



## SUMMARY OF PROPOSED AMENDMENTS TO THE AGRICULTURE ACT OF 2014 (MARCH 2018)

The nation's 38 Tribal Colleges and Universities (TCUs), who together are the American Indian Higher Education Consortium (AIHEC), respectfully request that the following amendments be included in legislation to reauthorize of the Agriculture Act of 2014. In addition to some changes to the Equity in Educational Land-Grant Status Act, Smith Lever Act, and McIntire-Stennis Act; TCUs seek the authorization of new funding through a TCU Education Parity amendment.

The following are requests and justification of changes sought, listed by Title:

### EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT & SMITH LEVER ACT

#### 1. **Allow Children, Youth, and Families at Risk Federally Recognized Tribes Program Funding for 1994 Institutions**

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), and Federally Recognized Tribes Extension programs.

**Amendment Language:** 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 “2019”.*

**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 the 1994s greatly lags behind the funds for programs expressly for our 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 is 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 Federally Recognized Tribes Extension Program (FRTEP).

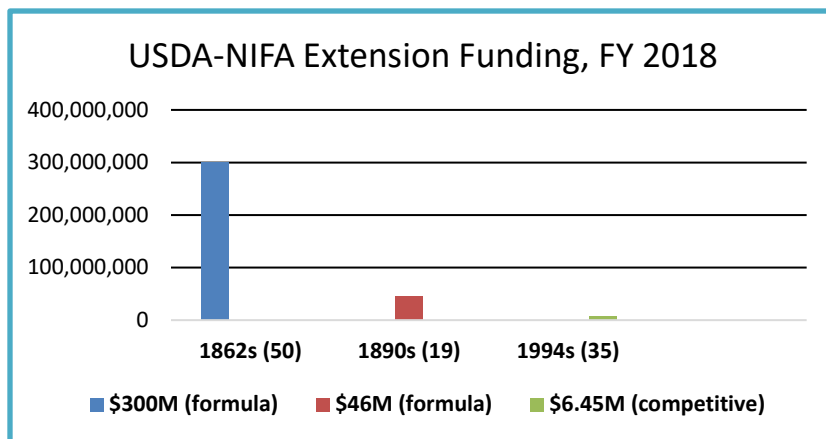
**Children, Youth, and Families at Risk (CYFAR):** American Indian/Alaska Native Youth are the most at-risk population in the United States. They suffer the highest rates of suicide in the nation. In some of our tribal communities, suicide among Native youth is nine to 19 times as frequent as among other 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. AI/ANs 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 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 by removing the prohibition on 1994 Institutions’ participation in CYFAR.

**Federally Recognized Tribes Extension Program (FRTEP):** USDA’s Federally Recognized Tribes Extension Program is open *only* to 1862 and 1890 Land-Grant Institutions, to apply for support 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 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 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 needs to be rectified.

- **Sovereign Authority of Tribes:** Respect for Tribal Sovereignty demands that tribal institutions should be allowed to *compete* for grants under this program. Parity for Tribes under the Farm Bill can be achieved only by working together to remove existing eligibility barriers.
- **Competitive Program:** The 1994 land-grant institutions are asking only for the opportunity to *compete* for funding alongside already eligible state-supported 1862 Institutions and Historically Black Colleges and Universities, or 1890s. No special preferences, priority points, or advantages are requested.

- **Existing Programs:** Some might argue that the 1994 Land-Grants should not be allowed to compete for FRTEP or CYFAR grants because the TCUs already have an extension program. While this is true, the same can also be said for 1862 and 1890 Institutions. However, there is a wide gap in annual funding levels (see chart). To best serve the needs of Indian Country, all Land-Grant institutions – particularly Tribal institutions – should be allowed access to compete for all funding sources.



## **2. Addition of Red Lake Nation College to the list of 1994 Institutions**

We seek to add Red lake Nation College to the list of 1994 Tribal College Land-Grant Institutions contained in the Equity in Educational Land-Grant Status Act of 1994.

**Amendment Language:** *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—*

*by inserting at the end thereof the following: “(36) Red Lake Nation College”*

**Justification:** In November 2016, Red Lake Nation College in Red Lake, Minnesota received accreditation candidacy status from the Higher Learning Commission, making this tribal college eligible to receive federal funding.

## **3. Update Names of 1994 Institutions**

**Amendment Language:** *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--*

*by striking “ Fort Berthold Community College” and inserting in lieu thereof “Nueta Hidatsa Sahnish College”; and by striking “Navajo Technical College” and a inserting in lieu thereof “Navajo Technical University”*

## **MCINTIRE-STENNIS ACT OF 1962**

### **1. 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 Language:** *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 or master’s 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 holdings. In response to the severe under-representation of American Indian/Alaska Native 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 number needed for accreditation. 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 nation's land-grant system. And although currently, only SKC has a baccalaureate degree in forestry, considering the wealth of forested land on American Indian reservations, other such programs could arise at the nation's other Tribal land-grant institutions to help to grow a Native workforce in this vital area. The Forests in the Bill Coalition, a group of over 100 organizations, including National Association of State Foresters, the American Forest Foundation, The Nature Conservancy, the Society of American Foresters, and the National Association of University Forest Resource Programs (NAUFRP) support the inclusion of the 1994 Institutions as eligible for McIntire-Stennis funds, as does Montana's State land-grant institution, Montana State University.

## NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977

### 1. NEW: Tribal Agriculture Educational Parity Amendment

**Amendment Language:** *Subtitle G of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1445 (7 U.S.C. 3222) the following new section--*

*"SEC. 1446. Agriculture Education Equity Enhancement Program for 1994 Institutions.*

- (1) In general.--Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section \$18,000,000 for fiscal year 2019 and each fiscal year thereafter for the purposes set forth in paragraph (2). The balance of any annual funds provide under the preceding sentence for a fiscal year that remains unexpended at the end of that fiscal year shall remain available without fiscal year limitation.*
- (2) Allocation.—Funds made available under paragraph (1) in a fiscal year shall be equally divided by the Secretary among 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), and shall be distributed by the Secretary to such institutions as part of the distribution to the 1994 Institutions under section 534 of the Equity in Educational Land-Grant Status Act, and subject to the same annual reporting and other requirements set forth in section 534 of such Act.*
- (3) Additional Amount.—Amounts made available under this section shall be in addition to any other amounts made available to the 1994 Institutions under the Equity in Educational Land-grant Status Act of 1994."*

**Justification:** The average age of farmers and producers in the U.S. is 60 years of age and continues to rise each year. As a nation, we must do more to increase the number of young people seeking careers in the food and agricultural sciences, including agribusiness, food production, distribution, retailing, the clothing industries, energy and renewable fuels, farming marketing, finance, and distribution. The need is particularly acute in Indian Country, where 75 percent of the remaining lands are forested or agriculture lands. Tribal Colleges and Universities, which are the most affordable and accessible education options available to rural American Indians, Alaska Natives and other rural residents are in a position to provide relevant, locally and place-based higher and technical/career education to aspiring and beginning farmers throughout Indian Country, particularly in the western U.S. and including Alaska. However, TCUs are grossly underfunded compared to other land-grant institutions. For example, with regard to land-grant research funding: in FY 2017, the 1862 land-grants (state) research program (Hatch Act) received \$243.7 million; research at the 1890s (19 HBCUs) received \$54.2 million; and research grants for 1994s (34 TCUs) received \$1.8 million in competitive funding. For extension programs in FY2017, Congress appropriated \$300 million for the 1862s in formula-driven extension funds; the 1890s received \$46 million, also formula

driven; and the 1994s received \$4.45 million for competitively awarded grants. It is time to address the inexcusable inequality. This modest proposal is an important and cost effective step in that direction.