

Carrie L. Billy
President & CEO

August 6, 2018

MEMBERSHIP:

ALASKA

Iļisaġvik College

ARIZONA

Diné College
San Carlos Apache College
Tohono O'odham Community College

CALIFORNIA

California Tribal College

KANSAS

Haskell Indian Nations University

MICHIGAN

Bay Mills Community College
Keweenaw Bay Ojibwa Community College
Saginaw Chippewa Tribal College

MINNESOTA

Fond du Lac Tribal and Community College
Leech Lake Tribal College
Red Lake Nation College
White Earth Tribal and Community College

MONTANA

Aaniiih Nakoda College
Blackfeet Community College
Chief Dull Knife College
Little Big Horn College
Fort Peck Community College
Salish Kootenai College
Stone Child College

NEBRASKA

Little Priest Tribal College
Nebraska Indian Community College

NEW MEXICO

Institute of American Indian Arts
Navajo Technical College
Southwestern Indian Polytechnic Institute

NORTH DAKOTA

Cankdeska Cikana Community College
Nueta Hidatsa Sahnish College
Sitting Bull College
Turtle Mountain Community College
United Tribes Technical College

OKLAHOMA

College of the Muscogee Nation

SOUTH DAKOTA

Oglala Lakota College
Sinte Gleska University
Sisseton Wahpeton College

WASHINGTON

Northwest Indian College

WISCONSIN

College of Menominee Nation
Lac Courte Oreilles Ojibwa Community College

WYOMING

Wind River Tribal College

The Honorable Pat Roberts
Chairman
Senate Committee on Agriculture,
Nutrition, & Forestry
328A Russell Senate Office Building
Washington, DC 20510

The Honorable Mike Conaway
Chairman
House Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20510

The Honorable Debbie Stabenow
Ranking Member
Senate Committee on Agriculture,
Nutrition, & Forestry
328A Russell Senate Office Building
Washington, DC 20510

The Honorable Collin Peterson
Ranking Member
House Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20510

Re: 1994 Land-Grant Institutions/Tribal College and Universities Priorities for the Agriculture Act Reauthorization

Dear Chairman Roberts, Chairman Conaway, Ranking Member Stabenow, and Ranking Member Peterson,

On behalf of the nation's 38 Tribal Colleges and Universities (TCUs), who together are the American Indian Higher Education Consortium (AIHEC), we write to respectfully request that key provisions be included in the final legislation to reauthorize the *Agriculture Act of 2014* (Farm Bill), which will begin to address inequities that impact TCU participation in Title VII, Research, Extension and Related Matters.

TCUs joined the nation's Land-grant family more than 20 years ago through the *Equity in Educational Land – Grant Status Act of 1994* (7 U.S.C. 301 note) and are now commonly referred to as "1994 Land-grant institutions" or "1994s." However, even with this status, inequities for our institutions remain. Funding for the 1994 Land-grant institutions greatly lags behind the 1862 and 1890 Land-grant institutions. In addition, TCUs are barred from *competing* for several Title VII capacity grant programs that could be vital to the future of our people and lands. As a result, one of AIHEC's top priorities related to the 2018 reauthorization of the Farm Bill has been to change the status quo and simply allow 1994 Land-grant institutions the opportunity to compete for these vital capacity-building discretionary grant opportunities.

In response to existing inequities, Chairman Hoeven and Vice Chairman Udall, Senate Committee on Indian Affairs, introduced bipartisan legislation, *Cultivating Resources, Opportunity, Prosperity, and Sustainability* (CROPS) for Indian Country Act (S.2804). This bill addresses a number of Farm Bill priorities for Indian Country, including 1994 institutions, and many of these provisions were included in the Senate's *Agriculture Improvement Act of 2018* (S. 3042). As you begin the conference process, we ask that key provisions of the CROPS Act be maintained in the final Farm Bill legislation; and we have a request regarding a related provision of the House and Senate-passed bills. Specific provisions are detailed below.

SENATE Bill (S. 3042):

We respectfully request that the ***House recede to the Senate*** on the following provisions, and that the Senate language be included in the final bill:

- **Section 7419: Smith-Lever Capacity Programs – CYFAR & Tribal Program**

This Senate-passed provision ensures that *all* designated Land-grant institutions are eligible to apply to compete for a few capacity programs administered as Smith-Lever 3(d) programs, specifically the Children, Youth, and Families at Risk (CYFAR) program, and Federally Recognized Tribes Extension program (FRTEP). The CYFAR and FRTEP amendment is supported by the Association of Public and Land-Grant Universities (APLU), First Americans Land-grant Consortium (FALCON), and the vast majority of federally recognized Indian Tribes and Tribal leaders in the U.S. Further, it is included in the Senate Indian Affairs Committee CROPS Act of 2018 and was included in Senate-passed legislation to reauthorize the Farm Bill in 2014.

Children, Youth, and Families at Risk (CYFAR): 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.” American Indian/Alaska Native (AI/AN) youth suffer the highest rates of suicide in the nation. In some of our Tribal communities, suicide among AI/AN youth is nine to 19 times as frequent as among other youth. AI/AN youth have more serious problems with mental disorders, including substance abuse and depression, than other youth, and AI/AN youth are more affected by gang involvement than any other racial group. AI/ANs have the highest high school drop-out rates in the nation and some of the highest unemployment and poverty rates. Yet, our AI/AN 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 apply to compete for CYFAR grants.

Federally Recognized Tribes Extension Program (FRTEP): Currently, *only* state (1862) and Historically Black (1890) Land-grant institutions can compete for funding under the Federally Recognized Tribes Extension Program to conduct extension activities on *Tribal* lands. The program’s stated purpose is to “support 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...on Tribally identified priorities using a culturally sensitive approach.” Ironically, the 1994 Land-grant institutions, which are chartered by federally recognized American Indian tribes and are located on or near Indian reservations, are not eligible to compete for FRTEP program funding. This apparent oversight in eligibility needs to be rectified.

- **Section 7414: McIntire-Stennis Competitive Forestry, Natural Resources, and Environmental Programs**

This amendment would allow 1994 Land-grant institutions with forestry degree programs to apply to participate in forestry research programs through state McIntire-Stennis programs. In 2008, the McIntire-Stennis Act was amended to include Tribal lands in the formula calculation for funding of *state* forestry programs. However, the 1994 Institutions 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 holdings.

HOUSE BILL (H.R. 2):

We respectfully request that the ***Senate recede to the House*** on the following provision, that the House language be included in the final bill, and that section 7118 of S. 3042 be deleted.

- **H.R. 2, Section 11204: New Beginnings for Tribal Students**

Senator Thune and Representative Noem sponsored amendments to S. 3042 and H.R. 2, respectively, to establish a competitive grant program entitled “New Beginnings for Tribal Students” that would support efforts by Land-grant institutions to “increase the retention and graduation rate of Tribal students enrolled at the Land-grant college or university.” AIHEC strongly supports the intent of this program. However, the Senate-passed provision was drafted specifically to exclude 1994 Land-grant institutions from competing for funding, while both 1862 and 1890 Land-grant institutions are welcome to participate. After AIHEC brought attention to this oversight, the offices of Senator Thune and Representative Noem have agreed to work during the conference process to rectify this issue and ensure that 1994 Land-grant institutions are eligible to compete for participation in this new program, should it be funded. The “New Beginning Initiative” within H.R. 2, section 11204, allows all Land-grant institutions – including the 1994s – to compete for participation. Therefore, AIHEC requests the Senate recede to the House on section 11204 of H.R. 2 and that section 7118 of S. 3042 be deleted.

Should any language from the Senate measure be retained, we respectfully recommend that the state limitation of \$500,000 be removed, as the number and per capita percentage of American Indian and Alaska Native (AI/AN) college-age youth, as well as AI/AN agriculture lands varies dramatically among the 50 states.

GENERAL REAUTHORIZATIONS & TECHNICAL CHANGES:

- **H.R. 2, Section 7502 and S. 3042, Section 7402:**

We appreciate that both the House and Senate have included important provisions to reauthorize the 1994 Land-grant programs and to designate Red Lake Nation College as a 1994 Land-grant institution. We support section 7502 of H.R. 2 and section 7402 of S. 3042.

In closing, we thank you and your staff for your support of the 1994 Land-grant institutions and for your willingness to include many provisions vital to ensuring that Native America can more actively participate in U.S. agricultural competitiveness. We appreciate your ongoing work and attention to our priorities as you work toward a final measure to reauthorize the Farm Bill. Finally, we invite you to visit any of our institutions to see firsthand the remarkable Land-grant programs being implemented by the TCUs, and we look forward to our continued partnership.

Should you have questions, please contact AIHEC President & CEO, Carrie Billy at 703-447-1647 or cbilly@aihec.org or Patrese Atine, Director of Congressional and Federal Relations, at 703-838-0400 x111 or patine@aihec.org.

Sincerely,



Carrie L. Billy
President & CEO



David Yarlott, Jr.
Chair, Board of Directors

cc: House and Senate Conferees

Attachment: AIHEC Preferred Farm Bill Provisions

AIHEC Preferred Farm Bill Provisions August 6, 2018

Equity in Educational Land-Grant Status Act and Smith Level Act

- Allows 1994 institutions to compete for CYFAR and FRTEP Grants
- Language included in the **S. 3042, section 7419**

Sec. 7419. Smith-Lever Community Extension Program

- (a) In General – Section 3(d) of the Smith Lever-Act (7 U.S.C. 343(d)) is amended –
- (1) by striking “The Secretary” and inserting the following:
“(d) Administration, Technical, and Extension Services –
“(1) In General – The Secretary”; (2) in paragraph (1) (as designated by paragraph (1)), by striking the section sentence; and (3) by adding at the end the following:
 - (2) Competitive Funding – The Secretary of Agriculture may provide funding, on a competitive basis to –
“(A) a college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326a), including Tuskegee University; or
“(B) a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-381)) for –
 - (i) the Children, Youth, and Families at Risk funding program under subsection (b)(3); and
 - (ii) the Federally Recognized Tribes Extension Program.”.
- (b) Conforming Amendments –
- (1) Section 3(f) of the Smith Level Act (7 U.S.C. 343(f)) is amended –
 - (A) by striking “There shall” and inserting the following:
“(1) In General – There shall”; and
 - (B) by adding at the end the following:
“(2) Exception not applicable – Paragraph (1) shall not apply to a 1994 Institution receiving funding under subsection (d)(2)(B) for the Children, Youth, and Families at Risk funding program under subsection (b)(3) or for the Federally Recognized Extension Program.”.
 - (2) Section 533(a)(2)(A) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended by striking clause (ii) and inserting the following:
 - (ii) the Smith-Lever Act (7 U.S.C. 341 et seq.), except as provided under –
“(I) section (3)(b)(3) of that Act (7 U.S.C. 343(b)(3)); or
“(II) paragraph (2) of section 3(d) of that Act (7U.S.C. 343(d)); or”.

Competitive Forestry, Natural Resources, and Environmental Programs

- Allows 1994 institutions to participate in competitive forestry research programs
- Language included in **S. 3042, section 7414**

Sec. 7414. Assistance for Forestry Research Under the McIntire-Stennis Cooperative Forestry Act

Section 2 of Public Law 87-788 (commonly known as ‘McIntire-Stennis Cooperative Forestry Act’) (16 U.S.C. 528a-1) is amended in the section sentence –

- (1) by striking “and” before “1890 Institutions”; and
- (2) by inserting “and 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)) that offer an associate’s degree or baccalaureate degree in forestry,” before “and (b)”.



American Indian Higher Education Consortium, 121 Oronoco Street, Alexandria, VA 22314

New Beginnings Initiative

- Establishes new competitive grant program for Native American students attending land grant institutions
- Language included in **H.R. 2, section 11204**

Sec. 11204. Office of Tribal Relations.

Section 309 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 ([7 U.S.C. 6921](#)) is amended to read as follows:

Sec. 309. Office of Tribal Relations.

“(a) Establishment.—The Secretary shall maintain in the Office of Partnerships and Public Engagement established under section 226B an Office of Tribal Relations, which shall advise the Secretary on policies related to Indian tribes and carry out such other functions as the Secretary considers appropriate.

“(b) New Beginnings Initiative.—Not later than one year after the date of the enactment of the Agriculture and Nutrition Act of 2018, the Secretary shall establish, in consultation with the Office of Tribal Relations, an initiative (to be known as the ‘New Beginnings Initiative’) under which the Secretary shall provide funds to a land-grant college or university in an amount equal to the amount of funds such land-grant college or university expends for providing educational programs and services for, or tuition paid with respect to, Indians (as defined in section 4 of the Indian Self-Determination and Education Assistance Act ([25 U.S.C. 5304](#))) at such land-grant college or university.”.

General Reauthorizations & Technical Changes

- Reauthorizes 1994 Land-grant programs and designates Red Lake Nation College as 1994 Land-grant institution
- Language included in H.R. 2, section 7402 and S. 3042, sec 7402

Sec. 7402. Equity in Educational Land-Grant Status Act of 1994.

(a) Definition of 1994 Institution. —

(1) IN GENERAL.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 ([7 U.S.C. 301](#) note; Public Law 103–382) is amended—

(A) by striking paragraph (11);

(B) by redesignating paragraphs (12) through (23) and (25) through (35) as paragraphs (11) through (22) and (26) through (36), respectively;

(C) in paragraph (20) (as so redesignated), by striking “College” and inserting “University”;

(D) by inserting after paragraph (22) (as so redesignated) the following:

“(23) Nueta Hidatsa Sahnish College.”; and

(E) by inserting after paragraph (24) the following:

“(25) Red Lake Nation College.”

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 2018.

(b) Endowment for 1994 Institutions.—Section 533(b) of the Equity in Educational Land-Grant Status Act of 1994 ([7 U.S.C. 301](#) note; Public Law 103–382) is amended in the first sentence by striking “2018” and inserting “2023”.

(c) Institutional Capacity Building Grants.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 ([7 U.S.C. 301](#) note; Public Law 103–382) is amended by striking “2018” each place it appears in subsections (b)(1) and (c) and inserting “2023”.

(d) Research Grants. —Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 ([7 U.S.C. 301](#) note; Public Law 103–382) is amended in the first sentence by striking “2018” and inserting “2023”.

