

LEGISLATIVE SPECIFICATIONS AND JUSTIFICATIONS FOR RECONSIDERATION OF
EQUITY BASED AMENDMENTS NOT INCLUDED IN THE AGRICULTURE ACT OF 2014
(WINTER 2016)

I. 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).

II. 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 land-grant institutions, to further the effort to grow the Native workforce in this vital area.

III. WATER RESOURCES RESEARCH ACT OF 1984

An amendment to allow 1994 Institutions to participate in the national water resources research and technology institute program: This amendment gives the Secretary of the Interior the authority to designate and provide funding for up to five Tribal water resources research and technology institutes at 1994 land-grant institutions.

AMENDMENT.— The Water Resources Research Act of 1984 (42 U.S.C. 10301, et seq. Public Law 98-242) is amended --

(1) In the first sentence of Sec. 103, after “Nation” insert “, Tribes”

(2) In section 104:

By redesignating (a) as (a)(1) and inserting the following paragraph:

“(a)(2) Notwithstanding paragraph (1), the Secretary may approve the establishment of up to five water resources research and technology institutes at land-grant colleges established under the Equity in Educational Land-Grant Status Act of 1994, as amended. If more than one such institute is established, the Secretary shall, when granting approval, consider geographic diversity, regional scope of the institute, and cooperation among land-grant colleges in establishing the institute.”

In (c), by striking the period and inserting “; except that no match shall be required for institutes approved paragraph (a)(2).”

In (d), by inserting “, or Tribe” wherever “State” appears.

Justification: Congress enacted the Water Resources Research Act of 1984 to help ensure that every state had “the research and problem-solving capacity necessary to *effectively manage their water resources.*” Under the Act, the nation’s system of land-grant colleges and universities was designated as the means for providing the needed capacity, and funding was authorized to empower every state and US territory to establish a Water Resources Research and Technology Institute within its respective land-grant institution. Ten years later, Congress enacted the Equity in Educational Land-Grant Status Act of 1994 in part to help ensure that American Indian tribes that had established an institution of higher education had the research and problem-solving capacity necessary to effectively manage their natural resources. However, Congress never crosswalked the two Acts to ensure that American Indian tribes and tribal lands and waterways were included in the nation’s water resources research programs. This is a serious oversight, particularly given the facts that:

- Four 1994 land-grant colleges sit on the banks of lakes that rank in the top six in terms of size in the US, including Lake Superior (Bay Mills Community College and Keweenaw Bay Ojibwa Community College, MI); Red Lake (Red Lake Nation College, MN) and Leech Lake (Leech Lake Tribal College, MN);
- Salish Kootenai College (MT) sits on the banks of Flathead Lake, the largest freshwater lake west of the Mississippi;
- Other Tribal Colleges are located in the most water challenged and drought prone areas of the country, including Tohono O’odham Community College (AZ), along the Arizona-Mexico border and Diné College and Navajo Technical University on the Navajo Nation (AZ-NM).
- Tribal waterways often face serious quality issues. For example, on the Crow reservation in Montana, contamination and degradation of the Little Big Horn and other rivers that flow through the tribe’s 2.2 million acre reservation – along with contaminated ground water – has been an issue since the 1950s.

In 1987, Congress amended the Clean Water Act to give Indian Tribes, rather than solely the states, the authority to regulate their own water quality, provided certain criteria is met, including that the Tribe is capable of “carrying out the functions of an effective water quality standards program.” To achieve this status, many states have relied on their Water Resources Research and Technology Institutes, housed at the state land-grant institutions. Tribes, however, do not have this ability because under the current law, Tribal institutions of higher education, the 1994 land-grant institutions, are unable to participate in the state-focused Water Resources Research Act of 1984.