

2008

Advocacy Groups Plead with Congress to Reauthorize the Secure Rural Schools and Community Self-Determination Act

Nigel D. Graham

Follow this and additional works at: <http://lawcommons.luc.edu/pilr>



Part of the [Education Law Commons](#), and the [Taxation-Federal Commons](#)

Recommended Citation

Nigel D. Graham, *Advocacy Groups Plead with Congress to Reauthorize the Secure Rural Schools and Community Self-Determination Act*, 13 Pub. Interest L. Rptr. 194 (2008).

Available at: <http://lawcommons.luc.edu/pilr/vol13/iss2/12>

This Article is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Public Interest Law Reporter by an authorized administrator of LAW eCommons. For more information, please contact law-library@luc.edu.

ADVOCACY GROUPS PLEAD WITH CONGRESS TO REAUTHORIZE THE SECURE RURAL SCHOOLS AND COMMUNITY SELF- DETERMINATION ACT

by NIGEL D. GRAHAM

Rural schools, always short of funds, may find that the current political climate leaves them a little shorter in the coming years. The Secure Rural Schools and Community Self Determination Act (SRS Act) is a major funding source for rural schools and public works programs across the country.¹ This year, however, marks its final year under the 2000 SRS Act.²

Rural school districts, advocates and sympathetic legislators scrambled towards reauthorization of the SRS Act during the 2007 Congressional year. While an emergency funding extension was passed at the last minute, the act failed to be renewed. The reasons for this are largely procedural.³

“Failure to reauthorize this law. . . would be a significant blow to more than 800 counties in 42 states that depend on the program to fund their schools, roads, forest improvement projects and other essential services,” wrote Governors Jon Huntsman (R-UT) and Bill Richardson (D-NM) in a letter to Congressional leaders.⁴ “Without reauthorization, rural forest dependent communities across the nation will lose over \$400 million annually. This economic loss will be devastating to the economy and spirit of rural America.”⁵

THE HISTORY OF FEDERAL FUNDING FOR RURAL COUNTIES

Rural school funding comes from an unlikely source. In 1905, the National Forest System was established, and the federal government took control of millions of acres of forestlands.⁶ This action had a direct effect on the revenue of rural counties as it took up large percentages of taxable land.⁷ To mitigate the loss of tax revenue, a Congressional bill was passed in 1908 whereby forest counties received 25 percent of revenue from timber harvests to fund schools and public works.⁸

This system worked until the 1960s when timber harvests began to decline.⁹ Between 1986 and 2006, timber harvests declined more than 85 percent.¹⁰ As a result, many rural counties were deprived of education funding, which led to budget cuts and in some cases school closures.¹¹

ADVOCACY GROUPS AND THEIR BATTLE FOR THE SRS ACT

The National Forest Counties and Schools Coalition (NFCSC) is one of the major groups that stepped up to the plate in fighting for the reauthorization of the SRS Act. The NFCSC was formed in 1998 in response to the rapid decline in forest county revenue.¹² They worked towards the passage of the SRS Act in 2000 and have taken up the reins again in the effort for reauthorization.¹³

A four-year emergency funding extension was passed in March 2007. However, this is not the ideal solution in the eyes of those in rural counties, as these payments will gradually be phased out and lead to another legislative battle in the near future.¹⁴

“At the end of every year or four years we are fighting for funding,” said Jim French, superintendent of schools in Trinity County California and the vice president of the National Forest County Schools Coalition.¹⁵ French’s district is the second largest recipient of SRS Act funding in California.¹⁶

“Forest Reserve funding has been an integral part of Trinity County School funding for over 40 years, and is essential to our continued success,” French testified before the House Natural Resources Committee.¹⁷ “I believe that our situation is common, and ongoing in rural resource dependent America. In an era of ever increasing accountability on our schools, our children will be ‘left behind’ without Forest Reserve funding.”¹⁸

French’s efforts to get the SRS Act reauthorized were given a boost by the Sierra Institute for Community and Environment. The Sierra Institute was contracted by the U.S. Departments of Agriculture and Interior to conduct case studies on the effectiveness of the SRS Act.¹⁹ It conducted 16 case studies in nine different states.²⁰

Dr. Jonathan Kusel, the director of the Sierra Institute, testified about these studies before the Senate Subcommittee on Public Lands and Forests in March 2007.²¹ According to Kusel, the SRS Act “has exceeded expectations and accomplished more than most thought possible.”²²

The Sierra Institute’s studies found that the success of the SRS Act is a result of collaboration.²³ The SRS Act mandates groups titled Resource Advisory Committees (RAC) to determine which projects to advance in their own locality.²⁴ These multi-faceted RACs are made up of representatives from typically opposing parties such as timber industry representatives, environmentalists and other interest groups.²⁵ RAC members must come to an agreement in order to receive funding for their projects.²⁶

According to the Sierra Institute study, this process has been an overwhelming success with no RAC project being appealed or challenged to date.²⁷ The current challenge, however, is to get legislators to act in such a collaborative manner.

FUNDING IS THE ISSUE

“There is tremendous agreement, but the budget is the problem,” said Kusel.²⁸

According to David Williams, the legislative and public affairs specialist for the Oregon School Boards Association,²⁹ “this has always been an issue of telling the story of the impacts and the history of federal land ownership in the West. Once you tell the story, people completely understand the issue. Then it becomes a battle to rise above the din and actually get movement on a federal funding issue.”³⁰

Yet, even when there is movement, not even rural schools can escape. In December 2007, the SRS Act reauthorization was attached to an energy bill that attempted to fund the programs by rescinding tax breaks for energy companies.³¹ When President Bush threatened a veto, the bill was stripped of all tax related provisions, including the SRS Act reauthorization.³²

The frustration was palpable.

“Congressional action. . .to throw out the [SRS Act] section of the energy bill and then their refusal to include it in the final approved bill, is perhaps the worst example of the needs of rural families and children being trampled by [the] Washington, D.C. commitment to big contributors,” said NFCSC President Bob Douglas.³³

There are other obstacles that are out of the control of those advocating for the SRS Act.

“The challenge is that Katrina was a focus, and billions of dollars had to be directed there and also to an ongoing foreign war,” said French. “This has sucked all of the air out of the room – making it difficult to get attention for a small rural issue”³⁴

Additionally, in some cases the problems are not limited to rural schools. Williams stated that in Oregon “roughly \$30 million a year goes to our public K-12 schools. And as a result of our state funding formula, the funds are effectively redistributed statewide, so that a loss of these dollars for schools would be felt not only by rural, forest districts but also urban school districts.”³⁵

WHY RURAL COUNTIES DESERVE THESE FUNDS

French believes that rural counties play a vital role in maintaining federal forestlands as a certain amount of county money goes into forest restoration to minimize the amount of wildfires.³⁶

“We are stewards of this federal land and have a right to federal funds,” said French.³⁷

Dr. Kusel of the Sierra Institute made similar statements in his Senate Subcommittee testimony.

“Difficulties counties face in serving their own citizens are compounded by increased settlement adjacent to wildlands and by their obligation to provide further services such as search and rescue and to assist with fire prevention on public lands within the county boundaries,” said Kusel.³⁸

Despite the difficulties of reauthorization, advocates say they will continue their fight due to the necessity of the SRS Act.

“We have no way to generate this type of revenue at the local level given our small population and limited tax base,” French declared. “We have been backed into a corner and mugged by this Congress. Our only hope is that they will have a conscience and do the right thing.”³⁹

NOTES

1 *Preserving Rural Schools, Forest Communities, and Our National Forests*, RURAL ROOTS, Summer 2005, available at <http://www.ruraledu.org/ste/apps/nlnet/content>.

2 *USDA Announces \$389 Million in Funding for Schools, Roads*, U.S. FEDERAL NEWS, Jan. 14, 2007, available at 2008 WLNR 850979.

3 *Can Smith Deliver?* REGISTER-GUARD, Dec. 16, 2007, available at 2007 WLNR 25455672.

4 Letter from Gov. Jon Huntsman Jr., Chair, Natural Res. Comm., Nat'l Governors Ass'n and Gov. Bill Richardson, Vice Chair, Natural Res. Comm., Nat'l Governors Ass'n, to Bill Frist, U.S. Senate, Harry Reid, U.S. Senate, Dennis Hastert, U.S. House of Representatives, and Nancy Pelosi, U.S. House of Representatives (Sept. 19, 2006) (available at www.nga.org/portal/site/nga, follow Letters hyperlink, follow September 19, 2006 hyperlink) (last visited March 28, 2008).

5 *Id.*

6 *Preserving Rural Schools, Forest Communities, and Our National Forests supra* note 1.

7 *Id.*

8 *National Forest Counties and Schools Coalition Congressional Talking Points on Reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (PL 106-393)*, <http://www.forestco.tcd.ehama.k12.ca.us/pl106-393.html> (last visited March 10, 2008)

9 Telephone Interview with James French, Superintendent of Schools in Trinity County California and the Vice President of the National Forest County Schools Coalition, in Weaverville, Cal. (March 12, 2008).

10 *National Forest Counties and Schools Coalition Congressional Talking Points*, *supra* note 8.

11 *Preserving Rural Schools, Forest Communities, and Our National Forests*, *supra* note 1.

12 *National Forest Counties and Schools Coalition Congressional Talking Points*, *supra* note 8.

13 Telephone Interview with James French, *supra* note 9.

14 *Can Smith Deliver?* *supra* note 3.

15 Telephone Interview with James French, *supra* note 9.

16 *Id.*

17 *Subcommittee On National Parks, Forests and Public Lands: Legislative Hearing on H.R. 3058*, 110th Cong. (2007) (statement of Jim French, Superintendent of Schools, Trinity County, CA).

18 *Id.*

19 Telephone Interview with Dr. Jonathan Kusel, Director of the Sierra Institute for Community and Environment, in Taylorsville, Cal. (March 12, 2008).

20 *Testimony of Dr. Jonathan Kusel to the Senate Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources March 1, 2007*, available at http://www.sierrainstitute.us/secureruralschools/null_Kusel_Testimony3-1.pdf.

21 *Id.*

22 *Id.*

23 *Testimony of Dr. Jonathan Kusel to the Senate Subcommittee on Public Lands and Forests*, *supra* note 20.

24 *Id.*

25 *Id.*

26 *Id.*

27 *Id.*

28 Telephone Interview with Dr. Jonathan Kusel, *supra* note 19.

29 E-mail from David Williams, Legislative and Public Affairs Specialist for the Oregon School Boards Association (March 6, 2008, 18:06 CST) (on file with author).

30 *Id.*

31 *Can Smith Deliver?* *supra* note 3.

32 *Id.*

33 *Last Chance to Protect Over Nine Million Rural Children Before Adjournment*, PR NEWSPWIRE, Dec.17, 2007, available at <http://news.findlaw.com/prnewswire/2007127/17dec20071116.html>.

34 Telephone Interview with James French, *supra* note 9.

35 E-mail from David Williams, *supra* note 29.

36 Telephone Interview with James French, *supra* note 9.

37 *Id.*

38 Testimony of Dr. Jonathan Kusel, *supra* note 20.

39 *Last Chance to Protect Over Nine Million Rural Children Before Adjournment*, *supra* note 33.