equity in Educational Land-Grant Status Act of 1994, as amended, offering a baccalaureate degree in forestry, "

Justification: In 2008, McIntire Stennis was amended to include Tribal lands in the formula calculation for funding of *state* forestry programs. However, the 1994 institutions, which are the Tribal Land-Grant colleges, were not included in the funding formula, nor were states required to include them in funding distributions. This oversight is significant because 75 percent of Tribal land in the U.S. is either forest or agriculture holding. In response to the severe under-representation of American Indian professionals in the forestry workforce in Montana and across the United States, Salish Kootenai College (SKC) launched a Forestry baccalaureate degree program in 2005. In 2013, SKC became the first tribal college land-grant to join the National Association of University Forest Resource Programs, a consortium of 85 forestry schools, the vast majority of which receive McIntire Stennis funding. However, when SKC recently sought specialty accreditation for its program, the college was told that it was "one forestry researcher short" of the optimum number needed. Participation in the McIntire Stennis program, even with the required 1-1 match, would help SKC secure the researcher it needs to gain accreditation. Yet, it cannot participate in the program. Once again, TCU land-grants are prohibited from participating as full-partners in the land-grant system. And although currently, only SKC has a baccalaureate degree in forestry, considering the wealth of forested land on American Indian reservations, others such programs could arise at the nation's other Tribal College Land-Grant institutions, to further the effort to grow the Native workforce in this vital area.