

Honor the Promises

A Toolkit to Protect the Treaty and Trust Obligations in the Federal budget



Congress should pass a budget that funds and protects our American Indian/Alaska Native families and communities.

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Background

Every year, Congress must pass a series of appropriations bills to fund the services that honor the federal treaty and trust responsibility funded in the federal budget. On March 16, the Administration released the first portion of a fiscal year (FY) 2018 budget request in the form of a broad outline for discretionary spending. The plan proposes a \$54 billion increase in defense spending at the expense of a cut of more than 10 percent to nondefense discretionary spending. The nondefense side of the budget provides funds for the Bureau of Indian Affairs, Indian Health Service, Indian Housing Block Grant, reservation roads, public safety, and many other programs that meet the federal trust responsibility. Spending on core government functions is currently at a historic low as a percentage of GDP.

- The relationship between tribal nations and the federal government is unique and founded on mutual promises. Indian treaties have the same status as treaties with foreign nations, and because they are made under the US Constitution are “the supreme law of the land.”
- The federal government has a unique responsibility to Indian tribes. It took control of the land tribes occupied and used it to build a non-Indian economy, promising in return to protect Native people and insure their well-being. That fundamental contract – the federal trust relationship – ensures that tribal governments receive funding for basic governmental services.
- Importantly, these programs are not based on race or ethnicity but rather on the centuries-long political relationship between tribal communities and the United States.

Our Message to Congress and How You Can Help

The National Congress of American Indians and Tribal Interior Budget Council are calling on Congress and the White House to pass a budget that will fund the federal trust responsibility and protects our families and communities. Members of Congress should not play games with the appropriations process or the federal treaty and trust obligations. The resources in this toolkit will help you share this message in your community. We encourage you to contact your members of Congress, ask about these issues at town halls, write letters to the editor in your local newspaper and tell others about the dangers posed by riders on social media. Thank you for your support!

List of Appropriators

These members of Congress serve on the Senate and House appropriations committees and subcommittees, which are in charge of the federal funding process. They are top targets for public pressure related to federal funding issues.

Alabama: Sen. Richard Shelby, Rep. Robert Aderholt, Rep. Martha Roby

Alaska: Sen. Lisa Murkowski

Arkansas: Sen. John Boozman, Rep. Steve Womack

California: Sen. Diane Feinstein, Rep. Ken Calvert, Rep. David Valadao, Rep. Lucille Roybal-Allard, Rep. Barbara Lee, Rep. Pete Aguilar
Connecticut: Sen. Chris Murphy, Rep. Rosa DeLauro
Delaware: Sen. Chris Coons
Florida: Sen. Marco Rubio, Rep. Mario Diaz-Balart, Rep. Tomas Rooney, Rep. Debbie Wasserman Schultz
Georgia: Rep. Tom Graves, Rep. Sanford Bishop
Hawaii: Sen. Brian Schatz
Idaho: Rep. Michael Simpson
Illinois: Sen. Richard Durbin, Rep. Mike Quigly
Indiana: Rep. Peter Visclosky
Iowa: Rep. David Young
Kansas: Sen. Jerry Moran, Rep. Kevin Yoder
Kentucky: Sen. Mitch McConnell, Rep. Harold Rogers
Louisiana: Sen. John Kennedy
Maine: Sen. Susan Collins, Rep. Chellie Pingree,
Maryland: Sen. Chris Van Hollen, Rep. Andy Harris, Rep. C.A. Dutch Ruppersberger
Massachusetts: Rep. Katherine Clark
Michigan: Rep. John Moolenaar
Minnesota: Rep. Betty McCollum
Mississippi: Sen. Thad Cochran, Rep. Steven Palazzo
Missouri: Sen. Roy Blunt
Montana: Sen. Steve Daines, Sen. Jon Tester
Nebraska: Rep. Jeff Fortenberry
Nevada: Rep. Mark Amodei
New Hampshire: Sen. Jeanne Shaheen
New Jersey: Rep. Rodney Frelinghuysen
New Mexico: Sen. Tom Udall
New York: Rep. Nita Lowey, Rep. José Serrano, Rep. Grace Meng
North Carolina: Rep. David Price
North Dakota: Sen. John Hoven
Ohio: Rep. David Joyce, Rep. Marcy Kaptur, Rep. Tim Ryan
Oklahoma: Sen. James Lankford, Rep. Tom Cole
Oregon: Sen. Jeff Merkley
Pennsylvania: Rep. Charles Dent, Rep. Matt Cartwright
Rhode Island: Sen. Jack Reed
South Carolina: Sen. Lindsay Graham
Tennessee: Sen. Lamar Alexander, Rep. Charles Fleischmann
Texas: Rep. Kay Granger, Rep. John Culberson, Rep. John Carter, Rep. Henry Cuellar
Utah: Rep. Chris Stewart
Vermont: Sen. Patrick Leahy
Virginia: Rep. Scott Taylor
Washington: Sen. Patty Murray, Rep. Jaime Herrera Beutler, Rep. Dan Newhouse, Rep. Derek Kilmer
West Virginia: Sen. Shelley Moore Capito, Sen. Joe Manchin, Rep. Evan Jenkins
Wisconsin: Sen. Tammy Baldwin, Rep. Mark Pocan

Interior Appropriators and Tribes in Districts

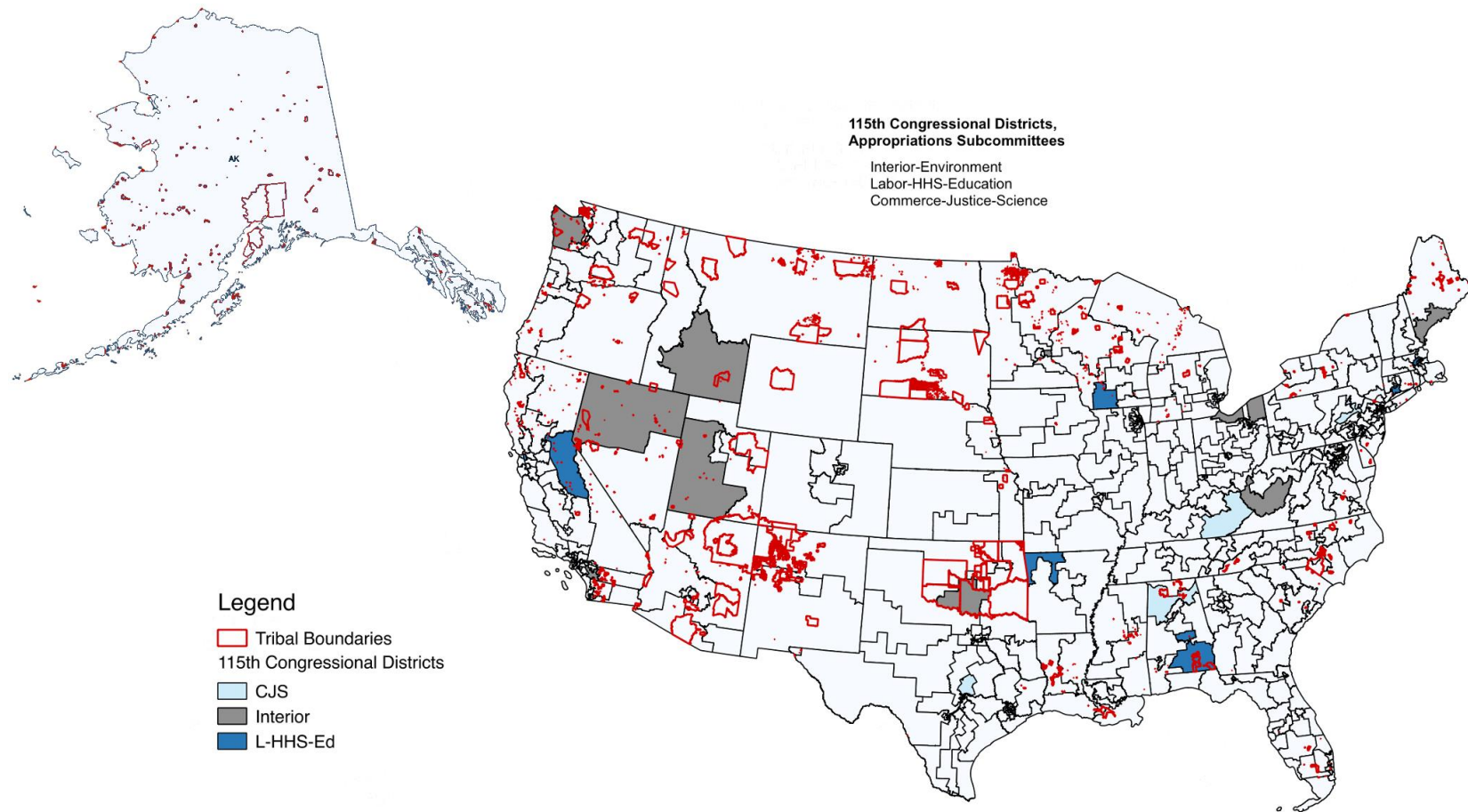
House Interior Subcommittee on Appropriations						
Name	Party	State	Rank/	Tribes in District	Total AIAN AorIC	% of Dist Pop
Rep. Calvert, Ken	R	CA	Chair	Pechanga Band of Luiseno Mission Indians	12,604	1.8%
Rep. Simpson, Mike	R	ID		Shoshone-Bannock Tribes of the Fort Hall Reservation	16,940	2.2%
Rep. Cole, Tom	R	OK		Chickasaw Nation; Kiowa Indian Tribe; Comanche Nation; Apache Tribe; Fort Sill Apache; Caddo Nation; Wichita and Affiliated Tribes; Delaware Nation; Cheyenne and Arapaho Tribes; Citizen Potawatomi Nation; Absentee-Shawnee Tribe	73,663	9.8%
Rep. Joyce, David	R	OH			3,554	0.5%
Rep. Stewart, Chris	R	UT		Goshute, Skull Valley, Paiute	12,397	1.8%
Rep. Amodei, Mark	R	NV		Wells; Carson; Fort McDermitt; Washoe Ranches; Fallon Paiute-Shoshone; Winnemucca; Lovelock; Battle Mountain; Elko; Fallon Paiute-Shoshone; Walker River; Campbell; Reno-Sparks; Dresslerville; Woodfords; Duck Valley; South Fork; Summit Lake; Stewart; Pyramid Lake Paiute	16,231	2.3%
Rep. Jenkins, Evan	R	WV			4,437	0.9%
Rep. McCollum, Betty	D	MN	Ranking		10,809	1.6%
Rep. Pingree, Chellie	D	ME			6,702	1.0%
Rep. Kilmer, Derek	D	WA		Hoh; Makah; Squaxin Island; Skokomish; Port Gamble; Lower Elwha; Quinault; Suquamish; Jamestown S'Klallam; Chehalis; Quileute	28,870	5.4%
Rep. Kap. Kaptur, Marcy	D	OH			6354	1.1%
Subcommittee professional staff, Darren Benjamin						

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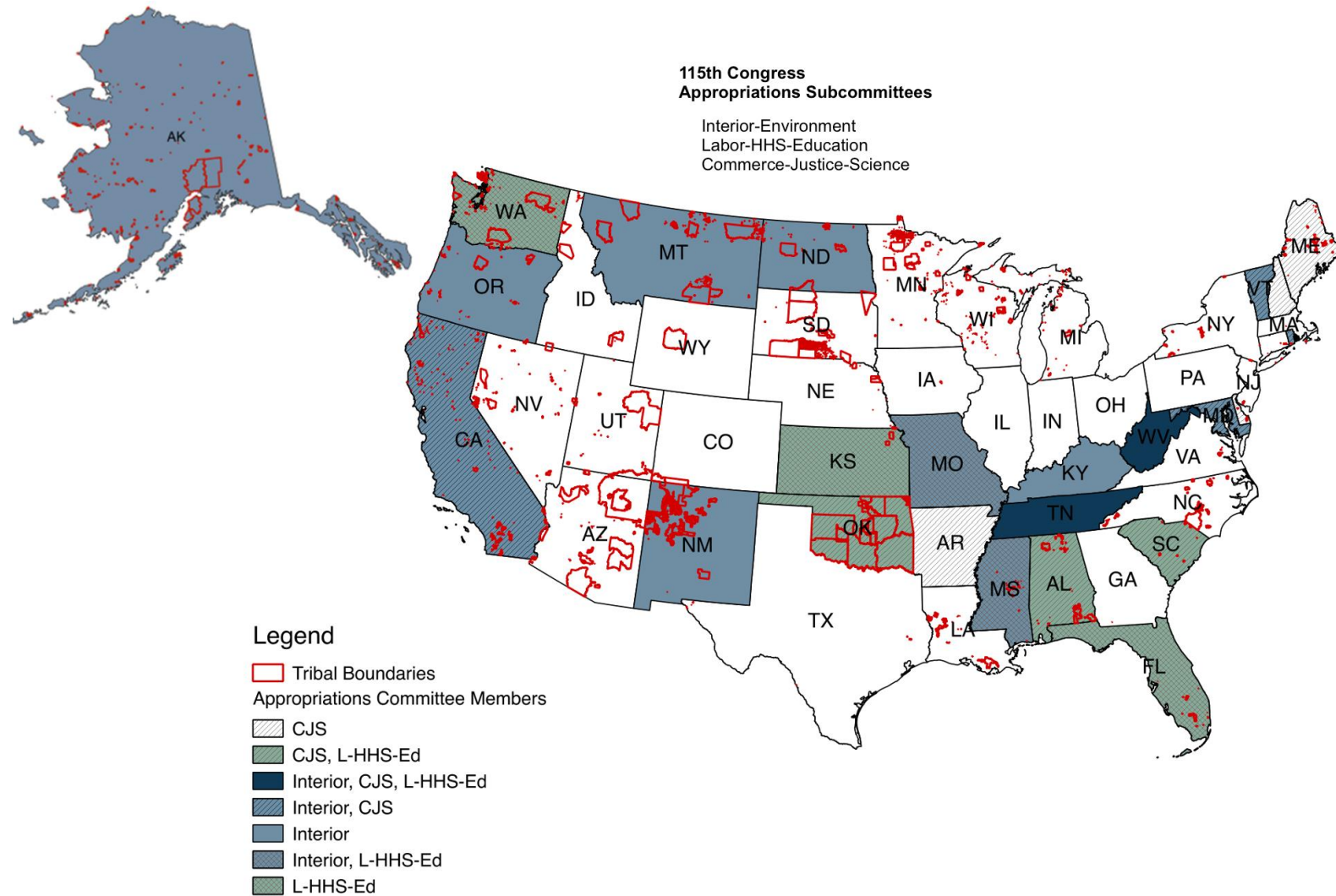
Senate Interior Subcommittee						
Name	Party	State	Rank	Tribes	AIAN Alone or in Com	AIAN as % of District
Sen. Murkowski, Lisa	R	AK	Chair	AK tribes	138,312	19.5%
Sen. Cochran, Thad	R	MI		Mississippi Band of Choctaw	25,910	0.9%
Sen. Alexander, Lamar	R	TN			54,874	0.9%
Sen. Blunt, Roy	R	MO			72,376	1.2%
Sen. Hoeven, John	R	ND		Spirit Lake Tribe; Standing Rock Sioux Tribe of North & South Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Three Affiliated Tribes	42,996	6.4%
Mitch McConnell	R	KY			31,355	0.7%
Sen. Steve Daines	R	MT		Blackfeet Tribe; Chippewa Cree Tribe of the Rocky Boy's Reservation; Confederated Salish & Kootenai Tribes; Crow Tribe; Fort Belknap; Fort Peck Tribes; Little Shell Chippewa; Northern Cheyenne	78,601	7.9%
Sen. Shelley Moore Capito	R	WV			13,314	0.7%
Sen. Udall, Tom	D	NM	Ranking	Jicarilla Apache Nation; Mescalero Apache Tribe; Navajo Nation; Ohkay Owingeh; Pueblo of Acoma; Pueblo of Cochiti; Pueblo of Isleta; Pueblo of Jemez; Pueblo of Laguna; Pueblo of Nambe; Pueblo of Picuris; Pueblo of Pojoaque; Pueblo of San Felipe; Pueblo of San Ildefonso; Pueblo of Sandia; Pueblo of Santa Ana; Pueblo of Santa Clara; Pueblo of Santo Domingo; Pueblo of Taos; Pueblo of Tesuque; Pueblo of Zia; Pueblo of Zuni	219,512	10.7%
Sen. Feinstein, Dianne	D	CA		CA tribes	723,225	1.9%
Sen. Leahy, Patrick	D	VT			7,379	1.2%
Sen. Reed, Jack	D	RI		Narragansett Indian Tribe	14,394	1.4%
Sen. Tester, Jon	D	MT		Blackfeet Tribe; Chippewa Cree Tribe of the Rocky Boy's Reservation; Confederated Salish & Kootenai Tribes; Crow Tribe; Fort Belknap; Fort Peck Tribes; Little Shell Chippewa; Northern Cheyenne	78,601	7.9%
Sen. Merkley, Jeff	D	OR		Burns Paiute; Coos, Lower Umpqua and Siuslaw Indians; Siletz; Grand Ronde; Umatilla; Warm Springs; Coquille; Cow Creek Band of Umpqua Indians; Klamath Tribe; Fort McDermitt Paiute and Shoshone Tribes	109,223	2.9%
Sen. Chris Van Hollen	D	MD			5,182	0.1%

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House Appropriations Subcommittee Members, Tribes in Districts



Senate Appropriations Subcommittee Members, Tribes



Talking Points

Funding for tribal programs should not be discretionary. Treaties and laws have created a fundamental contract between Indian Nations and the United States: tribes ceded millions of acres of land that made the US what it is today, and in return tribes have the right of continued self-government and the right to exist as distinct peoples on their own lands. That fundamental contract – the federal trust relationship – ensures that tribal governments receive funding for basic governmental services.

The federal government has a unique responsibility to Indian tribes. It took control of the land tribes occupied and used it to build a non-Indian economy, promising in return to protect Native people and insure their well-being.

Importantly, these programs are not based on race or ethnicity but rather on the centuries-long political relationship between tribes and the United States.

Funding our government is not optional – it's a requirement of serving in Congress. Lapses in funding or continuing resolutions cause harmful disruptions of critical tribal governmental services.

We deserve an open and honest debate about funding levels. Regular order and transparent debate on the functions of government should guide the appropriations process.

The FY 2018 budget must not impose deep cuts on the most vulnerable, such as American Indian children, families, and elders. The FY 2017 Omnibus included important although moderate increases for tribal education, natural resources, child welfare, roads, and other core tribal governmental services. We urge Congress to continue the bipartisan work on appropriations for tribal programs in FY 2018.

While the federal treaty and trust relationship calls for federal funding of education, healthcare, and other government services, upholding Indian treaty and trust obligations is also an important component of tribal and surrounding regional economies.

Questions for Lawmakers

Housing. Housing is often substandard in Indian Country, and private-sector housing is often unavailable for principals, teachers, facility managers, public safety officers, and staff of Bureau of Indian Education (BIE) schools. What will you do to help people keep a roof over their heads?

Over 70 percent of existing housing stock in tribal communities is in need of upgrades and repairs, many of them extensive. A fast growing population in tribal communities will intensify existing housing needs. The fact is that without adequate federal funding levels, additional private capital, and creative development tools, these conditions will only continue to worsen. A recent report stated it would take approximately 33,000 new units to alleviate overcrowding and

additional 35,000 to replace existing housing units, which are in grave condition. Will you support the Native American Housing Block Grant funded in HUD, the critical funding stream for Indian Country?

Critical to solving this problem is to lift the spending caps that make it impossible to address the housing crisis in Indian Country. Will you commit to this?

Public Safety and Justice. The public safety problems that continue to plague tribal communities are the result of decades of gross underfunding for tribal criminal justice systems and the failure by the federal government to fulfill its public safety obligations on tribal lands. Residents and visitors on tribal lands deserve the safety and security that is taken for granted outside of Indian Country. Highly-functioning criminal justice systems and basic, on-the-ground police protection are fundamental priorities of any government; tribal governments are no different. Will you commit to ensuring the BIA and DOJ received the funding they need for the public safety needs of Indian Country to be met?

Environment. EPA's budget today is already 20 percent lower than it was back in 2010. The Administration's proposed budget would cut EPA funding by 31 percent, leaving critical programs unfunded and putting my family's health and our environment at risk. What will you do to ensure that EPA is fully funded at current budget levels?

Indian Country has a right to clean air, safe drinking water and communities that are free of toxic pollution. The Administration's proposal to drastically cut the EPA's budget takes the cop off the beat and lets polluters do what they want. Will you commit to vote against any spending measures that gut the EPA?

Education. Providing high quality education for all of our nation's children including American Indian and Alaska Native youth, is even more important in today's challenging economic climate. It is an integral part of creating jobs and securing the nation's future prosperity – particularly in tribal communities. What will you do to ensure that critical funding for the Bureau of Indian Education, Impact Aid, and Tribal Colleges is supported in the FY 2018 spending bills?

College affordability is a serious concern for millions of students and families across our country – and impacts our economy as a whole. Will you support BIA scholarships and adult education funding?

Indian Health. The Indian health care delivery system faces significant funding disparities, notably in per capita spending between the IHS and other federal health care programs. The IHS has been and continues to be a critical institution in securing the health and wellness of tribal communities. In 2014, the IHS per capita expenditures for patient health services were just \$3,136, compared to \$8,760 per person for health care spending nationally. What will you do to help ensure the IHS gets the funding it need to support tribal self-determination, uphold the trust relationship, and work to reduce health disparities for Indian people?

Links and Resources

Here are some links and resources to help you learn more about the issues, keep up with the latest news about appropriations riders and get involved.

National Congress of American Indians

<http://www.ncai.org/resources/ncai-publications/indian-country-budget-request/fy2018>

Tribal Interior Budget Council page

<http://www.ncai.org/initiatives/bia-tribal-budget-advisory-council>

National Indian Health Board (Appropriations page)

<https://www.nihb.org/legislative/appropriations.php>

National Indian Education Association (FY 2018 Funding Recommendations)

<http://www.niea.org/wp-content/uploads/2016/03/NIEA-FY-2018-Budget-2-21-17-3.pdf>

American Indian Higher Education Consortium

<http://www.aihec.org/what-we-do/budget.htm>

National Indian Child Welfare Association

<http://www.nicwa.org/government/>

Native Community Development Financial Institutions Network

<http://nativecdfi.net/policy/policy-agenda/>

FY 2018 Appropriations Deadlines

Interior Appropriations Subcommittees

The House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies will hold a hearing on American Indian/Alaska Native programs on May 16 and 17, 2017.

The deadline to request to testify is April 24. More information here:

https://appropriations.house.gov/uploadedfiles/04.12.17_interior_-_instructions_for_submitting_outside_witness_testimony.pdf

Those unable to participate in the hearings may submit written testimony for the record by May 24, 2017.

Senate Interior Subcommittee Deadline for Written Testimony: May 26

Commerce, Justice, Science Written Testimony Deadlines

Important programs in this bill: DOJ grants, COPS, VAWA funding, Census

House CJS: April 28, 2017

[http://appropriations.house.gov/uploadedfiles/03.14.17_commerce_justice_science - instructions_for_submitting_outside_witness_testimony.pdf](http://appropriations.house.gov/uploadedfiles/03.14.17_commerce_justice_science_-_instructions_for_submitting_outside_witness_testimony.pdf)

Senate CJS: May 12

<https://www.appropriations.senate.gov/imo/media/doc/CJS-OWTGuidelines-FY2018.pdf>

Transportation-HUD Written Testimony Deadline

Important programs in this bill: NAHASDA block grants and tribal transportation programs

Senate: May 26 <https://www.appropriations.senate.gov/imo/media/doc/THUD-OWTGuidelines-FY2018.pdf>

Financial Services Written Testimony Deadline

Important programs in this bill include the Native CDFIs.

Senate: May 27 <https://www.appropriations.senate.gov/imo/media/doc/FSGG-OWTGuidelines-FY2018.pdf>

Labor, HHS, Education Written Testimony Deadlines

Important programs in this bill include the Low Income Home Energy Assistance Program, SAMHSA funding, and tribal education programs funded in the Department of Education.

Senate: June 2 <https://www.appropriations.senate.gov/imo/media/doc/LHHS-OWTGuidelines-FY2018.pdf>