

INDIAN COUNTRY BUDGET REQUEST FY15 • NATIONAL CONGRESS OF AMERICAN INDIANS

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AN HONORABLE BUDGET FOR INDIAN COUNTRY

Fiscal Year 2015 Budget Request

A publication of the National Congress of American Indians

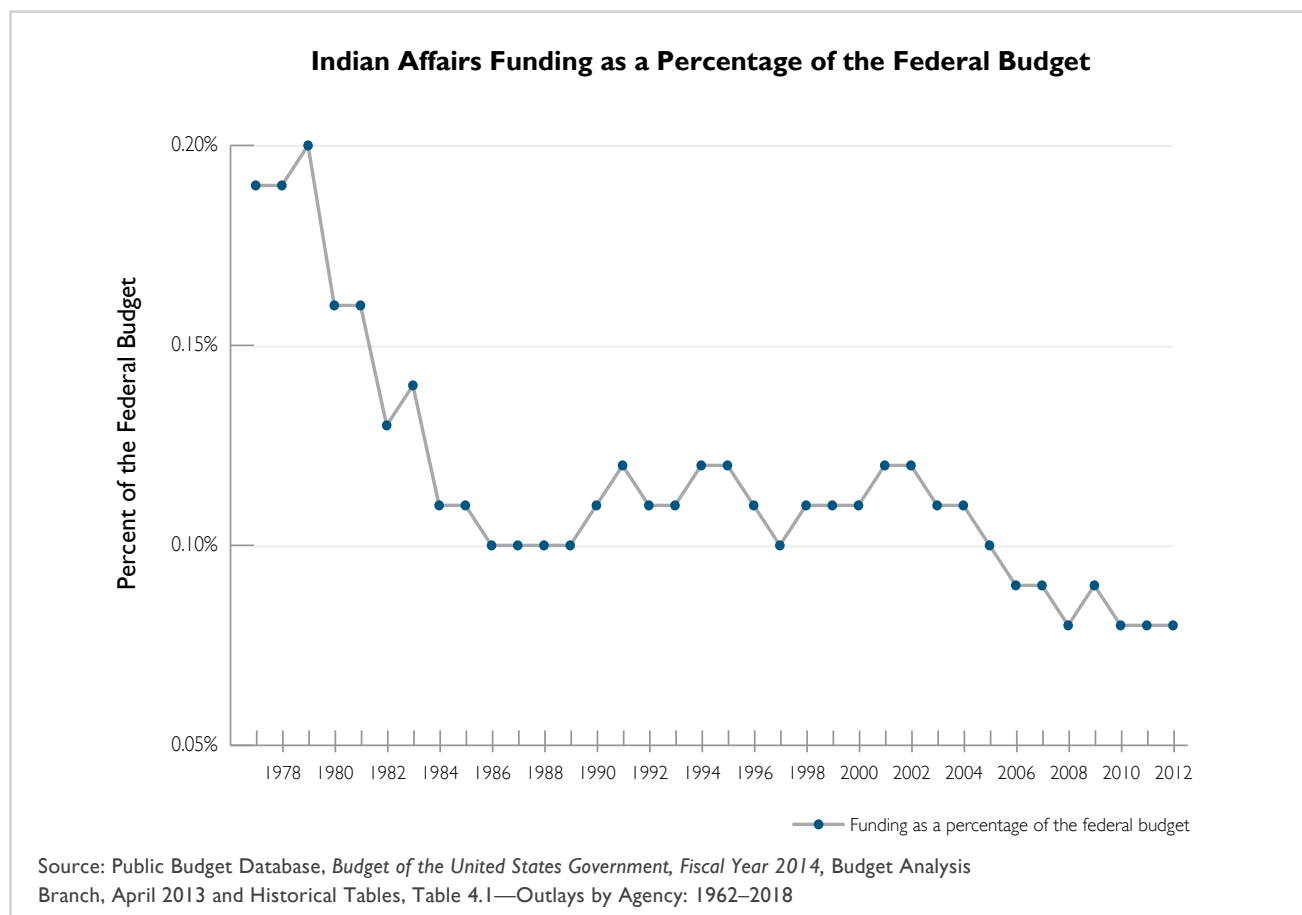
FISCAL YEAR
2015



About this publication: The Indian Country Budget Request Report is published annually by the National Congress of American Indians as part of its mission to serve as a forum for unified policy development among tribal governments in order to: (1) protect and advance tribal governance and treaty rights; (2) promote economic development and health and welfare in American Indian and Alaska Native communities; and (3) educate the public toward a better understanding of American Indian and Alaska Native tribes. The Fiscal Year 2015 report is the tenth annual Indian Country budget request issued by the National Congress of American Indians.

About the cover: The trend in funding for Indian Affairs in the Department of the Interior has not reflected Indian self-determination as a priority in the federal budget. The figure below shows Bureau of Indian Affairs (BIA) funding in the Department of the Interior as a percentage of the total federal budget from 1978 to 2012. BIA provides the base budget funding for tribes, including: tribal law enforcement, tribal courts, human services, natural resource management, energy development, road maintenance, job training, water resource management, and more. Even as tribes have assumed more responsibility for public activities under self-determination and self-governance over the same time period, the core support for tribal governments has declined as a percentage of the federal budget.

An honorable budget for Indian Country will empower tribes so they can provide their people with good health care, quality education, decent and adequate housing, and public safety. These services – that every American expects – meet the needs of Native peoples, benefit residents of surrounding communities, and fulfill trust and treaty obligations to tribal nations.



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Fiscal Year 2015 Budget Request

Executive Summary

Annual funding decisions by Congress are an expression of our nation's policy priorities. Numerous treaties and laws have created a fundamental contract between tribal nations and the United States: tribes ceded millions of acres of land that made the United States what it is today, and in return tribes have the right of continued self-government, and to exist as distinct peoples on their own lands. Part of this trust responsibility includes basic governmental services in Indian Country, funding for which is appropriated in the discretionary portion of the federal budget. As governments, tribes must deliver a wide range of critical services, such as education, workforce development, and first-responder and public safety services to their citizens. The federal budget for tribal governmental services reflects the extent to which the United States honors its promises to Indian people.

A fundamental goal for Indian Country governmental services should be parity with similarly situated governments or services. Although tribes have made some progress in addressing egregiously inadequate public services that many Americans routinely take for granted, they are still experiencing what the US Commission on Civil Rights called "a quiet crisis" of federal funding and unmet needs. Most recently, shrinking resources due to sequestration and the Budget Control Act have adversely affected tribes' ability to meet the needs of their communities. An honorable budget for Indian Country will empower tribes so they can provide their people with good health care, quality education, decent and adequate housing, and a level of public safety that any American citizen has the right to demand. Although Indian Country continues to face immense economic challenges, upholding Indian trust and treaty obligations also holds the promise of tremendous economic success.

Congress and the Administration have expressed strong support for Indian self-determination and honoring the trust responsibility. Indeed many tribes have made tremendous gains in the social and economic well-being of their communities when Congress has respected the responsibility of tribes as governments and invested in self-determination. Tribes across the United States are making economic contributions to their regions, drawing on a mix of intergovernmental transfers, fees, enterprises, sales, and leases that make up their governmental revenue. Honorable fulfillment of the trust and treaty promises to tribes affects not only required public services to tribal citizens, but also to the surrounding regional economies. Given the low historical bases of funding for tribal governments, opportunities for economic improvement and government success are plentiful. However, the trend in funding for Indian Affairs in the Department of the Interior does not reflect Indian self-determination as a priority in the federal budget.

The foregoing FY 2015 tribal budget program requests have been compiled in collaboration with tribal leaders, Native organizations, and tribal budget consultation bodies. Tribes respectfully request that these recommendations be included in the appropriations process.

Support for Tribal Governments (More Information on Page 24)

Ensuring tribes have the tools for effective governance is critical to fulfilling the promise of the Indian Self-Determination and Education Assistance Act. To build a more prosperous American future, the following policy changes are essential.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
DOI	Interior, Environment	Tribal Priority Allocations	Increase funding.
DOI	Interior, Environment	BIA Contract Support Costs	Provide full funding and resolve BIA claims.
DHHS	Interior, Environment	IHS Contract Support Costs	Provide full funding and resolve IHS claims.
DOI	Interior, Environment	Fixed Costs and Tribal Pay Costs	Provide full funding.

(See page 14 for a listing of agency abbreviations.)

Public Safety & Justice (More Information on Page 27)

The public safety problems that continue to plague tribal communities are the result of decades of gross underfunding for tribal criminal justice systems; a uniquely complex jurisdictional scheme; and the historic, abject failure by the federal government to fulfill its public safety obligations on American Indian and Alaska Native lands. Residents and visitors on tribal lands deserve the safety and security that is taken for granted outside of Indian Country. Congress has taken historic steps in recent years with the passage of the Tribal Law and Order Act in 2010 and the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), both of which begin to address some of the structural barriers to public safety in tribal communities. For the promise of these laws to be fully realized, however, they must be fully implemented, which requires sufficient resources for tribal justice systems and ongoing coordination and consultation between various federal agencies and tribal governments.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
DOI, DOJ, HHS	Interior, Environment; Commerce, Justice, Science; and Labor, HHS	Tribal Law & Order Act	Provide full funding.
DOI	Interior, Environment	Base funding for tribal courts and the Indian Tribal Justice Act	\$50,000,000
DOI	Interior, Environment	BIA Law Enforcement	\$378,000,000
DOI	Interior, Environment	BIA Safe Indian Communities	Increase to allow four more tribes.
DOJ	Commerce, Justice, Science	Tribal Grants	Utilize DOJ appropriations as base funding with tribes setting own priorities.
DOJ	Commerce, Justice, Science	Tribal Set-Aside from Office of Justice Programs	Create a seven percent tribal set-aside for all discretionary Office of Justice Programs (OJP) programs.

(Table continued on next page.)

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
DOJ	Commerce, Justice, Science	Community Oriented Policing Services (COPS) Tribal Law Enforcement	\$52,000,000
DOJ	Commerce, Justice, Science	Tribal Youth Program under the Juvenile Accountability Block Grants program	\$25,000,000
DOJ	Commerce, Justice, Science	Research, Evaluation, Technical Assistance, and Training, Part D of JJDP	Increase funding and establish a tribal set-aside.
DOJ-FBI	Commerce, Justice, Science	Indian Country Assistant United States Attorney positions	Continue funding.
DOJ	Commerce, Justice, Science	Tribal programs under the Violence Against Women Act (VAWA), including the grants to Indian Tribal Governments Program	Provide full authorized amount.
DOJ	Commerce, Justice, Science	Indian Country Sexual Assault Clearinghouse	\$500,000
DOJ	Commerce, Justice, Science	Tribal Civil and Criminal Legal Assistance Training and Technical Assistance Grant Program	\$3,000,000

Homeland Security & Emergency Management (More Information on Page 35)

Tribal governments have broad emergency and first-responder responsibilities, extensive border security responsibilities, and law enforcement jurisdiction to deal with illegal immigration, terrorism, and smuggling. Many tribes have critical national infrastructure on their lands, including oil pipelines, nuclear facilities, missile sites, and dams. Tribal governments are the only major governmental presence in many rural and isolated locations, serving as the first, and oftentimes only, law enforcement authority and emergency responders for Native and non-Native communities alike. As an integral component of this country's homeland security and emergency management framework, tribes perform these functions with little or no funding despite the fact that funding may be available for these purposes. Tribal homeland security and emergency management operations funding is an essential component of the federal government's trust responsibility.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
DHS	Homeland Security	Tribal Homeland Security Grant Program	\$20,000,000
DHS	Homeland Security	Western Hemisphere Travel Initiative, Tribal IDs	\$10,000,000
DHS-FEMA	Homeland Security	Creation of National Tribal Advisory Council	\$500,000
DHS-FEMA	Homeland Security	Emergency Management Institute Tribal Course Delivery	\$1,000,000

Education (More Information on Page 38)

Ensuring equal educational opportunities is not simply a matter of fairness, but even more importantly in today's tough economic climate, it is an essential strategy for creating jobs and securing the nation's future prosperity. Tribes need an educated citizenry to lead tribal governments, boost available human capital and thereby attract new businesses, reduce unemployment, stimulate reservation economies through direct spending, and launch tribal entrepreneurial ventures. Education also drives personal advancement and wellness, which in turn improves social welfare and empowers communities—elements that are essential to maintaining tribes' cultural vitality and to protecting and advancing tribal sovereignty. Under sequestration, critical education programs have been reduced curtailing their efficiency and effectiveness. The across-the-board reductions disproportionately affect Native youth and leave America's most vulnerable populations and students behind, representing a blatant abandonment of the federal trust responsibility for educating Native students. To address this urgent situation and give tribal nations the vital foundation for economic success, the federal government must live up to its trust responsibility by providing adequate support for Native education. The requests below detail the minimum funding needed to sustain a system that is currently struggling and underfunded.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
ED	Labor-HHS-Education	Title I, Part A (Local Education Agency Grants)	\$25,000,000,000
ED	Labor-HHS-Education	State-Tribal Education Partnership (STEP) Program	\$5,000,000
ED	Labor-HHS-Education	Title VIII funding, NCLB (Impact Aid Funding)	\$2,000,000,000
ED	Labor-HHS-Education	Title VII funding, NCLB (culturally-based education)	\$198,000,000
ED	Labor-HHS-Education	Alaska Native Education Equity Assistance Program, Title VII, Part C	\$35,000,000
ED	Labor-HHS-Education	Native Hawaiian Education Program, Title VII, Part B	\$35,000,000
ED	Labor-HHS-Education	Title III-A grants under the Higher Education Act for Tribal Colleges and Universities (Discretionary)	\$30,000,000
ED	Labor-HHS-Education	Title III-A grants under the Higher Education Act for Tribal Colleges and Universities (Mandatory)	\$30,000,000
ED	Labor-HHS-Education	Strengthening Alaska Native and Native Hawaiian-Serving Institutions program	\$15,000,000
ED	Labor-HHS-Education	Tribal Colleges and Universities: Adult/Basic Education	\$8,000,000
ED	Labor-HHS-Education	Tribally Controlled Post-Secondary Career and Technical Institutions	\$8,200,000
ED	Labor-HHS-Education	Native American-Serving, non-Tribal Institutions (Higher Education Act, Title III-F)	\$10,000,000
ED	Labor-HHS-Education	Tribal Education Departments (Dept. of Ed)	\$5,000,000
DOI	Interior, Environment	Tribal Education Departments (DOI)	\$5,000,000
DOI	Interior, Environment	Construction/Repair of Bureau of Indian Education (BIE) Schools	\$263,400,000
DOI	Interior, Environment	Johnson O'Malley	\$ 42,000,000

(Table continued on next page.)

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
DOI	Interior, Environment	Student Transportation	\$73,000,000
DOI	Interior, Environment	Tribal Grant Support Costs (Administrative Cost Grants)	\$73,000,000
DOI	Interior, Environment	Facilities Operations (BIE)	\$109,000,000
DOI	Interior, Environment	Facilities Maintenance (BIE)	\$76,000,000
DOI	Interior, Environment	Indian School Equalization Formula	\$431,000,000
DOI	Interior, Environment	Juvenile Detention Education	\$620,000
DOI	Interior, Environment	Tribal Colleges and Universities' Institutional Operations, Titles I, II, and III of the Tribally Controlled Colleges and Universities Assistance Act	\$88,200,000
DOI	Interior, Environment	Forward Fund Five Tribal Colleges and Universities	\$22,700,000
DOI	Interior, Environment	Institute of American Indian Arts and Center for Lifelong Education & Museum (AIANNH Culture and Art Development Act)	\$9,370,000
DOI	Interior, Environment	Haskell Indian Nations University & Southwestern Indian Polytechnic Institute (Snyder Act)	\$22,900,000
USDA	Agriculture	1994 Institutions Extension Program (NIFA)	\$ 6,000,000
USDA	Agriculture	1994 Institutions Research Program	\$3,000,000
USDA	Agriculture	1994 Institutions Educational Equity Grants	\$6,000,000
USDA	Agriculture	Native American Endowment Account (Corpus Payment)	\$136,000,000
USDA	Agriculture	Tribal Colleges and Universities Essential Community Facilities Program	\$10,000,000
HUD	Transportation, Housing and Urban Development	HUD-University Partnership Program for Tribal Colleges and Universities	\$5,500,000
DHHS	Labor-HHS-Education	Indian Head Start	Provide full funding.
DHHS	Labor-HHS-Education	Language Preservation Program	\$10,000,000
NSF	Commerce, Justice, and Science	Education and Human Resources Funding for Tribal Colleges and Universities	\$13,300,000

Health Care (More Information on Page 51)

The survival and prosperity of tribal communities depends on the safety, health, and wellness of our citizens. The Indian Health Service (IHS) has been and continues to be a critical institution in securing the health and wellness of tribal communities. Funding for the IHS is crucial for providing necessary health care for tribal citizens and depends solely on the federal budget. Additionally, the budget for the IHS determines the extent to which the United States honors its federal trust responsibility to American Indians and Alaska Native peoples. The FY 2015 budget for the IHS should support tribal self-determination and uphold the federal government's partnership with tribes to improve Native health and work to reduce health disparities for Native people.

In order to build on the foundation of this partnership, NCAI calls for a long-term plan that brings American Indian and Alaska Native health care into line with the rest of the American population. Developing and implementing a plan to achieve parity is critical to the future of Indian health and to the fulfillment of the United States' trust responsibility to tribal nations. The requests listed below focus on specific increases to the IHS that reflect both the priorities of tribal leaders from the 12 IHS Areas and the Agency-wide goals expressed by IHS Acting Director, Dr. Yvette Roubideaux, to: "build and sustain healthy communities; provide accessible, quality health care; and foster collaboration and innovation across the Indian health system." In addition, recommendations related to supporting Native youth diabetes prevention and strengthening the Native Hawaiian Health Care System program are included.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
DHHS	Interior, Environment	Indian Health Service funding increase over the FY 2014 budget request to maintain current services.	Increase by \$342,434,000.
DHHS	Interior, Environment	Indian Health Service funding increase over the FY 2014 budget request level for program services.	Increase by \$440,338,000.
DHHS	Labor-HHS-Education	SAMHSA Behavioral Health Program	\$15,000,000
DHHS	Labor-HHS-Education	SAMHSA Behavioral Health Tribal Prevention Grant program	\$50,000,000
DHHS	Labor-HHS-Education	On the T.R.A.I.L. to Diabetes Prevention program	\$1,000,000
DHHS	Labor-HHS-Education	HRSA Native Hawaiian Health Care Systems Program	\$14,400,000

Child Welfare [\(More Information on Page 58\)](#)

Tribes have an important relationship with their children and families: they are experts in the needs of American Indian and Alaska Native children, best suited to effectively serve those needs, and most able to improve child welfare outcomes for these children. Many states find tribes to be an essential part of the child welfare system because of the help and relief they offer through the provision of culturally competent services and needed out-of-home placements for tribal children. Self-determination is essential to good outcomes for Native children in both state and tribal child welfare systems. Successful tribal child welfare requires a budget that avoids unnecessary restraint to tribal decision making. Funding must provide flexible opportunities that allow tribes to design their child welfare services to meet the needs of American Indian and Alaska Native children and families.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
DOI	Interior, Environment	BIA Social Services	\$40,000,000
DOI	Interior, Environment	BIA Child Welfare Assistance	\$80,000,000
DOI	Interior, Environment	BIA Child Welfare Act On or Near Reservation Program	\$16,000,000
DOI	Interior, Environment	Self-Governance and Consolidated Tribal Government Program (CTPG)	\$16,000,000
DOI	Interior, Environment	Off-Reservation Indian Child Welfare Act Program	\$5,000,000
DHHS	Labor-HHS-Education	Child Abuse Discretionary Activities	\$35,000,000
DHHS	Labor-HHS-Education	Community-Based Child Abuse Prevention	\$60,000,000
DHHS	Labor-HHS-Education	Child Welfare Services, Title IV-B, Subpart 1 (tribal allocation)	\$280,000,000
DHHS	Labor-HHS-Education	Promoting Safe and Stable Families, Title IV-B, Subpart 2 (discretionary component)	\$75,000,000
DHHS	Labor-HHS-Education	SAMHSA Programs of Regional and National Significance	\$9,000,000, with \$3,000,000 reserved for Circles of Care.
DHHS	Labor-HHS-Education	SAMHSA Garrett Lee Smith Grants, State/Tribal Youth Suicide Prevention and Early Intervention Grant Program	\$40,000,000
DHHS	Labor-HHS-Education	SAMHSA Garrett Lee Smith Grants, Campus Suicide Prevention Program	\$9,134,000
DHHS	Labor-HHS-Education	SAMHSA American Indian and Alaska Native Suicide Prevention	\$2,940,000
DHHS	Labor-HHS-Education	Children's Mental Health Services Program	\$117,000,000

Disabilities [\(More Information on Page 70\)](#)

According to the Centers for Disease Control and Prevention, approximately 30 percent of American Indian and Alaska Native adults have a disability—the highest rate of any other population in the nation. Of those American Indian and Alaska Native adults with a disability, 51 percent reported having fair or poor health. Despite this need, however, tribes have had limited access to funding for vocational rehabilitation and job training compared to states. An increase in the Vocational Rehabilitation Services Projects to \$67 million would begin to put tribal governments on par with their state government peers and better equip tribes to provide support to their citizens with a disability.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
ED	Labor-HHS-Education	Vocational Rehabilitation Services Projects for American Indians with Disabilities	\$67,000,000
ED	Labor-HHS-Education	Vocational Rehabilitation Services Projects for American Indians with Disabilities (line item for outreach to tribal recipients)	\$5,000,000

Elders [\(More Information on Page 70\)](#)

In tribal communities, elders are considered the “wisdom-keepers” and are held in the highest regard. However, it is these same elders in Indian Country that comprise the most economically disadvantaged elderly minority in the nation. Funds for grants to tribes have a history of being both well-managed but woefully inadequate to meet existing needs.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
DHHS	Labor-HHS-Education	Older Americans Act (Title VI-Parts A and B)	\$30,000,000
DHHS	Labor-HHS-Education	Older Americans Act (Title VI-Part C), Native American Caregiver Support Program	\$8,300,000
DHHS	Labor-HHS-Education	Older Americans Act (Title VII-Part B), tribal set-aside	\$2,000,000
DHHS	Labor-HHS-Education	Older Americans Act Title IV (national minority aging organizations to build the capacity of community-based organizations)	\$3,000,000

Economic & Workforce Development [\(More Information on Page 73\)](#)

The federal government owes a solemn trust responsibility to support the prosperity and economic security in Indian Country and to provide the necessary resources to tribes that allow them to better protect and enhance their tribal lands and their seventh generation workforce. To empower tribes in their efforts to achieve greater control over their own affairs and shape their own futures, the federal government should ensure tribal nations have more flexibility to carry out federal programs and remove the barriers and red tape that undermine tribal self-determination and discourage private investment in Indian Country.

Economic & Workforce Development (continued)

Problems such as chronically high unemployment; underdeveloped business and entrepreneurial opportunities; minimal access to capital; poor physical infrastructure, such as roads and bridges or water supplies; lack of education and training for a local workforce; and limited access to broadband all contribute to the poor economic conditions that have plagued tribal nations for decades. Honoring the trust responsibility and addressing these key needs will unleash the economic power of Indian Country. The results will be beneficial for not only our tribal nations, but the United States as well. Together, tribal nations and the federal government must work to fulfill the promises of the past to secure prosperity for future generations. These FY 2015 budget requests identify items that are essential to advancing economic security for tribal nations.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
Commerce	Commerce, Justice, Science	Minority Business Development Agency	\$35,000,000
Commerce	Commerce, Justice, Science	Office of Native American Affairs	\$1,250,000
SBA	Financial Services	Office of Native American Affairs	\$1,250,000
DOD	Defense	American Indian Procurement Technical Assistance Program	\$3,600,000
DOD	Defense	Indian Incentive Payment Program	\$15,000,000
DOI	Interior, Environment	Office of Indian Energy and Economic Development Indian Loan Guarantee Program	\$15,000,000
DOI	Interior, Environment	Office of Indian Energy and Economic Development	\$25,000,000
DOI	Interior, Environment	Community and Economic Development Program	\$1,400,000
Treasury	Financial Services	Community Development Financial Institutions Fund	\$15,000,000
DOL	Labor-HHS-Education	YouthBuild Program	Restore funding to \$102,500,000, with 10 percent set-aside for rural and tribal programs.
DOL	Labor-HHS-Education	Employment and Training Administration, Indian and Native American Program (INAP)	\$60,500,000
DOL	Labor-HHS-Education	Native American Employment and Training Council	\$125,000 from non-INAP resources.

Telecommunications [\(More Information on Page 82\)](#)

As the United States continues to deploy and adopt 21st century technologies, any federal programs and policies designed to encourage and implement new technologies in Indian Country must contemplate the unique circumstances that exist on tribal lands. Furthermore, without adequate resources and funding these efforts will not foster tribal self-determination and capacity building. Funding for federal commitments to consult with tribal nations and access to public media systems continue to be essential to bridging the digital divide.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
FCC	Financial Services	Office of Native Affairs and Policy	Provide fixed annual budget of \$500,000.
CPB	Labor-HHS-Education	American Indian and Alaska Native Radio Station grants	\$5,000,000
CPB	Labor-HHS-Education	Native Public Media and Koahnic Broadcast Corporation	\$1,000,000

Agriculture & Rural Development [\(More Information on Page 84\)](#)

Agriculture is a major economic, employment, and nutrition sector in Indian Country. In 2007, there were at least 61,472 American Indian-operated farms and ranches on more than 58 million acres of land with total sales of \$3.26 billion, including \$1.46 billion of crops and \$1.71 billion of livestock and poultry. As a result of the huge agricultural footprint across Indian Country and the fact that more than 35 percent of American Indian and Alaska Native peoples live in rural communities, tribal governments and farmers look to active partnerships throughout the US Department of Agriculture to sustain and advance common interests across the broad array of services that this federal agency provides to tribal governments.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
USDA	Agriculture	Office of Tribal Relations	\$1,500,000
USDA	Agriculture	Rural Development	\$2,500,000,000
USDA	Agriculture	Rural Utilities Service	\$9,000,000,000
USDA	Agriculture	Rural Housing and Community Facilities Programs	\$28,000,000,000
USDA	Agriculture	Natural Resources Conservation Service (NRCS), Environmental Quality Incentives Program	\$1,400,000,000
USDA	Agriculture	NRCS, Wildlife Habitat Incentives Program	\$85,000,000
USDA	Agriculture	NRCS, Conservation Stewardship Program	\$973,000,000
USDA	Agriculture	Federally Recognized Tribal Extension Program	\$5,000,000
USDA	Agriculture	Food Distribution Program on Indian Reservations	\$102,700,000
USDA	Agriculture	Food Distribution Program on Indian Reservations, traditional foods market development	\$5,000,000

Environmental Protection (More Information on Page 90)

Tribal peoples maintain spiritual, cultural, practical, and interdependent relationships with their homelands and natural resources. Consequently, tribal peoples face direct and often disproportionate impacts of environmental degradation, including climate change. Federal funding to support environmental protection for reservations was not forthcoming until more than 20 years after the passage of the Clean Water and Clean Air Act. Tribes are still trying to catch up, and a significant gap remains. The federal government must ensure tribes have fair and equal opportunities to realize, preserve, and enhance the environmental quality of Indian Country for present and future generations and to sustain tribal cultures. In the recommendations below, NCAI requests that EPA tribal programs at least receive amounts to achieve parity with states through sustainable targeted base funding.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
EPA	Interior, Environment	Indian Environmental General Assistance Program	\$75,000,000
EPA	Interior, Environment	Safe Drinking Water State Revolving Funds	Provide 4.5 percent tribal set-aside.
EPA	Interior, Environment	Clean Water Act State Revolving Fund, tribal set-aside	Provide \$46,500,000 tribal set-aside and lift the funding cap on tribal set-aside for wastewater facilities.
EPA	Interior, Environment	Tribal Water Pollution Control, Clean Water Act Section 106	Increase the tribal allocation to 20 percent.
EPA	Interior, Environment	Nonpoint Source Pollutant Control, Clean Water Act Section 319	Eliminate cap on tribal funding and provide \$27,100,000.
EPA	Interior, Environment	Exchange Network	Provide 10 percent set-aside for tribes.
EPA	Interior, Environment	Great Lakes Restoration Initiative, tribal allocation	\$3,000,000

Natural Resources (More Information on Page 96)

The vitality and sustainability of natural resources is integral to the health and security of American Indian and Alaska Native peoples, communities, cultures, and economies. It also has demonstrable positive impacts on surrounding communities. The benefits of federal investment in tribal natural resource management reverberate widely and can support tribes in creating jobs; maintaining tribal societal cohesion; forming healthy tribal and non-tribal communities and relations; developing innovative approaches to addressing pervasive unemployment and poor health brought on by environmental factors; and diminishing strain on land management and law enforcement services, among other things. Federal support for tribal natural resource efforts, however, has not matched the tribal efforts, nor captured the value of tribal ecological knowledge and natural resources for tribal peoples and for the nation. The investments by the federal government in tribal natural resource management requested below will foster tribal economic self-sufficiency, cultural revitalization, and collaborative working relationships across jurisdictions – supporting communities and economies throughout the United States.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
DOI	Interior, Environment	BIA Rights Protection Implementation	\$49,500,000
DOI	Interior, Environment	Cooperative Landscape Conservation Initiative	\$10,000,000
DOI	Interior, Environment	BIA Water Management, Planning, and Pre-Development Program	\$8,298,000
DOI	Interior, Environment	BIA Water Rights Negotiation/Litigation Program	\$10,923,000
DOI	Interior, Environment	BIA Endangered Species Program	\$3,000,000
DOI	Interior, Environment	BIA Tribal Management and Development Programs	\$20,000,000
DOI	Interior, Environment	BIA Wildlife and Parks Tribal Priority Allocations - Fish Hatchery Operations	\$3,000,000
DOI	Interior, Environment	BIA Wildlife and Parks Tribal Priority Allocations - Fish Hatchery Maintenance	\$7,000,000
DOI	Interior, Environment	BIA Wildlife and Parks Tribal Priority Allocation	\$10,000,000
DOI	Interior, Environment	BIA Natural Resources Tribal Priority Allocations	\$10,000,000
DOI	Interior, Environment	Fish and Wildlife Service's Tribal Wildlife Grants Program	\$8,000,000
Commerce	Commerce, Justice, Science	Pacific Coastal Salmon Recovery Fund	\$110,000,000
EPA	Interior, Environment	Geographic/Ecosystem Program in Puget Sound	\$50,000,000
DOI	Interior, Environment	BIA Forestry Tribal Priority Allocations	\$31,200,000
DOI	Interior, Environment	BIA Forestry Projects	\$23,300,000
DOI	Interior, Environment	BIA Invasive Species Program	\$6,500,000

Energy [\(More Information on Page 105\)](#)

Tribal lands contain abundant and largely underdeveloped conventional and renewable energy resources that hold great promise for the current and future generations of Native peoples. Even with this substantial potential, there are only two commercial-scale renewable energy projects operating in Indian Country. In the conventional energy field, tribes boast nearly a quarter of the nation's on-shore oil and gas reserves and developable resources and one-third of the nation's western low-sulfur coal. Nevertheless, Indian tribes and communities face not only many of the same challenges in developing their energy resources and infrastructure that state and local governments and non-Indian communities face, but also additional challenges—which include special laws, regulations, and policies. Some of the other unique challenges facing Indian Country include inadequate physical infrastructure, limited access to capital, and high workforce training and development needs. This FY 2015 budget request identifies authorized energy programs that have never been funded; but, if adequately funded, it would provide innovative new tools to spur new investment in tribal energy development, capacity building, and resource management needs. Further development of tribal energy would contribute significantly to national energy security, clean energy development to reduce greenhouse gas emissions, and tribal economic development and job creation.

Energy (continued)

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
DOE	Energy and Water	Office of Indian Energy Policy and Programs, Tribal Loan Guarantee Program	\$30,000,000
DOE	Energy and Water	Office of Indian Energy Policy and Programs	\$2,000,000,000
DOI	Interior, Environment	Office of Indian Energy and Economic Development, energy capacity building through development grants	\$5,000,000
DHHS	Labor-HHS-Education	Low-Income Home Energy Assistance Program	\$4,700,000,000

Housing (More Information on Page 108)

Housing is a core necessity for tribal communities. While tribes have made great strides toward improving housing conditions in their communities through the Native American Housing Assistance and Self-Determination Act (NAHASDA), the need for adequate, affordable housing for low income Indian people persists. Native Americans still face some of the worst housing and living conditions in the United States. Nearly 30 percent of homes in Indian Country rely on wood for heating; up to 18 percent are without phone service in some areas; and substandard housing conditions continue to prevail.

The NAHASDA effectively replaced the various Indian housing programs under the 1937 Housing Act and consolidated federal housing funds through direct block grants to the tribes and their TDHEs. The NAHASDA has resulted in tens of thousands of more housing units being constructed, as well as increased tribal capacity to address related infrastructure and economic development challenges. The NAHASDA authorizes several programs and activities that are in need of additional funding, they include: the Indian Housing Block Grant, Indian Community Development Block Grant, Sections 184 and 184A Guarantee Loan Program, Title VI Guarantee Loan Program, and NAHASDA's Training and Technical Assistance Funding.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
HUD	Transportation, HUD	Indian Housing Block Grant	\$675,000,000
HUD	Transportation, HUD	Indian Community Development Block Grant	\$70,000,000
HUD	Transportation, HUD	Title VI Loan Guarantee	\$2,000,000
HUD	Transportation, HUD	Section 184 Loan Guarantee Program	\$7,000,000
HUD	Transportation, HUD	NAHASDA's Training and Technical Assistance	\$4,000,000
HUD	Transportation, HUD	Native Hawaiian Housing Block Grant	\$13,000,000
HUD	Transportation, HUD	Section 184A Loan Guarantee	\$1,000,000

Transportation [\(More Information on Page 111\)](#)

Surface transportation in Indian country involves thousands of miles of roads, bridges and highways, and connects and serves both tribal and non-tribal communities. Despite being the principal transportation system for all residents of and visitors to tribal communities, Indian country roads are still the most underdeveloped road network in the nation. Maintenance and enhancement of transportation infrastructure is critical to economic development, job creation, and improving living conditions for individuals and families throughout Indian country. Tribal nations require sustained and adequate federal transportation appropriations to address the large backlog of deferred road and bridge construction and road maintenance needs. Investing in tribal transportation will create jobs and make Native economies stronger.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
DOT	Transportation, HUD	Tribal Transportation Program	\$450,000,000
DOT	Transportation, HUD	Tribal Technical Assistance Programs	\$1,000,000
DOT	Transportation, HUD	Tribal Transit Program	\$30,000,000
DOT	Transportation, HUD	Tribal High Priority Projects Program	\$30,000,000
DOI	Interior, Environment	BIA Roads Maintenance	\$30,000,000

Historic & Cultural Preservation [\(More Information on Page 114\)](#)

After nearly two centuries of failed policies to assimilate Native people, the era of tribal self-determination has advanced efforts in cultural preservation and revitalization. Federal policies enacted over the past 20 to 30 years have increased tribal management of programs and services. However, increased funding is crucial to sustain current efforts to preserve cultural practices and sacred places and to advance tribal self-determination.

Agency	Appropriations Bill	Program	NCAI FY 2015 Request
DOI	Interior, Environment	Native American Graves Protection and Repatriation Act (NAGPRA)	\$4,000,000
DOI	Interior, Environment	Investigations into Failure to Comply with NAGPRA	Provide a 10 percent increase for investigations into failure of institutions to comply with NAGPRA, and create a line-item for investigations of complaints made by tribes.
DOI	Interior, Environment	Tribal Historic Preservation Officer Program	\$15,000,000

Key to Agency Abbreviations (listed in order of appearance in chart): DOI (Department of the Interior); DHHS (Department of Health and Human Services); DOJ (Department of Justice); DHS (Department of Homeland Security); HHS (Department of Health and Human Services); ED (Department of Education); USDA (Department of Agriculture); HUD (Department of Housing and Urban Development); NSF (National Science Foundation); Commerce (Department of Commerce); SBA (Small Business Administration); DOD (Department of Defense); Treasury (Department of the Treasury); DOL (Department of Labor); FCC (Federal Communications Commission); CPB (Corporation for Public Broadcasting); EPA (Environmental Protection Agency); DOT (Department of Transportation).



BUDGET REQUESTS



The drum is used at community events to honor culture and celebrate tradition. Photo credit: Jan van Raay

An Honorable Budget for Indian Country: Equitable Funding for Tribes

Fiscal Year 2015 Indian Country Budget Recommendations

Introduction

Annual funding decisions by Congress are an expression of our nation's policy priorities. Numerous treaties, statutes, and court decisions have created a fundamental contract between tribal nations and the United States: tribes ceded millions of acres of land that made the United States 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. And for its part, the United States has assumed a trust responsibility to protect these rights and to fulfill its solemn commitments to Indian tribes and their members.

An honorable budget for Indian Country will empower tribes so they can provide their people with good health care, quality education, decent and adequate housing, and public safety. These services – that every American expects – meet the needs of Native peoples, benefit residents of surrounding communities, and fulfill obligations to tribal nations.

Introduction (continued)

Part of this trust responsibility includes basic governmental services in Indian Country, funding for which is appropriated in the discretionary portion of the federal budget. Tribal governments exist to protect and preserve their unique cultures, identities, and natural environments for posterity. As governments, tribes must deliver a wide range of critical services, such as education, workforce development, and first-responder and public safety services, to their citizens. The federal budget for tribal governmental services reflects the extent to which the United States honors its promises to Indian people.

Shrinking resources due to sequestration and the Budget Control Act have adversely affected tribes' ability to meet the needs of their communities. An honorable budget for Indian Country will empower tribes so they can provide their people with good health care, quality education, decent and adequate housing, and public safety. These services – that every American expects – meet the needs of Native peoples, benefit residents of surrounding communities, and fulfill obligations to tribal nations. Although Indian Country continues to face immense economic challenges, upholding Indian trust and treaty obligations also holds the promise of tremendous economic success.

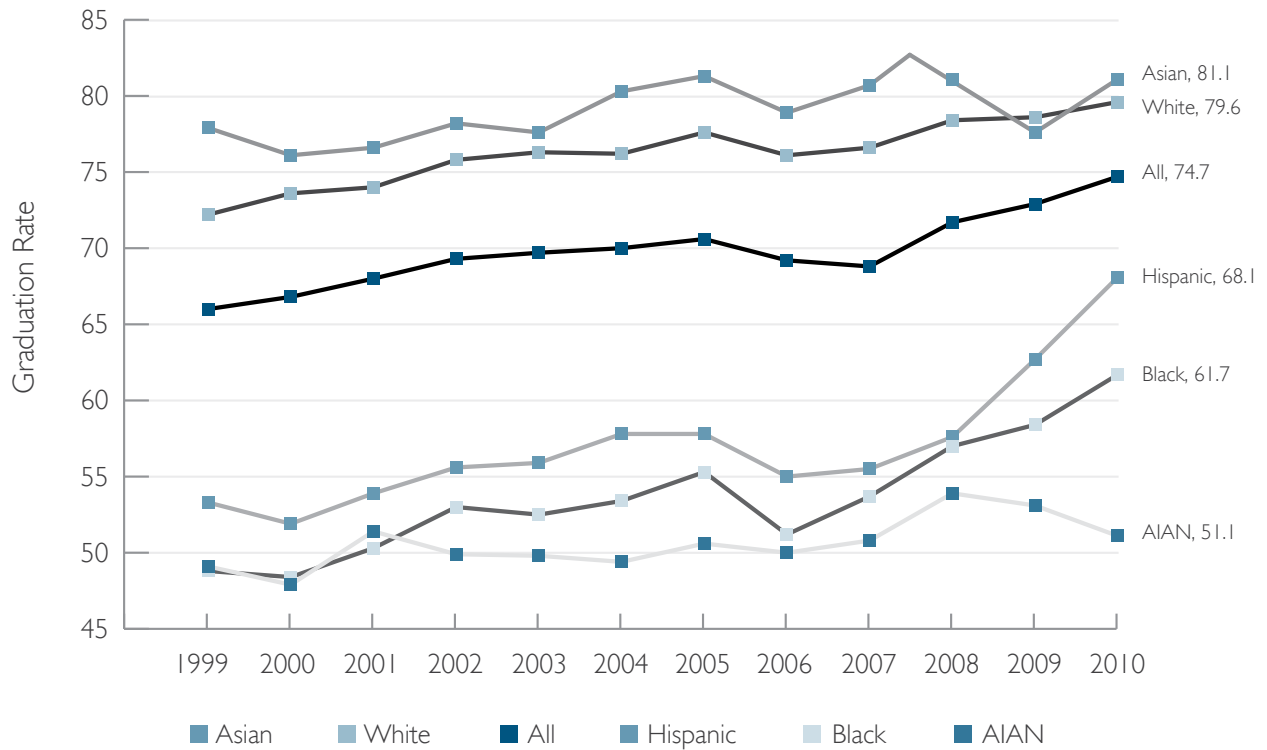
A Call for Equitable Funding for Tribes

A fundamental goal for Indian Country governmental services should be parity with similarly situated governments or services. Although tribes have made some progress in addressing egregiously inadequate public services that many Americans routinely take for granted, they are still experiencing what the US Commission on Civil Rights called “a quiet crisis” of federal funding and unmet needs.¹

- **Public Safety:** The bi-partisan Indian Law and Order Commission (ILOC) recently released its report to Congress and the President emphasizing that “[h]ow we choose to deal with the current public safety crisis in Native America—a crisis largely of the Federal government’s own making over more than a century of failed laws and policies—can set our generation apart from the legacy that remains one of [the] great unfinished challenges of the Civil Rights Movement.”² The Commission recommends and NCAI agrees that Congress and the executive branch should direct sufficient funds to Indian country law enforcement to ensure law enforcement in Indian Country is on par with the rest of the United States.
- **Health Care:** The Indian health care delivery system, while working to reduce Indian health disparities, also faces significant funding disparities in per capita spending between the Indian Health Service (IHS) and other federal health care programs. The IHS is currently funded to meet only about 56 percent of its need, despite being the primary provider of health care for many tribal communities. In 2012, IHS per capita expenditures for patient health services were just \$2,896, compared to \$7,535 per person for health care spending nationally.³
- **Education:** Of the over 600,000 American Indian/Alaska Native (AI/AN) students in pre-kindergarten through grade 12, most attend public schools. But many of these schools do not have a reliable tax base and disproportionately rely on Impact Aid funding, which makes up for the lack of funding on and near reservations and military bases. The Impact Aid program has not been fully funded since 1960. The Bureau of Indian Education, which serves nearly 50,000 Native students, received \$48 million less in funding in FY 2013 compared to its FY 2012 funding level.

Native students still do not have the same education outcomes as their peers, and improving education is an economic necessity for Indian Country. If half of the 24,700 Native students of the Class of 2010 who dropped out of school had graduated, they would likely be earning an additional \$147 million each year compared to what they will earn without a high school diploma.⁴

Figure 1: High School Graduation Rates, 1999-2010



Source: Editorial Projects in Education Research Center

Despite documented and profound needs, Indian health, education, and other program areas were subject to sequestration in FY 2013. By allowing across-the-board cuts to go into effect for FY 2013, Congress unfairly placed deficit reduction on the backs of approximately 115,000 AI/AN students affected by Impact Aid education cuts; 25,000 AI/AN children hurt by Head Start cuts; 1.7 million AI/AN people hurt by the \$119 million removed from the Bureau of Indian Affairs budget; 88,000 AI/AN students in tribal colleges losing programs and courses; and 2.1 million people affected by the \$220 million cut to the Indian Health Service.

Invest in Self-Determination

Congress and the Administration have expressed strong support for Indian self-determination and honoring the trust responsibility. Indeed, many tribes have made tremendous gains in improving the social and economic well-being of their communities when Congress has respected the important role of tribal governments and invested in self-determination. Chairwoman Karen Diver from the Fond Du Lac Band of Lake Superior Chippewa in Minnesota shared her perspective on reductions to tribal base budgets:

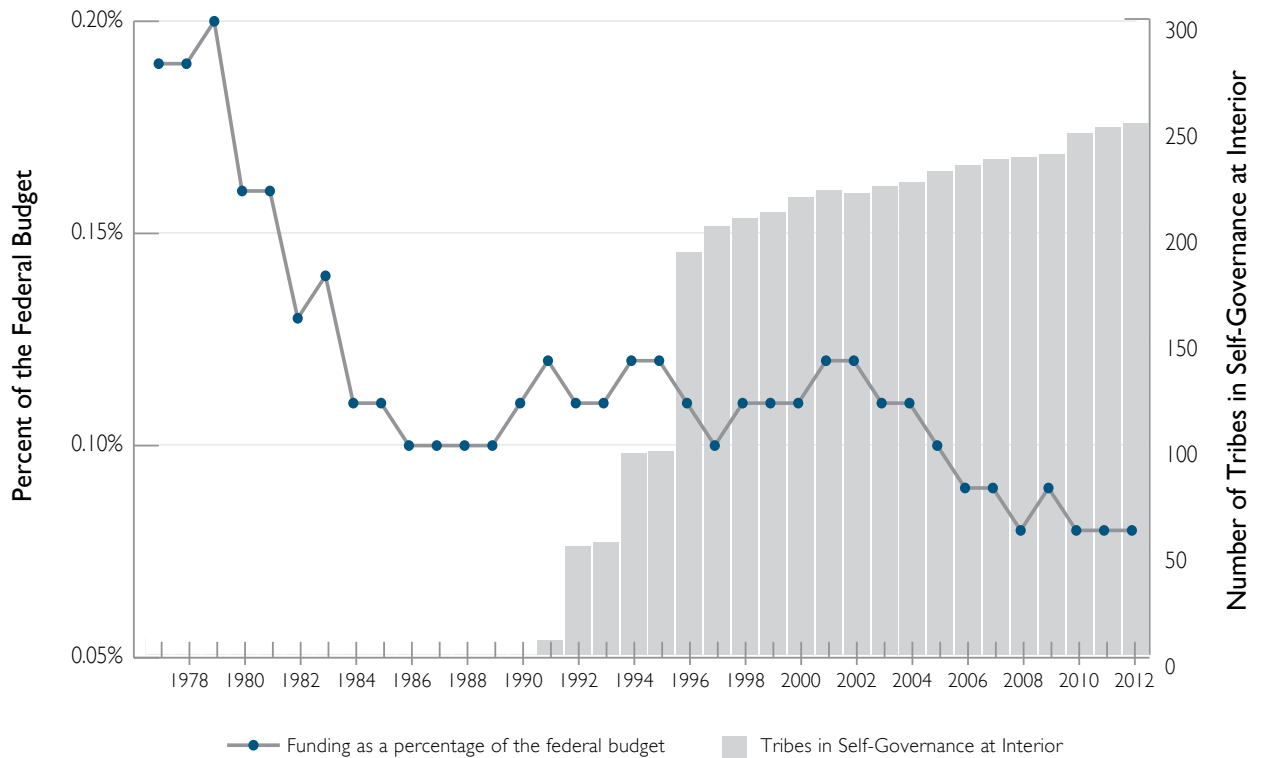
When elderly nutrition started at Fond du Lac in the 1990s, we set the age at 52 because the average age of death in the 1970s was 56. We are proud that under self-governance, that age is now 74. What we are having to endure right now makes a difference. [Congress] is asking us to be wizards in our own community. We are to promote community development. We are to promote economic development. We are to promote health. We are to promote safety. We are to do all these things without a tax base. [Budget cuts] are taking away our ability to rise up and help support rural communities – not just Indian communities – but entire rural communities with the employment and the economic ripple effects.

The Fond du Lac Band poured more than \$300 million into the regional economy in 2011 and created 3,600 jobs in its region, for Natives and non-Natives alike. Tribes across the United States are making similar economic contributions to their regions, drawing on a mix of intergovernmental transfers, fees, enterprises, sales, and leases that make up their governmental revenue. Honorable fulfillment of the trust and treaty promises to tribes would positively impact not only required public services to tribal citizens but also the surrounding regional economies. Given the low historical bases of funding for tribal governments, opportunities for economic improvement and government success are needed.

However, the trend in funding for Indian Affairs in the Department of the Interior (DOI) does not reflect Indian self-determination as a priority in the federal budget. Figure 2 shows Bureau of Indian Affairs (BIA) funding in the Department of the Interior as a percentage of the total federal budget from 1980 to 2012. BIA provides the base budget funding for tribes, including: tribal law enforcement, tribal courts, human services, natural resource management, energy development, road maintenance, job training, water resource management, and more. Even as tribes have assumed more responsibility for public activities under self-determination and self-governance, the core support for tribal governments has declined as a percentage of the federal budget.

[Congress] is asking us to be wizards in our own community. We are to promote community development. We are to promote economic development. We are to promote health. We are to promote safety. We are to do all these things without a tax base.

Figure 2: Indian Affairs Funding as a Percentage of the Federal Budget, 1977-2012



Source: Public Budget Database, *Budget of the United States Government, Fiscal Year 2014, Budget Analysis Branch*, April 2013 and Historical Tables, Table 4.1—Outlays by Agency: 1962–2018

Upholding Obligations to Native People Will Expand Economic Opportunity

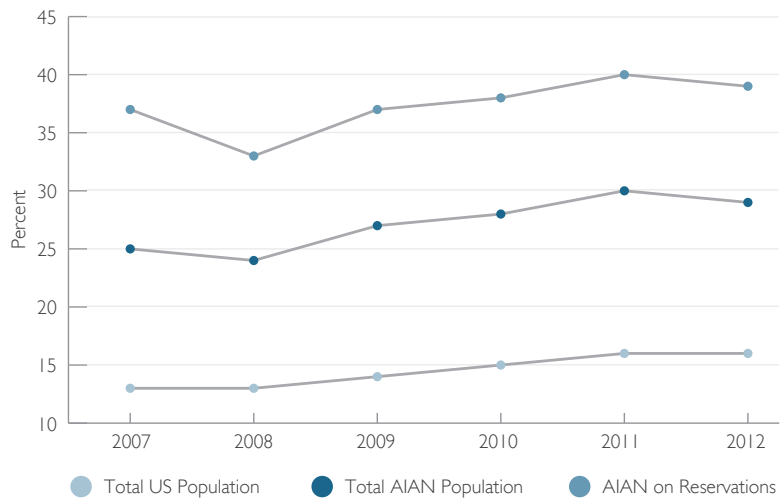
Although in the last 30 years Native people overall have experienced significant economic growth as measured by average income and wealth, American Indians and Alaska Natives are still one of the United States’ most economically disadvantaged population. Nearly one in three Native people—29.1 percent—lived below the federal poverty line in 2012. For Native people living on reservations, the rate is far higher at 38.6 percent, 2.5 times higher the national rate. Progress is possible, though: in 1990, over half of American Indians on reservation and tribal land lived in poverty.

Where tribes exercise self-determination, success stories abound; and they all include the themes of improved responsiveness and increased accountability.

A recent analysis by the Economic Policy Institute examined the problem of the low rate of American Indian employment.⁵ Only when American Indians and Alaska Natives have higher and steady employment rates will poverty decline and wealth begin to grow. The paper found that, over the 2009–2011 period, the American Indian employment rate among 25- to 54-year-olds was 64.7 percent—13.4 percentage points lower than that of the White rate. To increase the Native employment rate to that of the White rate would require about 234,000 jobs throughout Indian Country and the United States. For Native people, these statistics show major challenges, but also tremendous opportunity and potential for economic success.

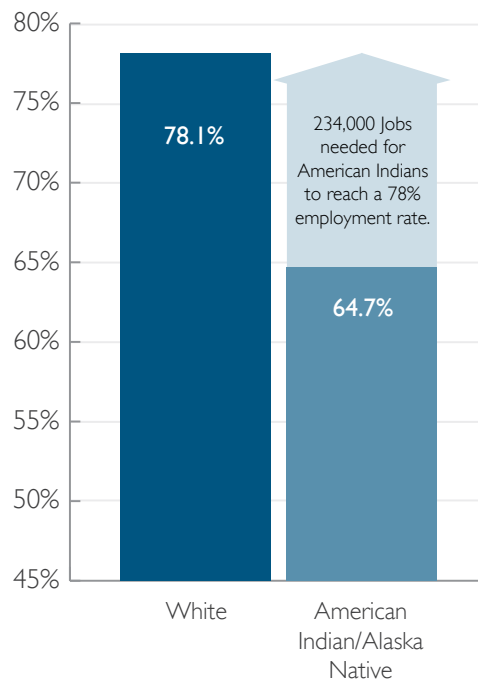
As the rest of the American economy continues to recover, tribes offer new opportunities for the communities that surround them. Where tribes exercise self-determination, success stories abound; and they all include the themes of improved responsiveness and increased accountability. Overcoming poverty, while honoring tribal traditions and strengthening culture, is achievable but securing tribal economic security and prosperity will require a sustained commitment. Congress must answer this moral and legal call to action so that Native peoples can look forward to improved prosperity and progress for future generations.

Figure 3: Percentage of Population in Poverty



Source: US Census Bureau, 2007-2012 American Community Survey Estimates, Table B17001 and B17001C

Figure 4: Employment Rates (25-54 year old population)



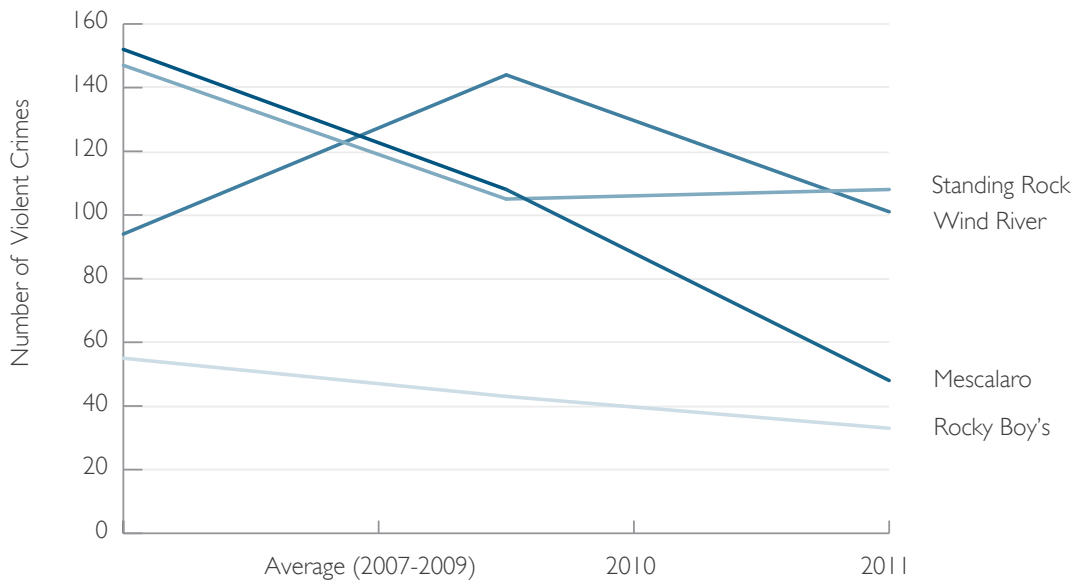
Source: Algernon Austin, *Native Americans and Jobs: The Challenge and the Promise*, Economic Policy Institute, December 17, 2013

Equitable Funding Leads to Success

Indian Country has long struggled with high crime victimization rates. Violent crimes impose economic costs on the victims and their families, in the form of medical and other expenses and the loss of earnings. Areas with high crime also experience reduced investment. Safe communities are necessary for economic development. Moreover, the Indian Law and Order Commission found that tribal nations throughout our country would benefit enormously if locally based and accountable law enforcement officers were staffed at levels comparable to similarly situated communities off-reservation.

In 2010, DOI established a High Priority Performance Goal (HPPG) initiative to reduce violent crime by at least five percent over 24 months on four reservations that were experiencing high rates of violent crime. In FY 2010, all four locations received an increase in base funding to support additional sworn staff. The additional resources assisted in closing the staffing gap and bringing each location up to national sworn staffing levels as listed under the US Department of Justice Uniform Crime Report staffing averages. The increased number of law enforcement officers aligned the staffing-to-population ratios closer to the national standard for rural populations of 2.8 officers per 1,000 persons. The effort resulted in a 35 percent decrease in violent crime across the four sites. The ILOC report states, “[d]espite the current budget reality, the results of the HPPG Initiative should not be forgotten: parity in law enforcement services prevents crime and reduces violent crime rates.”

Figure 5: Reduction in Violent Crime on HPPG Reservations



	Average (2007-2009)	2010	2011	% Change
Mescalero	152	108	48	-68
Rocky Boy's	55	43	33	-40
Standing Rock	147	105	108	-27
Wind River	94	144	101	7

Average Change:
35% Decrease

Bureau of Indian Affairs Office of Justice Services, Crime-reduction best practices handbook: Making Indian communities safe 2012, 2012. Retrieved from www.bia.gov/cs/groups/xojs/documents/text/idc-018678.pdf.

Government-Wide Recommendations

Tribes need the tools and resources to continue on self-determined paths that promote economic development, strengthen tribal cultures, and enable the pursuit of tribally-determined benchmarks of well-being.

Fully fund Contract Support Costs (CSC) as required by law


- For decades the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) have been underpaying tribes and tribal organizations that contract to operate IHS clinics and hospitals and BIA law enforcement, realty, housing, and other government programs, by failing to fully fund CSCs in accordance with statutory law. The result has been significant for setting reductions in patient care and in other essential governmental services for the most underserved populations in America – American Indians and Alaska Natives. Recently, the United States Supreme Court, again, held the government liable for these contract underpayments. Since the June 2012 Supreme Court decision, very little progress has been made to settle the thousands of CSC claim years representing billions of dollars lost to Indian Country.

Advocate for budget equity for tribes

- When tribes receive an equitable level of resources, they can improve unjust conditions. This FY 2015 Indian Country Budget Request includes recommendations for many departments and agencies where tribal programs and services should receive equitable resources, developed from the success of the High Priority Performance Goal Initiative model. Within the Department of the Interior, funding for BIA and tribes has not kept pace with other agencies. This inequity has been perpetrated by both Congress and the Administration.

Fulfillment of the trust responsibility represents necessary elements for a strong economic foundation in Indian Country to afford Native children and future generations the opportunity to fulfill their potential. Investments in tribal infrastructure must continue to address the inadequate roads, housing, and broadband systems that are all essential to economic development and job creation. Education is fundamental to long-term economic opportunities, and public safety is a prerequisite for long-term economic development. Support for tribal energy and natural resource development must be ramped up—although tribal lands contain a vast amount of the nation’s conventional and renewable energy resources, tribal governments face an array of challenges in developing these resources. All of these investments hold immense promise to contribute to regional economies, in turn strengthening the American economy and building a better future for all Americans.

The foregoing FY 2015 tribal budget program requests have been compiled in collaboration with tribal leaders, Native organizations, and tribal budget consultation bodies. Tribes respectfully request that these recommendations be included in the appropriations process.



Tribal government flags displayed at the 70th Annual Convention of the National Congress of American Indians. Photo credit: NCAI

Support for Tribal Governments

Ensuring tribes have the tools for effective governance is critical to fulfilling the promise of the Indian Self-Determination and Education Assistance Act. To build a more prosperous American future, the following policy changes are essential.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior – Environment Appropriations Bill

Bureau of Indian Affairs

- *Increase funding for Tribal Priority Allocations.*

Tribal priority allocations are a critical funding area for tribal governments because they cover such needs as economic development, welfare assistance, and natural resource management. Yet, for two decades, inadequate funding for Tribal Priority Allocations has hindered tribes from fully exercising their right of self-governance. Severe underfunding has contributed to an array of social injustices in tribal communities: insufficient law enforcement resources have led to unacceptable crime rates; a \$40 billion dollar construction backlog is impeding safe and efficient transportation systems for tribal nations; and the failure to adequately fund Indian education has resulted in disparate rates of educational attainment for Native children.

DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF HEALTH AND HUMAN SERVICES

Interior – Environment Appropriations Bill

- Fully fund Contract Support Costs at the Bureau of Indian Affairs, consistent with the 2012 Supreme Court decision in the *Salazar v. Ramah Navajo Chapter* case.

In 2012, the US Supreme Court, in *Salazar v. Ramah Navajo Chapter*, affirmed that tribes contracting and compacting under the Indian Self-Determination and Education Assistance Act of 1975 are entitled to full contract support costs (CSC), as a matter of basic contract law.

Under contracts or self-governance compacts, tribes administer a vast array of governmental services, including providing healthcare, law enforcement services, education, housing, and land and natural resource management, as well as providing many other vital social service programs. Program flexibility has allowed tribes to determine internal priorities, redesign programs, and reallocate financial resources to effectively and efficiently address the needs of their respective communities. Tribal communities rely on these programs to help provide the very basic requirements of food, clothing, and shelter. However, the greatest impediment to the successful administration of these trust programs has been the failure of the federal government to fully fund contract support costs.

When contract support costs are not paid, tribes cannot fill vital positions in areas such as health care and law enforcement. Many are compelled to divert resources from other programs and services to cover these expenses, placing a great economic burden on the tribes and jeopardizing the health, welfare, and safety of their communities. When the federal government fails to pay these costs, the government is both breaching its contract obligations and failing to honor its trust responsibility. The Supreme Court has affirmed, twice, that these contractual obligations must be fulfilled. In this way, critical jobs that serve tribal nations can be restored and the promise of tribal self-determination and self-governance more fully realized.

Agencies should join with the tribes in advocating for appropriations sufficient to fully fund all tribal contract support cost requirements. This would avoid litigation, retain and create jobs in some of the poorest locations in the country, and make good on President Obama's promise that those populations most vulnerable will sacrifice the least.

- Resolve BIA CSC claims.

In the wake of the Supreme Court's *Ramah Navajo* decision, the Bureau of Indian Affairs has acknowledged the government's liability for CSC shortfalls in years past. Discussions with both the agency and the Department of Justice have turned to establishing a framework for settling claims for past CSC underpayments on a class-wide basis that will cover all tribes and tribal organizations. Attorneys and financial experts for both sides are undertaking extensive work in an attempt to achieve agreement on a settlement figure. The Justice Department should place the very highest priority on settling these 19-year-old claims as swiftly as possible.

- *Resolve IHS CSC claims.*

The Indian Health Service has also acknowledged the government’s liability for CSC shortfalls in years past, but is dealing with claims on a tribe-by-tribe basis, rather than a class-wide basis. The IHS has stated publicly that recovery for past CSC shortfalls should be determined by subtracting the CSC paid in a given year from the CSC actually incurred in that year. This is not the correct way to address this problem. Faced with CSC funding shortfalls, contractors naturally spent less because they were paid less. The Supreme Court has affirmed that tribes should have been fully paid, and IHS should resolve all outstanding claims based upon what it would have paid each tribe and tribal organization at the time it awarded its contracts. The ‘cost-incurred’ model for calculating the government’s liability rewards the federal government for underpaying tribes, and penalizes tribes for fiscal prudence. Most fundamentally, it confuses what was spent with what was owed. IHS should abandon the ‘costs-incurred’ model and use the annual IHS shortfall reports as a starting point for calculating damages in settlement. As with the BIA claims, IHS and the Justice Department should place the very highest priority on promptly settling the thousands of outstanding claims.

DEPARTMENT OF THE INTERIOR

Interior – Environment Appropriations Bill

Bureau of Indian Affairs

- *Fully fund Fixed Costs and Tribal Pay Costs.*

Most federal agencies receive annual increases to their Fixed Costs rates each year to address inflationary costs associated with Fringe Benefits and Pay Costs. Historically, tribes have been disadvantaged because they have never received Fringe Benefit Fixed Cost adjustments. Previous administrations have only partially funded Pay Costs. Partially funding or failing to fund Pay Costs for tribes has devastated tribal communities by causing critical job losses. Over 900 tribal jobs have been lost, and an estimated 300 more jobs will be permanently lost on an annual basis if 100 percent Pay Costs are not provided. The tribal losses are being further exacerbated by recent projections of costs that have been significantly underestimated. The Administration needs to include this in their Budget Request to prevent further erosion of jobs in tribal communities.



The Pawnee Nation Police department was established in the early 1980's and receives operational funding from the Bureau of Indian Affairs.
Photo credit: Flickr.com/badge764

Public Safety & Justice

The bi-partisan Indian Law and Order Commission (ILOC) recently released its report to Congress and the President emphasizing that “[n]ow is the time to eliminate the public safety gap that threatens so much of Native America.”⁶ The public safety problems that continue to plague tribal communities are the result of decades of gross underfunding for tribal criminal justice systems; a uniquely complex jurisdictional scheme; and the historic, abject failure by the federal government to fulfill its public safety obligations on American Indian and Alaska Native lands. Residents and visitors on tribal lands deserve the safety and security that is taken for granted outside of Indian Country. The time is now to remedy the disparities.

Congress has taken historic steps in recent years with the passage of the Tribal Law and Order Act in 2010 and the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), both of which begin to address some of the structural barriers to public safety in tribal communities. For the promise of these laws to be fully realized, however, these laws must be fully implemented, which requires sufficient resources for tribal justice systems and ongoing coordination and consultation between various federal agencies and tribal governments. The Department of Justice recognized this reality in its recently issued Proposed Statement of Principles. The Proposed Statement articulates DOJ’s belief that stable funding at sufficient levels for essential tribal justice functions is critical to the long-term growth of tribal institutions.⁷

Increased and targeted funding in the following program areas will have a huge impact on safety in tribal communities for tribal citizens, residents, and visitors to tribal lands.

Residents and visitors on tribal lands deserve the safety and security that is taken for granted outside of Indian Country.

This would also help foster economic development on tribal lands and improve the quality of life in immeasurable ways. The following budget recommendations also ensure that tribal law enforcement officers, emergency responders, and justice personnel are able to find work in the communities that need their services the most. As the federal government balances the national budget, it must also pledge to honor its distinct legal, treaty, and trust obligations to assist tribal nations in providing public safety to their citizens.

Highly-functioning criminal justice systems and basic, on-the-ground police protection are fundamental priorities of any government; tribal governments are no different.

As the ILOC asserts, “[h]ow we choose to deal with the current public safety crisis in Native America—a crisis largely of the Federal government’s own making over more than a century of failed laws and policies—can set our generation apart from the legacy that remains one of [the] great unfinished challenges of the Civil Rights Movement.⁸ Lives are at stake, and there is no time to waste.”⁹

Key Recommendations

Shared Responsibility:

DEPARTMENTS OF THE INTERIOR, JUSTICE, AND HEALTH AND HUMAN SERVICES

Interior – Environment; Commerce, Justice, Science; and Labor, HHS Appropriations Bills

Tribal Law & Order Act

- *Fully fund each provision of the TLOA that authorizes additional funding for law and order programs that affect tribal nations, both for FY 2015 and future years.*

The Tribal Law & Order Act (TLOA) takes a much-needed, comprehensive approach to improving public safety on Indian reservations and reforming the entire justice system in Indian Country—from prevention, to law enforcement, to courts, to detention, and rehabilitation. However, the TLOA has yet to receive the appropriations required to meet its goals. The ILOC report highlights these inadequacies. Critical investments in tribal justice systems must be made immediately. The safety of American Indians and Alaska Natives depends upon it.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

- *Allocate additional funding to the Bureau of Indian Affairs to increase base funding for tribal courts and to finally fund the Indian Tribal Justice Act at \$50 million.*

The highest priority with regard to Bureau of Indian Affairs funding in the area of law enforcement is to increase base funding for tribal courts and to fund the Indian Tribal Justice Act. It is well-documented by the US Commission on Civil Rights and the American Bar Association that tribal courts have been historically underfunded by the federal government and that this underfunding negatively impacts their law enforcement operations.

Although there have been federal grants – particularly through the US Department of Justice (DOJ) – to address discrete justice and safety concerns, those grants are time-limited and do not support the ongoing and daily operating needs of tribal courts. Enacted in 1993, the Indian Tribal Justice Act authorized an additional \$50 million per year for each of seven years for tribal court base funding. Despite numerous congressional reauthorizations of the Act over the past couple of decades – most recently through FY 2015 in TLOA – not one penny has been appropriated to implement the Act. VAWA 2013 adds even more costs to the operating needs of tribal courts. The promise of this much-needed base funding must be fulfilled.

Further, the method by which BIA supplemental court funding is distributed is seriously flawed and needs to be overhauled. Currently, in order to obtain necessary additional operating funds, a tribal court must undergo – and fail – a court evaluation. This deters tribes from seeking additional funding because first they must be assessed as being sub-standard; and when this information becomes public, it undermines the reputation and credibility of the tribal court. In addition, the innovative tribal courts that achieve success with pilot programs are unable to obtain funding to continue the programs or to allow for replication as best practices by other tribal nations. A confidential evaluation process and award system that allow for under-functioning courts to receive additional funding and also support successful pilot programs should be developed and implemented.

- *Increase funding for Bureau of Indian Affairs (BIA) law enforcement by at least \$50 million over the FY 2010 funding level of \$328 million, including an increase in funds for officer recruitment and training and for tribal detention facilities operations and maintenance.*

More than 200 tribal police departments, ranging from small departments with only two officers to those with more than 200 officers, help to maintain public safety on the more than 50 million acres of tribal lands within the 48 contiguous states. Tribal law enforcement officers are usually the first responders to crime scenes on tribal lands, but their current funding lags well behind that of their non-tribal counterparts.

BIA conducted an analysis of law enforcement staffing in Indian Country in 2006 and found that Indian Country has 2,555 law enforcement officers, yet needs a total of 4,409, resulting in a gap of 1,854 officers, or a 42 percent unmet staffing need.¹⁰ According to the DOJ's Bureau of Justice Statistics, the police-to-citizen ratio nationwide is 367 full-time employees per 100,000 residents.¹¹ By comparison, virtually no tribal police department has more than two officers per 1,000 residents—almost half the national police-to-citizen ratio.¹² To put this in perspective, Indian Country law enforcement officers patrol approximately two percent of the landmass of the United States and assist one percent of the population, but represent less than 0.004 percent of the total of 675,734 state, city, and county law enforcement officers in the United States.¹³

- *Allocate additional resources to the BIA to enable it to expand its Safe Indian Communities Initiative to include at least four additional tribes.*

In 2009, the Secretary of the Interior and the Assistant Secretary-Indian Affairs established a High Priority Performance Goal (HPPG) to reduce violent crime by five percent on four targeted reservations over a two-year period. To do so, the Department of the Interior instituted a highly-effective community policing strategy known as the Safe Indian Communities Initiative. Since its inception, there has been a 35 percent overall reduction in violent crime across the four targeted tribal communities, far exceeding the initiative's goal. The Safe Indian Communities Initiative achieved a 68 percent decrease in violent crime at the Mescalero Reservation in New Mexico, a 40 percent reduction at Rocky Boy's in Montana, and a 27 percent reduction in violent crime at Standing Rock in North and South Dakota.

During the 2011 White House Tribal Nations Summit, Interior Secretary Ken Salazar stated that his Department is “committed to building on that progress and will be expanding the Safe Indian Communities Initiative to other reservations that are experiencing high levels of violent crime.” The successful program is now being expanded to two additional reservations: the Rosebud Sioux Reservation in South Dakota and the San Carlos Apache Reservation in Arizona. The BIA also developed a comprehensive handbook, *Crime-Reduction Best Practices Handbook: Making Indian Communities Safe 2012*, which is a collection of best practices identified through the Initiative that is intended to serve as a guide for law enforcement entities operating on tribal lands. While the handbook is a very useful tool, increased BIA appropriations are necessary to ensure that the success of the Initiative continues. Indian tribes would like to see the Initiative expanded further to reach additional tribes. The Safe Indian Communities Initiative has been a proven success, and these are the types of efforts that can make a real difference on the ground, provided there is funding available to pursue them.

DEPARTMENT OF JUSTICE

Commerce, Justice, Science Appropriations Bill

Tribal Grants

- *Eliminate competitive grant funding process and utilize Justice Department appropriations as base funding where tribes and tribal courts themselves determine their own priorities.*

One of the biggest issues with DOJ funding is that it is competitive funding for whatever issue DOJ deems the priority at that particular moment (which changes frequently). In order to obtain this funding, tribes – on behalf of their tribal courts – must compete against each other under DOJ’s priorities and guidelines. In the end, the tribes that have the financial and human resources to employ experienced grant writers end up receiving funding, while the under-resourced tribes are left without.

The approach instead should be to utilize Justice Department appropriations as base funding where tribes are encouraged to determine their own priorities. DOJ posed the idea of base funding in the form of a block grant at the most recent Office on Violence Against Women (OVW) tribal consultation. While this is a welcome step in the right direction, tribal governments should be afforded base funding from DOJ appropriations across the board, and not limited to solely the OVW.

- *Create a seven percent tribal set-aside from funding for all discretionary Office of Justice Programs (OJP) programs, ensure that those funds are allocated as flexible base funding, and see that each formerly separate program area receives funding at or above the FY 2010 funding level of \$50 million, including tribal courts and jails construction, legal assistance, juvenile delinquency prevention, and substance abuse prevention.*

Through passage of the Consolidated and Further Continuing Appropriations Act for FY 2012, Congress removed the proposed seven percent tribal set-aside of funding from discretionary Office of Justice Programs (OJP) programs – which had previously garnered support by both the House and Senate CJS Appropriations Subcommittees – and drastically cut funding for tribal justice programs across the board. Funding for tribal law enforcement assistance within OJP was reduced to only \$38 million—representing a \$12 million cut from the actual FY 2011 amount and a mere fraction of the \$100 million proposed by the Senate for FY 2011. The Community Oriented Policing Services (COPS) Tribal Resources Grant Program and the Tribal Youth Program also experienced very large cuts.

Congress should adopt the seven percent tribal set-aside in OJP funding and, at a minimum, restore funding levels for DOJ tribal justice programs to their FY 2010 level of \$50 million. Tribal nations are in a unique place right now, where Congress has opened the door to new possibilities through passage of the comprehensive TLOA, but they lack the resources necessary to make huge strides in providing public safety on the reservation. We urge Congress to act now to restore funding for DOJ tribal justice programs.

In particular, the seven percent tribal set-aside of OJP programs is extremely important to tribes, because it would allow for a more flexible funding structure, and because it complements the Department of Justice's Coordinated Tribal Assistance Solicitation (CTAS). CTAS attempts to streamline the grant application process for tribes, enabling them to submit a single application and select multiple purpose areas, as opposed to previous years in which they were required to submit multiple grant applications. However, this streamlined application model will not achieve its intended success unless and until it is accompanied by a streamlined funding mechanism.

A seven percent OJP tribal set-aside would not commit new funds to Indian Country; rather, it would streamline the federal funding process by which tribes receive resources to establish tribal courts; assist in developing detention facilities; provide legal assistance; develop and maintain juvenile delinquency prevention programs; and provide substance abuse prevention programs. Further, the tribal set-aside gives tribes the flexibility to develop a detailed strategy on how best to spend those resources.

- *Increase funding of tribal law enforcement programs under the Department of Justice's Community Oriented Policing Services (COPS) Grants to \$52 million.*

Since the creation of the COPS Office under the Violent Crime Control and Law Enforcement Act of 1994, the COPS Office has awarded over 2,000 grants totaling more than \$400 million to tribal nations to hire more than 1,700 new or redeployed law enforcement officers. It has also helped tribes to obtain necessary law enforcement training, equipment, vehicles, and technology.¹⁴ Through its Tribal Resources Grant Program and Tribal Methamphetamine Program and historical programs and funding initiatives such as the Tribal Hiring Renewal Grant Program (THRGP), Tribal Mental Health and Community Safety Initiative, and the Tribal Court Pilot Program, the COPS Office has taken a proactive approach toward addressing the needs of tribal nations and has become one of the primary resources available to tribal law enforcement agencies attempting to develop and maintain a fundamental policing infrastructure and upgrade outdated equipment. Yet, there is still a tremendous unmet need within tribal justice systems for more COPS funding.

The COPS Office has acknowledged that due to limited resources, it has not been able to adequately fund tribal justice systems, particularly in the area of hiring/retaining tribal law enforcement officers. In a report released in December 2010, the COPS Office described its practice of intermittent funding as "problematic," especially "when referring to hiring of officers."¹⁵ Hiring more tribal police officers should be a top priority for reasons of public safety. Indian Country urges Congress to significantly increase funding for tribal law enforcement programs under the COPS program.

- *Reauthorize tribal funding under the Juvenile Justice and Delinquency Prevention Act (JJDP) and restore FY 2010 levels of \$25 million in funding for the Tribal Youth Program under the Juvenile Accountability Block Grants program in an effort to strengthen tribal juvenile justice systems and hold tribal youth accountable.*

Although American Indian and Alaska Native children comprise only 2.2 percent of the overall youth population, they are arrested at a rate of more than two-to-three times that of other ethnic groups.¹⁶ According to a recent DOJ report, “[s]ubstance abuse, depression, and gang involvement fuel a vast majority of the offenses for which American Indian juveniles are disproportionately confined.”¹⁷ Currently, there is very little financial support for tribal youth programs, justice systems, and prevention programs. Historically, the Juvenile Justice and Delinquency Prevention Act (JJDP A) has been the only source of non-detention funding for youth and although the Act has its limitations, such as not recognizing tribes as directly eligible for most of its grants and providing non-existent or insufficient tribal set-asides, it is still an important funding stream for tribes. The JJDP A should be reauthorized, with funding for the Tribal Youth Program restored to its FY 2010 level of \$25 million.

- *Increase funding for Part D of the JJDP A – Research, Evaluation, Technical Assistance, and Training (42 U.S.C. §5661 et seq.) – and amend the Act to include a corresponding tribal set-aside to ensure that at least a portion of appropriated funds are required to be spent on projects centered on tribal youth.*

Tribes need access to accurate data in order to know the nature, magnitude, and pervasiveness of the problems facing juveniles in their communities. These data are critical to developing effective strategies to address those problems. A comprehensive nationwide study is needed to collect data on Native youth in the justice system, compiling information like the percentage of Native youth in the justice system, whether their educational and cultural needs are being met, and the number of those who have disabilities. Funds could also be used to implement better testing and early intervention procedures for Native children to ensure that problems are being acknowledged and addressed before being manifested in the form of delinquent or criminal behavior.

- *Continue to fully fund the 28 new Indian Country Assistant United States Attorney positions that have been created over the past several years, as well as the six new FBI agents hired to work on Indian Country investigations.*

Due to the geographical remoteness of many Indian reservations, international drug trafficking organizations target these lands to smuggle, produce, and/or cultivate illicit drugs. These activities bring corruption, violence, drug abuse, sex trafficking, and gang activity into tribal communities and place American Indians and Alaska Natives at greater risk than they already were.

In the past, the problem has been compounded by the failure of the federal government to make public safety and crime fighting in tribal communities a priority. Given the complex jurisdictional status of tribal lands, a disproportionate number of Indian Country cases are investigated and prosecuted by federal law enforcement officials. The Department of Justice’s addition of 28 Assistant United States Attorneys and six FBI agents to work on Indian Country investigations and prosecutions over the past two years is encouraging. Tribal leaders urge continued funding for these new positions and are hopeful that these additions will make the federal justice system more responsive to the needs of tribal nations.

DEPARTMENT OF JUSTICE

Commerce, Justice, Science Appropriations Bill

Office on Violence Against Women - Violence Against Native Women

- *Fully fund the programs authorized in the Violence Against Women Act (VAWA), including the funds authorized for tribal implementation of VAWA special domestic violence criminal jurisdiction.*

It is estimated that one in three Indian women will be raped and that six in ten will be physically assaulted in their lifetimes.¹⁸ This violence threatens the lives of Native women and the future of American Indian tribes and Alaska Native villages. No area of need is more pressing or compelling than the plight of American Indian and Alaska Native women and children fleeing physical and sexual violence.

On March 7, 2013, President Obama signed into law the Violence Against Women Reauthorization Act (VAWA 2013) which recognizes and affirms the inherent sovereign authority of Indian tribes to exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ) over all persons—Indian and non-Indian—who commit crimes of dating violence, domestic violence, and violations of protection orders within Indian country. The bill authorized \$5 million for tribes to implement the new VAWA provisions and otherwise strengthen tribal justice systems.

Tribal justice systems are going to need additional resources to exercise this new jurisdictional authority and VAWA funding streams are going to be critical to the success of their efforts.

- *Continue to fund the Indian Country Sexual Assault Clearinghouse at \$500,000.*

The Office on Violence Against Women is in the process of establishing a national clearinghouse on the sexual assault of Native women, which will provide a place where tribes can request free on-site training and technical assistance on a host of sexual assault-related topics, including development of tribal sexual assault and domestic violence codes, sexual assault forensic evidence collection training, and more. If fully funded, this clearinghouse has the potential to be a tremendous resource for tribes, law enforcement officials, medical professionals, and victim advocates.

DEPARTMENT OF JUSTICE

Commerce, Justice, Science Appropriations Bill

Tribal Civil and Criminal Legal Assistance Training and Technical Assistance Grant Program

- *Maintain funding within the Department of Justice's State and Local Law Enforcement Assistance account, which funds assistance to Indian tribes – either as an overall sum or as a tribal set-aside of a percentage of DOJ funding – for the Bureau of Justice Assistance's Tribal Civil and Criminal Legal Assistance, Training and Technical Assistance (TCCLA) grant program at the level of approximately \$3 million provided in recent years.*

The Indian Tribal Justice Technical and Legal Assistance Act of 2000 (Public Law 106-559) authorized the Department of Justice (DOJ) to award grants to non-profit entities to provide civil and criminal legal assistance and training and technical assistance.

For the past four years, the 25 Indian Legal Services programs connected with the Legal Services Corporation (LSC) are among the non-profit entities which have been awarded funding from the Bureau of Justice Assistance under the Tribal Civil and Criminal Legal Assistance, Training and Technical Assistance (TCCLA) grant program. Most recently, in FY 2013, the Indian Legal Services programs were awarded just over \$1.2 million in both a tribal civil legal assistance and a tribal criminal legal assistance award.

Operating in 23 states, these Indian Legal Services programs annually provide both civil and criminal legal representation in tribal courts to hundreds of Native American clients, including juveniles, who meet federal poverty guidelines. Legal work encompasses a broad array of cases, including domestic violence, *pro se* assistance, disability benefits claims, family member prisoner visitation and re-entry, child welfare, guardianship and adoption, and employment and home foreclosure assistance.

In addition to individual representation, the Indian Legal Services programs are currently assisting more than 160 tribes and/or tribal judicial systems in such activities as tribal court development and improvement, development of tribal dispute resolution and peacemaker/mediation systems, drafting of civil and criminal codes and rules of procedure and other structural development for court implementation, and training of tribal court and justice systems personnel and tribal court lay advocates and guardians *ad litem*. The programs' work with tribal justice systems is particularly important given added responsibilities from the enactment of the Tribal Law and Order Act and the Violence Against Women Reauthorization Act of 2013.



A dedicated wildland fire crew, or Hotshot crew, protecting tribal lands and resources. Photo credit: USDA

Homeland Security & Emergency Management

Tribal governments have broad emergency and first-responder responsibilities, extensive border security responsibilities, and law enforcement jurisdiction to deal with illegal immigration, terrorism, and smuggling. Many tribes have critical national infrastructure on their lands, including oil pipelines, nuclear facilities, missile sites, and dams. Tribal governments are the only major governmental presence in many rural and isolated locations, serving as the first, and oftentimes only, law enforcement authority and emergency responders for Native and non-Native communities alike. As an integral component of this country's homeland security and emergency management framework, tribes perform these functions with little or no funding despite the fact that funding may be available for these purposes. Tribal homeland security and emergency management operations funding is an essential component of the federal government's trust responsibility.

Key Recommendations

DEPARTMENT OF HOMELAND SECURITY (DHS)

Homeland Security Appropriations Bill

Tribal Homeland Security Grant Program

- Provide \$20 million annually in additional funding for tribal direct grants for the next five years.

Since 2008, the Department of Homeland Security has implemented a Tribal Homeland Security Grant Program (THSGP) out of the funds appropriated for the State Homeland Security Grant Program, as authorized by the Homeland Security Act of 2002. In recent years, the Department of Homeland Security (DHS) has tried to eliminate the THSGP and push tribes into competing with states for grants. Tribes have strenuously objected to this because states have access to more programs than tribes and often have greater grant writing capacity, which places tribes at a disadvantage in the competitive grant funding process. NCAI strongly urges the Congress to maintain the THSGP by creating a direct appropriation for the program and funding it at \$20 million for the next five years. This would represent a significant increase over the \$10 million that DHS has made available for tribal grants in recent years and is justified by the documented needs tribes report in their requests for assistance. DHS has made data available for 2010, 2011, and 2012 that shows that tribes have requested up to \$42 million a year in the THSGP. The requested appropriation will enable tribes to fulfill the crucial role as first-responders and border security officials in a broad array of key jurisdictions throughout the nation.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill

Western Hemisphere Travel Initiative

- Provide \$10 million to enable tribal governments to work cooperatively with DHS in developing tribal identification cards.

Tribal governments are faced with the cost-prohibitive, unfunded mandate to comply with the Western Hemisphere Travel Initiative for enhanced tribal identification (ID) cards. Funding for these tribal ID cards will enable tribal government officials to continue to cross borders in accordance with longstanding treaty rights and agreements and enter into federal offices where they regularly conduct business.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill

Federal Emergency Management Agency

- Provide \$500,000 for the creation and operation of a National Tribal Advisory Council.

The Federal Emergency Management Agency (FEMA) supports the National Advisory Council (NAC), which was established by the enactment of the Post-Katrina Emergency Management Reform Act of 2006 to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other manmade disasters.

The NAC advises the FEMA Administrator on all aspects of emergency management. The authorizing statute requires participation from tribal government experts, but FEMA limits participation to two tribal representatives. Tribes are greatly concerned about the ability of the current NAC to adequately represent tribal perspectives as FEMA appointed a state employee to serve in one of the tribal representative slots although several tribal officials applied for the positions. To ensure that diverse tribal needs are adequately represented, FEMA should set up a National Tribal Advisory Council (Tribal NAC). This is particularly important as FEMA implements the new authorities created for tribal governments in the Stafford Act. Congress should provide \$500,000 for the creation and operation of a Tribal NAC.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill

Federal Emergency Management Agency, Emergency Management Institute

- *Provide \$1 million for tribal government emergency management training.*

Implementation of tribal government amendments to the Stafford Act is not complete and emphasis should be placed on developing tribal emergency management program staffing and capability. The FEMA Emergency Management Institute (EMI) has developed several training courses for tribal officials toward enhanced tribal government emergency management capacity. The current EMI budget restricts delivery of the courses at EMI and in the field. NCAI urges the Congress to provide FEMA with budget support for delivery of tribal emergency management courses. Specifically, we request that \$1 million be included for tribal government emergency management training.



Native youth select books at the Rosebud Sioux Indian Reservation Mission. Photo credit: Flickr/Reading Is Fundamental

Education

“We have a generational transformation going on in this country—I know that is true in Indian Country as well. . . . If our children are not well educated, and if they are not educated in a culturally appropriate way, you are not going to achieve . . . [the] goals for your tribes and your cultures, nor the goals of these young people to realize their dreams.”

– Secretary Sally Jewell,
Remarks at the 2013 White House Tribal Nations Summit

America’s highest priority must be to provide all of our nation’s children with an excellent education, including American Indian and Alaska Native youth. Ensuring equal educational opportunities is not simply a matter of fairness, but even more importantly in today’s tough economic climate, it is an essential strategy for creating jobs and securing the nation’s future prosperity. As President Obama has stressed time and again, improving American education is an “economic imperative.”

Research consistently demonstrates that investments in education contribute to economic growth, while also expanding opportunities for individual advancement.¹⁹ For example, a 2007 Brookings Institution study revealed that investments in education and training programs provide a payoff between five and 15 percent per year compared to their upfront costs.²⁰ Likewise, cutting statewide public K-12 expenditures by just one percent would reduce a state’s employment rates by 0.7 percent in the short run and by 1.4 percent in the long run.²¹

Education not only provides tribal economies with a more highly-skilled workforce, but also directly spurs economic development and job creation.

For tribal nations, the stakes of strengthening education are just as high, if not higher. Education not only provides tribal economies with a more highly-skilled workforce, but also directly spurs economic development and job creation. Tribes need an educated citizenry to lead tribal governments, boost available human capital and thereby attract new businesses, reduce unemployment, stimulate reservation economies through direct spending, and launch tribal entrepreneurial ventures.

A 2011 study from the Alliance for Excellent Education indicates that improving the educational outcomes of American Indian and Alaska Native students would have tremendous economic impact. “If just half of the 24,700 American Indian and Alaska Native students from the Class of 2010 who dropped out of high school had graduated, together these 12,350 new graduates would likely be earning an additional \$147 million each year compared to what they will earn without a high school diploma.”²² These increased earnings would create a wave of additional benefits for tribal, national, and state economies, including:

- **Increased spending and investment:** New graduates’ increased earnings, combined, would likely have allowed them to spend up to an additional \$107 million and invest an additional \$40 million during an average year.
- **Increased home and vehicle sales:** By the midpoint of their careers, these new graduates, combined, would likely have spent as much as \$387 million more on home purchases than they will spend without a diploma. In addition, they would likely have spent up to an additional \$14 million on vehicle purchases during an average year.²³

The profound value of education for tribal nations extends beyond just economics, however. Education drives personal advancement and wellness, which in turn improves social welfare and empowers communities—elements that are essential to protecting and advancing tribal sovereignty and maintaining tribes’ cultural vitality.

Despite the enormous potential of education for transforming tribal communities, Native education is currently in a state of emergency. American Indian and Alaska Native students lag far behind their peers on every educational indicator, from academic achievement to high school and college graduation rates. For example, the 2011 National Indian Education Study found that Native students continue to score significantly lower than their peers in reading and math in grades four and eight. Only 18 percent of Native fourth graders and 22 percent of Native eighth graders scored proficient or advanced in reading, and only 22 percent of Native fourth graders and 17 percent of Native eighth graders scored proficient or advanced in math.²⁴ The crisis of Indian education is perhaps most apparent in the Native high school dropout rate, which is not only one of the highest in the country, but is also above 50 percent in many of the states with high Native populations.²⁵

Under sequestration, critical education programs have been reduced curtailing their efficiency and effectiveness. The across-the-board reductions disproportionately affect Native youth and leave America’s most vulnerable populations and students behind, representing a blatant abandonment of the federal trust responsibility for educating Native students.

To address this urgent situation and give tribal nations the vital foundation for economic success, the federal government must live up to its trust responsibility by providing adequate support for Native education. The requests below detail the minimum funding needed to sustain a system that is currently struggling and underfunded.

Key Recommendations

DEPARTMENT OF EDUCATION

Labor, HHS, and Education Appropriations Bill

Title I, Part A Local Education Agency Grants

- Provide \$25 billion for Title I, Part A.

Title I of the Elementary and Secondary Education Act provides critical financial assistance to local educational agencies and schools with high percentages of children from low-income families that ensure all children meet challenging state academic standards. Currently, there are over 600,000 Native students across the country with nearly 93 percent of those students attending non-federal institutions, such as traditional public schools in rural and urban locations. A drastic increase in funding to counter annual inflation and sequestration, as well as match the amount appropriated under the American Reinvestment and Recovery Act, is necessary to meet the needs of Native students and students from low-income families.

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill

State-Tribal Education Partnership (STEP) Program

- Provide \$5 million for the State-Tribal Education Partnership Program.

Congress appropriated roughly \$2 million for the STEP program to five participating tribes in FY 2012 and FY 2013 under the Tribal Education Department appropriations' line that is administered by the Department of Education. In order for this program to continue to succeed and thrive, it must receive its own line of appropriations in FY 2015. Collaboration between tribal education agencies and state educational agencies is crucial to developing the tribal capacity to assume the roles, responsibilities, and accountability of Native education departments and increasing self-governance over Native education.

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill

Impact Aid

- Provide \$2 billion for Impact Aid, Title VIII funding under the No Child Left Behind Act.

Impact Aid provides direct payments to public school districts as reimbursement for the loss of traditional property taxes due to a federal presence or activity, including the existence of an Indian reservation. With nearly 93 percent of Native students enrolled in public schools, Impact Aid provides essential funding for schools serving Native students. In Fiscal Year 2013, Impact Aid was cut by approximately \$100 million dollars by sequestration from the Fiscal Year 2012 level of \$1.1 billion, which forced school closures and school consolidation across many Native communities. In order to ensure Native students have access to education, Impact Aid must be fully funded at \$2 billion. Furthermore, Impact Aid should be converted to a forward-funded program to eliminate the need for cost transfers and other funding issues at a later date.

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill

Title VII (Indian Education Formula Grants)

- *Provide \$198 million for Title VII funding under the No Child Left Behind Act.*

This grant funding is designed to supplement the regular school program and assist Native students so they have the opportunity to achieve the same educational standards and attain parity with their non-Native peers. Title VII provides funds to school divisions to support American Indian, Alaska Native, and Native Hawaiian students in meeting state standards. Furthermore, Title VII funds support early-childhood and family programs, academic enrichment programs, curriculum development, professional development, and culturally-related activities. Currently, funding for Title VII only reaches 500,000 Native students leaving over 100,000 without supplementary academic and cultural programs in their schools. As Native students are far behind their non-Native peers in educational achievement, increased funding is necessary to address this substantial gap.

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill

Alaska Native Education Equity Assistance Program

- *Provide \$35 million for Title VII, Part C of the No Child Left Behind Act.*

This assistance program funds the development of curricula and education programs that address the unique educational needs of Alaska Native students, as well as the development and operation of student enrichment programs in science and mathematics. This funding is crucial to closing the gap between Alaska Native students and their non-Native peers. Other eligible activities include professional development for educators, activities carried out through Even Start programs and Head Start programs, family literacy services, and dropout prevention programs.

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill

Native Hawaiian Education Program

- *Provide \$35 million for Title VII, Part B of the No Child Left Behind Act.*

This program funds the development of curricula and education programs that address the education needs of Native Hawaiian students to help bring equity to this Native population. Where Native Hawaiians once had a very high rate of literacy, today Native Hawaiian educational attainment lags behind the general population. The Native Hawaiian Education program empowers innovative culturally appropriate programs to enhance the quality of education for Native Hawaiians. When establishing the Native Hawaiian Education Program, Congress identified specific educational disparities and developed strategies to address them. New grantees in FY 2011 alone are estimated to provide educational programs to over 30,000 Native Hawaiian children and families. These programs strengthen the Native Hawaiian culture and improve educational attainment, both of which are correlated with positive economic outcomes.

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill

Tribal Colleges and Universities: Supporting Financially Disadvantaged Students

- Provide \$60 million (\$30 million in discretionary funding and \$30 million in mandatory funding) for Title III-A grants under the Higher Education Act for Tribal Colleges and Universities.

Titles III and V of the Higher Education Act, known as Aid for Institutional Development programs, support institutions with a large proportion of financially disadvantaged students and low cost-per-student expenditures. Tribal Colleges and Universities (TCUs) clearly fit this definition. The nation's 37 TCUs serve Native and non-Native students in some of the most impoverished areas in the nation. Congress recognized the TCUs as emergent institutions, and, as such, authorized a separate section of Title III (Part A, Sec. 316) specifically to address their needs. Sixty million should be provided in FY 2015 to continue to fund grants to these vital institutions.

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill

Strengthening Alaska Native and Native Hawaiian-Serving Institutions program

- Provide \$15 million to Title III-A, Section 317.

Section 317 of Title III-A was created to address the needs of Alaska Native and Native Hawaiian institutions. Providing sufficient resources would ensure students being served at these institutions are supported in meeting their educational goals.

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill

Tribal Colleges and Universities: Adult/Basic Education

- Provide \$8 million for American Indian Adult/Basic Education at Tribal Colleges and Universities, from existing funds appropriated for state block grant funding.

Despite an absence of dedicated funding, Tribal Colleges and Universities must find ways to continue to provide basic adult education classes for those Native students for whom the present K-12 Indian education system has failed. Before many individuals can even begin the coursework needed to learn a productive skill, they first must earn a GED or, in some cases, learn to read. There is a wide-ranging need for basic adult education and literacy programs, and TCUs need adequate funding to support the ever-increasing demand for basic adult education and remediation program services.

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill

Tribally Controlled Post-Secondary Career and Technical Institutions

- Provide \$8.2 million for tribally controlled post-secondary career and technical institutions program funds under the Carl Perkins Career and Technical Education Improvement Act.

Section 117 of the Carl Perkins Career and Technical Education Improvement Act authorizes funding for operations at tribally-controlled post-secondary career and technical institutions. Vocational education/training programs are very expensive to conduct, but are vital to preparing a future workforce that will operate safely and efficiently, contributing greatly to the global economy. Currently, two TCUs participate in this funding program: United Tribes Technical College and Navajo Technical College. The TCUs urge Congress to appropriate \$8.2 million for Sec. 117 of the Act.

DEPARTMENT OF EDUCATION

Labor, HHS, and Education Appropriations Bill

Native American-Serving, non-Tribal Institutions (Higher Education Act Title III-F)

- *Provide \$10 million for non-tribal, Native-serving institutions of higher education.*

As the primary federal funding for non-tribal, Native-serving institutions of higher education, the current appropriation of \$5 million is insufficient. With nearly 100 institutions potentially qualifying as Native-serving, non-tribal institutions, this strains the small amount of available funding. To ease the high-level of competition between Native-serving schools, increasing the funding will provide the opportunity for more Native-serving institutions to better serve their students and increase graduation rates among Native students.

Shared Responsibility:

DEPARTMENT OF EDUCATION AND DEPARTMENT OF THE INTERIOR

Labor, HHS, Education Appropriations Bill, and Interior - Environment Appropriations Bill

Tribal Education Departments

- *Provide \$10 million (\$5 million through the Department of Education and \$5 million through the Department of the Interior) to fund Tribal Education Departments.*

Five million dollars should be appropriated to the Department of Education, and \$5 million should be appropriated to the Department of the Interior to support tribal education departments (TEDs). This funding assists TEDs, which are uniquely situated at the local level to implement innovative education programs that improve Native education. Because they are administered by tribes, TEDs are best equipped to deliver education programs tailored to improve education outcomes for Native students. TEDs would use this much-needed funding to develop academic standards, assess student progress, and create math and science programs that require high academic standards for students in tribal, public, and Bureau of Indian Education schools. Tribes exercising self-governance over their citizens' education have been very successful because they better understand the circumstances of their populations and can develop initiatives that meet local needs. Adequately funding TEDs would create the most return on federal dollars spent.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

School Construction and Repair

- *Provide \$263.4 million for Bureau of Indian Education (BIE) school construction and repair.*

This funding category includes school construction, facilities improvement and repair, and replacement school construction. Schools operating within the BIE system are woefully outdated and in some cases, dangerous for students and staff. Currently more than 60 BIE schools are rated in “poor” condition, which puts Native students at an unfair disadvantage. Students cannot be expected to succeed in environments that are often dilapidated and unsafe. Further, moratoriums on new construction only cause backlogs of construction projects. The federal government must uphold its trust responsibility to Native education and adequately fund construction and repair projects.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Johnson O’Malley

- Provide \$42 million to the Johnson O’Malley program.

The Johnson O’Malley (JOM) program has provided grants to supplement basic student needs since 1934. It is currently being used across the country in innovative ways to assist with the unique cultural and scholastic needs of Native students. In 1995, JOM funding provided \$96 per student, however current funding provides less than \$76 per student. These funds are often the only source through which Native students—including those in public schools—can engage in basic activities expected of all American students. Some examples include, but are not limited to, the acquisition of musical instruments for use in classrooms, essential school supplies, and educational field trips.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Student Transportation

- Provide \$73 million for student transportation in the BIE system.

BIE schools incur significant costs in transporting Native students to and from school. These costs are considerably higher than most school systems due to the often-rural location of BIE facilities. Additionally, the poor road conditions that link the BIE-funded schools increase vehicle maintenance costs. These high costs often lead to funding shortfalls, which then must either go unpaid or funded by diverting funds from other education programs.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Tribal Grant Support Costs

- Provide \$73 million for tribal grant support costs for tribally-operated schools.

Tribal Grant Support Costs fund the administrative costs of existing tribally-operated schools. The current funding levels only pay 65 percent of the need and must not be reduced in the upcoming budget cycle. This funding also help tribes expand self-governance and tribal control over education programs by allocating monies for administrative costs, such as accounting, payroll, and other legal requirements. Cuts must be avoided. Otherwise, schools must then divert critical teaching and learning funding to cover any shortfalls in operational costs.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Facilities Operations

- Provide \$109 million for BIE facilities operations.

BIE schools use this funding for costs such as electricity, heating fuels, communications, vehicle rentals from the General Services Administration, custodial services, and other operating expenses. For years, schools have only received roughly 50 percent of funding needed for these expenses. This shortfall is unacceptable as costs continue to rise for vital services.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Facilities Maintenance

- Provide \$76 million for BIE facilities maintenance.

BIE schools use this funding for the preventative and routine upkeep, as well as for unscheduled maintenance of school buildings, grounds, and utility systems. Underfunding of maintenance continues to be an issue as buildings are in poor conditions and cannot maintain proper standards.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Indian School Equalization Formula (ISEF)

- Provide \$431 million for the Indian School Equalization Formula.

These funds provide the core budget account for BIE elementary and secondary schools by covering salaries for teachers, aides, principals, and other personnel. ISEF funds are often reallocated to cover the program cuts in other areas of education. ISEF must have adequate funding to ensure all program needs are fulfilled.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Juvenile Detention Education

- Reinstates \$620,000 for juvenile detention education in BIA-funded facilities.

These critical funds were eliminated in FY 2012. This essential funding was used to provide educational services to detained and incarcerated youth at 24 BIA-funded juvenile detention facilities. One of the best methods to rehabilitate individuals is through education. Eliminating this program only exacerbates the issue and creates additional costs. Eliminating a program that was utilized to decrease the rate of repeat offenders and to provide for youth development does not save money and is short-sighted.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Tribal Colleges and Universities' Institutional Operations

- Provide \$88.2 million for Titles I, II, and III under the Tribally Controlled Colleges and Universities Assistance Act.

Title I: To fully fund Title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (Tribal College Act), which provides day-to-day operating funds for 27 TCUs, would require \$70.5 million. Yet, despite the trust responsibility and treaty obligations, the primary source of operating funds for TCUs has never been fully funded at the authorized level of \$8000 per Indian student. With sequestration, this already underfunded but indispensable program faces significant cuts, and the more than 30-year federal investment in this proven program will be lost, as some of these institutions may be forced to close their doors. The Administration requests and Congress appropriates over \$200 million annually towards the operation of Howard University (exclusive of its medical school), *the only other minority-serving institution that receives its institutional operating funds from the federal government*. Howard University's federal operating support amounts to almost \$30,000 per student. In contrast, TCUs currently receive an average of \$5,850 per Indian student. TCUs need and deserve to be funded at the authorized level, which is one-quarter of the funds appropriated for Howard University.

Title II: Diné College has a need for \$17 million to operate its campuses on the Navajo Nation in Arizona and New Mexico.

Title III: \$709,000 is needed to level fund critical technical assistance and to assist in establishing TCU endowments.

Five other TCUs receive operating funds through the Interior Appropriations measure, under separate authorities. To support the day-to-day operating budgets of these TCUs, we request:

- \$9.3 million for the two tribally-chartered career and technical institutions under Title V of the Tribally Controlled Colleges and Universities Assistance Act of 1978;
- \$9.37 million for the Institute of American Indian & Alaska Native Arts and Culture;
- \$22.9 million for Haskell Indian Nations University in Kansas and Southwestern Indian Polytechnic Institute in New Mexico, authorized under the Snyder Act of 1921; and
- \$22.7 million for a one-time appropriation to provide forward funding for these five TCUs, which are the only education institutions funded through the Interior Appropriations measure that are not forward funded. Forward funding does not increase the federal budget over the long-run. It simply provides funds for vital education programs before the start of each school year, which is critically important when appropriations are delayed and the government is funded under continuing resolutions.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Forward Fund Remaining Five Tribal Colleges and Universities

- Provide a one-time appropriation of \$22.7 million to forward fund five TCUs.

Since all other TCUs are able to plan multi-year budgets and start each school year with predictable funding for operations, forward funding is necessary for Haskell Indian Nations University; Southwestern Indian Polytechnic Institute; Institute of American Indian Arts; Navajo Technical University; and United Tribes Technical College. These five Tribal Colleges, which are the only education institutions funded through the BIE that are not forward funded, have received no new operating funds and were in danger of closing their doors to the thousands of Native students they serve during the October 2013 federal government shutdown.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

- Provide \$9.37 million to the Institute of American Indian & Alaska Native Arts and Culture (IAIA) and Center for Lifelong Education & Museum under the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act.

IAIA is the only four-year degree fine arts institution devoted to the study of contemporary Native American and Alaska Native arts. IAIA has graduated more than 3,800 students from federally-recognized tribes and beyond. Appropriations of \$9.37 million are necessary to ensure adequate services are provided to Native students.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

- Provide \$22.9 million to Haskell Indian Nations University (HINU) and Southwestern Indian Polytechnic Institute (SIPI) under the Snyder Act.

As the first TCUs, these institutions are funded separately from the other institutions and require additional funding considerations. Appropriations of \$14.3 million to HINU and \$8.5 million to SIPI are necessary to ensure adequate services are provided to Native students.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

1994 Land-Grant Institutions (TCUs)

In 1994, Tribal Colleges and Universities (TCUs) achieved federal land-grant status through the passage of the Equity in Educational Land-Grant Status Act. Two decades later, the list of TCU land-grant institutions has increased to 32, with three more expected to be added imminently. However, TCUs are still not recognized or funded as full partners in the nation's land-grant system; and as a result, their potential remains unrealized. With anticipated reductions in tribal funding, American Indian and Alaska Native students will inevitably have fewer sources for financial aid. Thus, basic levels of mandated funding to TCUs become that much more important to enable Native people to pursue higher education. Funding for all 32 of the 1994 institutions is less than the land-grant program funding available to a single 1862 land-grant institution. Appropriations at the requested levels for each of the five programs for 1994 land-grant institutions is a small but critical step in addressing disparities that exist in the current land-grant system.

1994 Extension Program

- Provide \$6 million for the 1994 Extension Grants Program.

The 1994 Extension Program is designed to complement, not duplicate, the Federally-Recognized Tribe Extension Program (FRTEP). Ironically, the 1994 Institutions – tribal colleges and universities – are the only members of the land grant system that are not eligible to compete for these grant dollars. The 1994 Extension Program activities include: outreach to at-risk youth; business skills development for local agriculture entrepreneurs; Native plant restoration and horticulture projects; environmental analysis and water quality projects; and nutrition projects aimed at addressing health disparities, such as high rates of diabetes among Native populations. Eleven years ago, while the 1994 Extension Program suffered a 13 percent cut in appropriated funding, the 1862 and 1890 extension programs were reduced by just 0.59 percent. In the years since, the 1994 Extension Programs has been struggling to recover lost funds and opportunities. In FY 2013, the program was cut a further 7.6 percent by sequestration to just \$3.984 million. It is time that Congress adequately invests in the extension programs benefiting reservation communities.

1994 Institutions Research Grants

- Provide \$3 million for the 1994 Research Grants Program.

The 1994 Research Grants Program allows TCUs to partner with communities in research areas such as agriculture marketing, renewable energy, and nutrition and health, Native plants and horticulture, water quality, and land management. These research areas are of increasing importance as tribal economies and tribes' efforts to address pressing challenges depend on access to quality data and evidence. These challenges include the disproportionate impacts of climate change on tribal lands and people, as well as the impact of poor economic conditions. TCUs need and deserve a level of funding that will increase their capacity for further developing and conducting research and to strengthen education and sustainable economic development important to their tribal communities. In FY 2013, the program was cut a further 7.6 percent by sequestration to only \$1.664 million.

Educational Equity Grant Program

- Provide \$6 million in Educational Equity Grant Program funding for the 1994 land-grant institutions.

The Education Equity Grant Program assists TCU land-grants to establish academic programs within the field of agriculture that explore areas such as natural resource management, nutrition, environmental science, horticulture, sustainable development, and forestry. The funding requested will help in preparing to address issues of climate change and its impact on agriculture, ecosystems, and natural resources focusing on remote reservation communities. Additionally, this investment will support TCU efforts to provide increased nutrition education to their reservation communities, which experience diabetes and other health issues at rates far greater than the national average. In FY 2013, the program was cut a further 7.6 percent by sequestration to only \$3.081 million.

1994 Native American Institutions Endowment Fund

- Provide an additional \$136 million payment into the corpus of the 1994 Institutions Native American Endowment Fund.

The Native American Institutions Endowment Fund, managed by the US Treasury, provides funds to TCU land-grant institutions through dissemination of the annual interest yield. Although Congress has made regular contributions to the corpus of the endowment, the latest interest yield shared by the 32 eligible 1994 institutions amounted to just \$4.5 million. These funds assist in strengthening academic programs, including agriculture curricula development, faculty development, instructional delivery, and experiential learning. Funds are also used to enhance student recruitment and retention in the agricultural sciences, as well as to address the ongoing need for improved facilities at the 1994 land-grant institutions. The 1994 institutions request that a payment of \$136 million be made, which would essentially double the principle amount funded for the 1994 Native American Institutions Endowment. Since only the annual interest yield is distributed to the 1994 land-grant institutions, only the interest on the Fund—and not the appropriated payment amount—is scored as budget outlay, yet the additional interest available to the TCUs will yield dividends in community-based programs.

Essential Community Facilities at Tribal Colleges and Universities Grant Program

- *Provide \$10 million for the TCU Essential Community Facilities Grant Program.*

The USDA-Rural Development program provides grants for Essential Community Facilities at TCUs and funds the ever-growing need for construction, improvement, and maintenance of TCU facilities, such as advanced science laboratories, computer labs, student housing, day care centers, and community service facilities. Although the situation has improved at many TCUs over the past several years, some institutions still operate partially in temporary and inadequate buildings. Few TCUs have dormitories, even fewer have student health centers, and only a handful of TCUs have full research laboratories. The 1994 land-grant institutions need a commitment of \$10 million each year for the next five fiscal years to support construction, improvement, and maintenance of TCU facilities.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Transportation, Housing and Urban Development Appropriations Bill

HUD-University Partnership Program for Tribal Colleges and Universities

- *Provide \$5.5 million to the HUD-University Partnership Program for Tribal Colleges and Universities.*

Executive Order 13592, “Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities,” holds federal agencies accountable for developing plans to integrate TCUs into their programs. TCUs work with tribes and communities to address all aspects of reservation life, in areas including education, housing, economic development, health promotion, law enforcement training, and crime prevention. Likewise, federal agencies need to work with TCUs. To achieve results, Congress needs to hold the Administration accountable for strengthening the TCUs, including their physical plants, and routinely include TCUs as full partners in all existing and potential federal higher education programs. The HUD-TCU competitive grants program, administered by the Office of University Partnerships, is an excellent place to start. This competitive grants program has enabled TCUs to expand their roles and efficacy in addressing development and revitalization needs within their respective communities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Head Start

- *Provide full funding for Head Start and Indian Head Start.*

Head Start has been and continues to play an instrumental role in Native education. This vital program combines education, health, and family services to model traditional Native education, which accounts for its success rate. In Fiscal Year 2012, over 24,000 Native children benefited from Head Start funding. However, current funding provides less for Native populations as inflation and fiscal constraints increase. It is now conventional wisdom that there is a return of at least \$7 for every single dollar invested in Head Start.²⁶ Therefore, Congress should fully fund Head Start and Indian Head Start to ensure this highly successful program serves more Native youth and families.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Native Languages Preservation (Esther Martinez Program Grants)

- *Provide \$10 million for Native language preservation.*

Native language grant programs are essential to revitalizing Native languages and cultures, many of which are at risk of disappearing in the next decades. With adequate funding, Esther Martinez Program Grants support and strengthen Native American language immersion programs. In addition to protecting Native languages, these immersion programs have been shown to promote higher academic success for participating students in comparison to their Native peers who do not participate. This is critical for our Native youth, who have high school graduation rates far lower than their non-Native peers.

NATIONAL SCIENCE FOUNDATION (NSF)

Commerce, Justice, and Science Appropriations Bill

Education and Human Resources (EHR)

- *Provide at least \$13.3 million to the Tribal Colleges and Universities Program.*

In FY 2009, NSF awarded \$4.2 billion in science and engineering (SE) funding to the nation's institutions of higher education, and TCUs only received \$10.5 million, or one-quarter of one percent of this funding. Among other minority serving institutions, NSF awarded \$144.2 million in SE funding to 174 historically black colleges and universities and Hispanic serving institutions, averaging \$828,545 per institution, while 29 TCUs received an average of only \$362,000 per institution. This disproportionate distribution trend must be addressed in FY 2015.



Maliseet Health and Wellness Center, Littleton, Maine Photo credit: Flickr/BlakeGumprecht

Health Care

Reducing Disparities in the Federal Health Care Budget

The survival and prosperity of tribal communities depend on the safety, health, and wellness of our citizens. Despite the federal government's trust responsibility to provide health care to our people, American Indians and Alaska Natives (AI/AN) suffer disproportionately from a variety of health concerns. The AI/AN life expectancy that is 4.1 years less than the rate for the US all races population. According to IHS data from 2005-2007, AI/AN people die at higher rates than other Americans from alcoholism (552 percent higher), diabetes (182 percent higher), unintentional injuries (138 percent higher), homicide (83 percent higher), and suicide (74 percent higher). Additionally, AI/AN people suffer from higher mortality rates from cervical cancer (1.2 times higher); pneumonia/influenza (1.4 times higher); and maternal deaths (1.4 times higher). Clearly, this data calls for a better funded Indian health care delivery system.

The Indian Health Service (IHS) has been and continues to be a critical institution in securing the health and wellness of tribal communities. Funding for the IHS is crucial for providing necessary health care for tribal citizens and depends solely on the federal budget. Additionally, the budget for the IHS determines the extent to which the United States honors its federal trust responsibility to American Indian and Alaska Native peoples. The FY 2015 budget for the IHS should support tribal self-determination, uphold the federal government's partnership with tribes to improve Indian health, and work to reduce health disparities for Native people. It is unconscionable that, America's first nations are often the last when it comes to health.

In order to build on the foundation of this partnership, NCAI calls for a long-term plan that brings American Indian and Alaska Native health care into line with the rest of the American population. Despite an historic 29 percent increase over the last four years, the IHS remains severely underfunded at only 56 percent of total need. Combined with the harmful effects of across-the-board sequestration cuts in FY 2013, which cut \$220 million from the agency, the IHS, Tribal, and Urban (I/T/U) health programs are desperately trying to continue to serve their people. The Tribal Budget Formulation Workgroup for IHS estimates that a true Needs Based Budget for IHS would be \$27.6 billion.

For the IHS budget to grow sufficiently to meet the true and documented needs of tribal nations over a twelve-year period would require the federal government to commit an additional \$1.9 billion per year. After a decade, the increase would fully fund the IHS at the \$27.6 billion amount required for Native peoples to achieve health care parity with the rest of the American population. This request was put forward as part of the Indian Country Budget Request in FY 2012, 2013, and 2014. Developing and implementing a plan to achieve parity is critical to the future of Indian health and to the fulfillment of the United States' trust responsibility to tribal nations.

The requests listed below focus on specific increases to the IHS that reflect both the priorities of tribal leaders from the 12 IHS Areas and the Agency-wide goals expressed by IHS Acting Director Dr. Yvette Roubideaux. The increases reflect spending level increases *before* FY 2013 sequestration cuts. In addition, recommendations related to supporting Native youth diabetes prevention and strengthening the Native Hawaiian Health Care System program are included.

Key Recommendations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

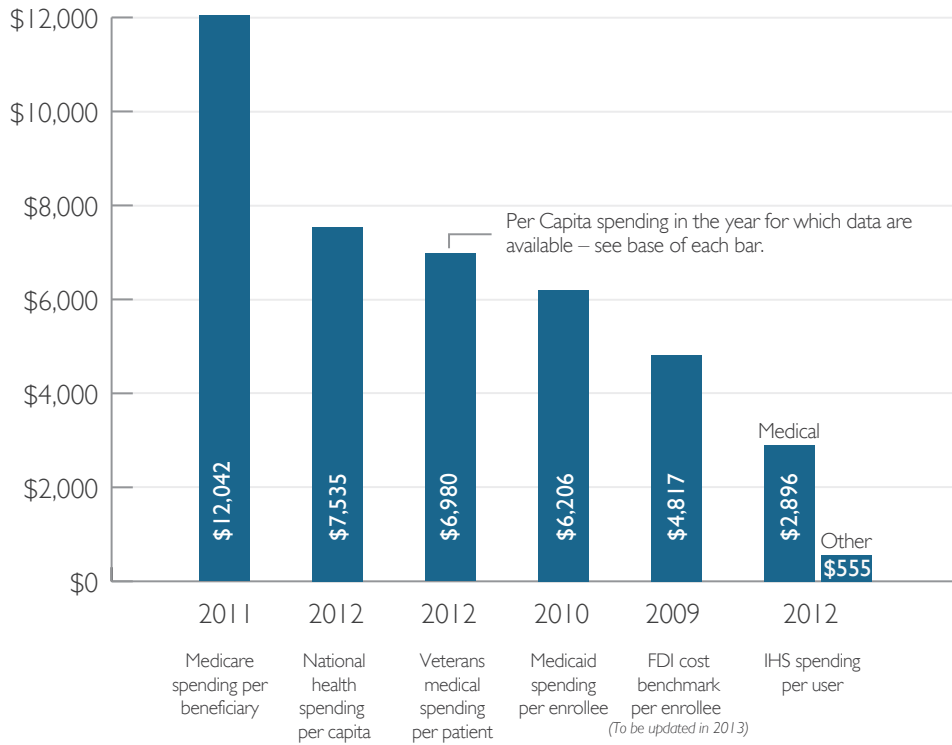
Interior - Environment Appropriations Bill

Indian Health Service (IHS)

- *Provide a \$782.8 million increase to the Indian Health Service over the FY 2014 President's proposed budget. This increase includes \$342.4 million in order to maintain current services and \$440.338 million for program expansion.*

The FY 2015 tribal budget request above the President's FY 2014 Budget addresses funding disparities between the IHS and other federal health programs (Figure 6) while still providing for current service costs (Table 1). About \$340 million of that increase is necessary simply to maintain current services, a top priority for tribes. The remainder of the requested budget increase is a modest increase to fund specific programs (Table 2).

Figure 6: 2012 IHS Expenditures Per Capita and Other Federal Health Care Expenditures Per Capita



[Note: “Other” refers to Indian Health Service expenditures for facilities.]

Source: The National Tribal Budget Formulation Workgroup’s Recommendations on the Indian Health Service Fiscal Year 2015 Budget

Current Services

Maintaining current funding levels so that existing services can still be provided is a fundamental budget requirement and a top priority for tribal leaders. Any funding decreases would result in a significant reduction of health care services and delivery and prolong the state of emergency facing the IHS. To address this situation, the following budget increases are necessary.

Table I – FY 2015 Current Service Costs

Tribal Pay Costs	\$18,700,000
Federal Pay Costs	\$15,634,000
Inflation Costs (Medical and Non-Medical)	\$80,200,000
Population Growth Costs	\$49,100,000
Contract Support Costs	\$90,000,000 ²⁷
Staffing Costs for New & Replacement Facilities	\$31,500,000
Health Care Facilities Construction Costs	\$57,300,000
TOTAL CURRENT SERVICE COSTS	\$342,434,000

FY 2015 Service Cost Increases

New costs in FY 2015 include increases in both tribal and federal pay costs, medical and non-medical inflation costs, standard increases in health care facilities construction costs and staffing costs for new and replacement facilities. In addition, NCAI recommends increases in funding to address Contract Support Costs and projected population increases.

Contract Support Costs: The choice of tribes to operate their own health care systems and their ability to be successful in this endeavor depends upon the availability of CSC funding to cover fixed costs. Without full funding, tribes are forced to reduce direct services in order to cover the CSC shortfall. Adequate CSC funding assures that tribes, under the authority of their Self-Determination Act contracts and Self-Governance compacts with IHS, have the resources necessary to administer and deliver the highest quality healthcare services to their members without sacrificing program services and funding. Most importantly, full funding of contract support costs is a contract obligation that the federal government must honor by law.

Population Growth: The request for \$49.1 million will address the increased service costs arising from the growth in the American Indian and Alaska Native population, which is increasing at an average rate of 1.9 percent per year.²⁸ Failure to fund medical costs related to population growth translates into real erosion of existing health care dollars to meet current demand for services.

Table 2 – FY 2015 Program Services Increases

HEALTH ACCOUNTS

Hospitals and Clinics (H&C)	\$119,644,000
Dental.....	\$20,376,000
Mental Health	\$47,898,000
Alcohol and Substance Abuse.....	\$31,752,000
Urban Indian Health	\$3,487,000
Contract Health Services	\$181,229,000

FACILITIES

Maintenance and Improvement	\$6,421,000
Sanitation Facilities Construction	\$16,447,000
Facilities and Environmental Health Support	\$1,400,000
Health Care Facilities Construction.....	\$7,884,000
Equipment.....	\$3,800,000

TOTAL PROGRAM INCREASES..... \$440,338,000

Program Services Increases

In addition to increased costs as part of maintaining Hospital and Clinic Program costs, including the Indian Health Care Improvement Fund, NCAI recommends the following Program Services increases:

Dental Health: A \$20.4 million increase is necessary to support oral care, due to the high dental needs facing tribal nations where dental decay among Native children between the ages of two and four is five times the national average.²⁹ By two years of age, 44 percent of AI/AN children already have cavities, supporting the fact that prevention interventions must be implemented with pregnant women and infants.³⁰ In order to prevent dental caries in the primary teeth, we must intervene before the first cavity develops, working with both mothers and infants.

These funds will provide preventive and basic dental care services, as over 90 percent of the dental services provided by the IHS are basic and provide emergency care services. Dental disease can affect overall health and school and work attendance, nutritional intake, self-esteem, and employability. This disease is preventable when appropriate public health programs are in place. Funds are used for staff salaries and benefits, contracts to support dental services, dental lab services, training, supplies, and equipment. These funds are needed primarily to improve preventive and basic dental care services, as over 90 percent of the dental services provided by I/T/Us are used to provide basic and emergency care services.

Mental Health: It is requested that an additional \$47.9 million be provided for increased mental health services. The high incidence of mental health disorders, suicide, domestic violence, substance abuse, and behavior-related chronic diseases is well documented. Each of these serious behavioral health issues has a profound impact on the health of both individuals and communities, on and off reservation. Mental health program funding supports community-based clinical and preventive mental health services, including outpatient counseling, crisis response and triage, case management services, community-based prevention programming, outreach and health education activities.

Early intervention is as essential in mental health treatment as it is in general health care, including the provision of a wide array of services designed to address the very individualized needs of Native peoples. Services provided by IHS and tribal facilities currently include comprehensive outpatient mental health treatment, crisis response services, prevention programming, collaborative treatment planning with alcohol and substance abuse treatment providers, group therapies, and traditional healing methodologies, in addition to other evidence-based approaches to mental health treatment.³¹

Alcohol and Substance Abuse Program: It is requested that an additional \$31.8 million be provided for Alcohol and Substance Abuse Programs (ASAP) and community-based prevention activities. ASAP exists as part of an integrated behavioral health program to reduce the incidence of alcohol and substance abuse in Native communities and to address the special needs of Native people dually-diagnosed with both mental illness and drug dependency. The ASAP provides prevention, education, and treatment services at both the clinic and community levels. Services are provided in both rural and urban settings, with a focus on holistic and culturally-based approaches. Youth Regional Treatment Center operations are also funded by this line item.

Urban Indian Health Program: It is requested that an additional \$3.5 million be provided for the Urban Indian Health Program (UIHP). The UIHP supports contracts and grants to 34 urban Indian 501(c)(3) non-profit organizations to provide services at 41 sites, including 21 full ambulatory facilities, six limited ambulatory programs, and seven outreach and referral programs. Urban Indian health organizations provide affordable, culturally-competent primary medical care and public health case management, as well as wrap-around services, for urban Natives who do not have access to the resources offered through IHS and tribally-operated health care facilities.

Purchased/Referred Care (or Contract Health Services³²): A \$181.2 million increase is requested to provide for Purchased/Referred Care (PRC). IHS purchases health care from outside providers when no IHS-funded direct care facility exists, when the direct care facility cannot provide the required emergency or specialty services, or when the facility has more demand for services than it can meet. PRC funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, transportation and medical support services, such as diagnostic imaging, physical therapy, laboratory, nutrition and pharmacy services. These funds are critical to securing the care needed to treat injuries, heart disease, digestive diseases, and cancer, which are among the leading causes of death for American Indians and Alaska Natives.

Additionally, NCAI concurs with the recommendation of the Government Accountability Office report released in April 2013³³ that IHS should cap PRC to Medicare-like rates for all non-hospital Medicare participating providers and suppliers. Expanding the Medicare-Like Rate cap is a budget-neutral cost-savings mechanism that will allow IHS and Tribal facilities to stretch limited PRC dollars further and create parity with other federally-funded health systems. PRC programs are the only federal health care programs that continue to pay full billed charges for non-hospital services. On average, full billed charges are nearly 70 percent more than negotiated rates. The GAO report estimates that by expanding the MLR to non-hospital services, IHS and tribal PRC programs would be able to save hundreds of millions of dollars and dramatically increase the care they are able to provide.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Behavioral Health

- *Provide \$15 million to fund Substance Abuse and Mental Health Services Administration (SAMHSA) for Behavioral Health.*

This SAMHSA grant program has been authorized to award grants to Indian health programs to provide the following services: prevention or treatment of drug use or alcohol abuse, promotion of mental health, or treatment services for mental illness. To date, these funds have never been appropriated. An appropriation of \$15 million would provide support to Indian health programs to meet the critical substance abuse and mental health needs of their citizens.

- Fund SAMHSA's Behavioral Health Tribal Prevention Grant program at \$50 million in FY 2015.

The Behavioral Health Tribal Prevention Grant will support behavioral health services that promote overall mental and emotion health, in particular substance abuse prevention and suicide prevention services. If funded, the grant program would be the only source of federal substance abuse and suicide prevention funding exclusively available to tribes.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Diabetes Prevention

- Continue to provide \$1 million for the On the T.R.A.I.L. (Together Raising Awareness for Indian Life) to Diabetes Prevention program.

IHS has successfully funded the On the T.R.A.I.L. program since 2003, serving nearly 12,000 Native American youth ages 8-10 in 83 tribal communities. The program curriculum is an innovative combination of physical, educational, and nutritional activities that promote healthy lifestyles. The program also emphasizes the importance of teamwork and community service. Members apply decision-making and goal-setting skills when completing physical activities and engage in service projects to improve health lifestyles in their communities. Continued funding of this program sustains a tested program and represents one of the few national youth-oriented diabetes prevention initiatives.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Health Resources and Services Administration (HRSA)

Native Hawaiian Health Care Systems Program

- Provide \$14.4 million to fund the Native Hawaiian Health Care Systems Program.

The Native Hawaiian Health Care Systems Program provides critically needed support for the health and well-being of Native Hawaiians. Since the Native Hawaiian Health Care Systems Program was first established in 1988, it has provided direct health services, screenings, and health education to hundreds of thousands of Native Hawaiians, and supported hundreds of Native Hawaiians in becoming medical professionals, including physicians, nurses, and health research professionals. Allocating this funding would ensure the continuation of an already established and necessary resource for Native Hawaiians.



Native teenagers working on traditional recipes to surprise elders at their local cultural center. Photo credit: Department of the Interior

Human Services

Child Welfare

Tribes have an important relationship with their children and families: they are experts in the needs of American Indian and Alaska Native (AI/AN) children, best suited to effectively serve those needs, and most able to improve child welfare outcomes for these children.³⁴ Many states find tribes to be an essential part of the child welfare system because of the help and relief they offer through the provision of culturally competent services and needed out-of-home placements for tribal children.³⁵ Self-determination is essential to good outcomes for Native children in both state and tribal child welfare systems. Successful tribal child welfare requires a budget that avoids unnecessary restraint to tribal decision making. Funding must provide flexible opportunities that allow tribes to design their child welfare services to meet the needs of American Indian and Alaska Native children and families.

In addition, Native communities have elevated risk for child abuse and neglect. Funding must account for this elevated need and the United States' corresponding trust responsibility for the protection and preservation of tribes' most vital resource—American Indian and Alaska Native children.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Bureau of Indian Affairs (BIA) Social Services

- *Increase BIA Social Services to at least \$40 million.*

The BIA Social Services line item funds contracted/compacted tribal social workers and BIA staff at regional and agency offices, support programs for Native individuals, and training and technical assistance to tribal social service programs. This funding ensures that Native people living on or near reservations have support accessing services and programs provided by states and the federal government. If Native people are ineligible for all of these programs, Social Service funding provides the aid necessary so that their basic needs such as food, clothing, and shelter are met. This program also supports the management of Indian Individual Monies (IIM) accounts for those without the legal authority to do so (including minors, adults with disabilities, and adults found to be non compos mentis). Through the BIA, these tribal social service programs and staff receive important training and technical assistance on relevant regulations and on social service delivery and programming. Finally, the Social Services line item supports BIA staff who process important assistance applications and provide basic protective services to children and the elderly. With nearly 19 percent of the American Indian and Alaska Native civilian labor force still unemployed on reservations according to the 2006-2010 American Community Survey, the rate remains more than two times as high as the rate for the total population. The crippling of Native economies before the Self-Determination Era left tribal citizens overwhelmingly impoverished, facing high unemployment compared to non-Native people, and with few economic opportunities. The barriers to employment vary region-to-region in Indian Country, but include geographic remoteness, a weak private sector, poor basic infrastructure, and even a lack of basic law enforcement infrastructure. This, coupled with the recent economic down turn, makes the Social Service program an essential yet underfunded part of anti-poverty programming on reservations nationwide. For these reasons, this program must be increased to \$40 million.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Welfare Assistance

- *Increase current funding levels to \$80 million.*

The Welfare Assistance line item provides five important forms of funding to American Indian and Alaska Native families: General Assistance, Child Assistance, Non-Medical Institutional or Custodial Care of Adults, Burial Assistance, and Emergency Assistance.

American Indian and Alaska Native children are more likely to live in households that are below the poverty line. Thirty-four percent of American Indian and Alaska Native children live in households with incomes below the poverty line as compared to 20.7 percent of children nationwide.³⁶ These precarious financial conditions make the programs funded under welfare assistance an important safety net for Native families.

General Assistance provides financial assistance for essential needs such as food, clothing, shelter, and utilities while individuals, who are ineligible for all other financial assistance programs, work towards independence as outlined in a Self-Sufficiency Plan.

These funds are essential to the basic well-being of the individuals who receive them and also an important tool for child welfare agencies working to keep families together. These funds, like Emergency Assistance, often provide the basic financial assistance necessary to support a family and prevent the removal of a child. Child Assistance provides payments on behalf of children who are placed outside their homes in a foster, adoptive, or guardianship home. These funds are critical because tribal governments have a responsibility to support the placement of Native children under their jurisdiction living on their lands who cannot remain safely in their homes. Currently only three tribes have access to Title IV-E, the funding stream states use to support out-of-home placements. Other tribes rely on Child Assistance funds for this purpose. Without these funds, tribes would have to place children in unsubsidized foster care homes. This would put an undue burden on tribal foster families and make foster care recruitment in American Indian and Alaska Native communities all the more difficult. Non-Medical Institutional or Custodial Care of Adults and Burial Assistance funding provides important supports for older adults in need of care, final expenses, and arrangements.

The current funding level for these important services just begins to meet the need in tribal communities. For this reason, the funds should be increased by \$5 million over the FY 2013 pre-sequester level. This amount will provide necessary support for Native individuals who need a hand up, for children in out of home care, and for families at risk of being torn apart due to allegations of neglect connected to financial insecurity.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Indian Child Welfare Act

	FY 2011	FY 2012	FY 2013*
On-Reservation Program	\$11,053,000	\$10,850,000	\$10,628,000
On-Reservation Program (Self-Governance and Consol. Tribal Gov't Program portions)	\$11,300,000	\$11,300,000	\$11,480,000
Off-Reservation Program	\$0	\$0	\$0

*Bureau of Indian Affairs, *Department of the Interior: Budget justifications and performance information Fiscal Year 2014, Indian Affairs, 2013*. Retrieved from www.bia.gov/cs/groups/xocfo/documents/text/idcl-021730.pdf. "References to the 2013 Full Yr. CR signify annualized amounts appropriated in P.L. 112-175, the Continuing Appropriations Act. These amounts are the 2012 enacted numbers annualized through the end of FY 2013 with a 0.612 percent across-the-board increase for discretionary programs." (p. 4); the numbers are pre-sequester levels.

The Indian Child Welfare Act (ICWA) was enacted in 1978 in response to the troubling practices of public and private child welfare agencies that were systematically removing American Indian and Alaska Native children from their homes, communities, and culture, and placing them in non-Indian foster and adoptive homes. The Act not only provides protections for Native children in state child welfare and judicial systems but recognizes the sovereign right of tribes to care for their children. In response, tribes nationwide have increased their capacity and exercise their sovereignty through the development and implementation of child welfare programs that serve their children and families.

To ensure that tribes could assert their sovereignty, ICWA authorized grant programs to fund child welfare services on or near reservations and for ICWA support in off-reservation, urban Indian programs.

- *Increase the Indian Child Welfare Act On or Near Reservation Program by \$5 million and the Self-Governance and Consolidated Tribal Government Program (CTPG) portion of the program by \$5 million, for a total increase of \$10 million to help tribes meet the needs of their communities.*

At the time that ICWA was passed, Congress estimated that between \$26 million and \$62 million was required to fully fund tribal child welfare programs on or near reservations during the first four years of the grant program.³⁷ ICWA funding is used for child protective services, family reunification and rehabilitation, case management, foster care recruitment and retention, and adoption services. Despite its importance to so many facets of tribal child welfare work, it remains underfunded, even as tribes remain ineligible for other important child welfare funding like Child Abuse Prevention and Treatment Act (CAPTA) State Grants, and Title XX Social Service Block Grants, to which states have access.

In order for the United States to fulfill its trust responsibility, this funding stream—the foundation for most tribal child welfare systems—must be expanded to a level of funding that accounts for the needs of tribes, the number of tribes, and the continuum of services tribes must provide to care for their children and families. This would require an additional \$5 million of appropriated funding to the Indian Child Welfare Act On or Near Reservation Program and an additional \$5 million of appropriated funding for the Self-Governance and Consolidated Tribal Government portions of the Indian Child Welfare Act On or Near Reservation Program for a total of \$10 million more in appropriations for tribal child welfare.

- *Appropriate an additional \$5 million for the authorized, but unfunded, Off-Reservation Indian Child Welfare Act Program to ensure all children are protected by ICWA.*

The protections of ICWA apply to children on-reservation and children who live off-reservation in urban areas. For this reason, ICWA authorizes child welfare funding for urban programs. From 1979 to 1996, funding was allocated for ICWA grants to urban organizations serving Native peoples. The off-reservation program has not since been funded despite the fact that, according to the 2010 Census, a large percentage of Native people live off-reservation. Urban programs provide important services such as recruitment of Native foster-care homes, case management, identification of at-risk families for services, and in-home services that help children stay in their homes or be reunified with their parents safely. As a result of the loss of funding, the majority of these programs have disintegrated even as the population of American Indian and Alaska Native children in urban areas increases. It is for this reason that this funding must be reinstated and appropriated at \$5 million to ensure that all Native children are protected by the Indian Child Welfare Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Child and Family Services

Child Abuse Prevention and Treatment Act (CAPTA): Child Abuse Discretionary Activities, including Innovative Evidence-Based Community Prevention Programs

- *Increase appropriations to \$35 million for FY 2015 to account for tribes' recent eligibility for these funds and hold state and other grantees harmless.*

Child Abuse Discretionary Activities, including Innovative Evidence-Based Community Prevention Programs can be used to support a variety of activities, including research and demonstration projects on the causes, prevention, identification, assessment, and treatment of child abuse and neglect, and the development and implementation of evidence-based training programs.

Tribes have access to this program through a competitive grant process that includes states and other entities—currently, the majority of entities receiving funding are universities and research hospitals.

There is little information on the causes and risk factors for abuse and neglect specific to Native families, there is also little research on interventions and assessments that take into account cultural considerations for Native communities.³⁸ An accurate understanding of the specific risk factors and effective interventions for child abuse and neglect in Native families ensures that child abuse prevention programs target the correct issues, provide the most helpful services, and allocate resources wisely. Child Abuse Discretionary Activities, including Innovative Evidence-Based Community Prevention Programs, are important because they provide the only funding available to help tribes engage in the research necessary to gather this information and test treatment and interventions.

Importantly, the CAPTA Reauthorization Act of 2010 (P.L. 111-320) provided tribal access to this program, but appropriation levels were not increased significantly following the reauthorization to account for the new expanded pool of grant applicants. For this reason the Child Abuse Discretionary Activities, including Innovative Evidence-Based Community Prevention Programs appropriation, should be increased by \$10 million, to \$35 million—a level still well below the \$120 million authorization (which is shared with CAPTA State Grants, currently authorized at only \$25 million) to provide funds necessary to ensure tribal access in this competitive grant process.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Child Abuse Prevention and Treatment Act (CAPTA): Community-Based Child Abuse Prevention

- Increase funding to \$60 million, so that more tribes can have access to these scarce child abuse prevention dollars.

Table 4 – Community-Based Child Abuse Prevention

	FY 2011	FY 2012	FY 2013*	Authorization
Total	\$41,606,000	\$41,527,057	\$38,860,000	\$80,000,000
Tribal	\$416,850	\$416,545	unavailable	1% set-aside for tribal grantees shared with migrant populations

* ACF all-purpose table—FY2012-2013, Administration for Children and Families, 2013. Retrieved from www.acf.hhs.gov/sites/default/files/olab/fy2013apt.pdf.

The Community Based Child Abuse Prevention line item funds programs that develop and enhance community-based, prevention-focused services designed to curb child maltreatment by strengthening families. Tribes have access to this program, but their access is limited to one percent of the total funding, which is to be shared with migrant populations.

American Indian and Alaska Native children experienced child abuse and neglect at a rate of 11.4 per 1,000, compared to the national rate of 9.1 per 1,000.³⁹ This rate underscores the need for tribal access to child abuse and neglect prevention funding. The Community Based Child Abuse Prevention Program is the only appropriated funding that specifically targets the design and implementation of prevention programs. It empowers tribes to create programs that will be truly effective at preventing child maltreatment—programs which are community-based and culturally competent.

Due to the shared one percent set-aside, the current level of funding is only enough for two tribal grantees. For this reason, the Community-Based Child Abuse Prevention line item should be increased to \$60 million, an amount still \$20 million lower than its authorization. This increase will allow for more tribal communities to access these funds and put resources into preventing rather than treating child abuse and neglect.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Child Welfare Programs

Child Welfare Services (Social Security Act Title IV-B, Subpart I)

- Restore funding to at least \$280 million for FY 2015.

	FY 2011	FY 2012	FY 2013*	Authorization
Total	\$281,181,000	\$280,650,000	\$262,622,000	\$325,000,000
Tribal	\$6,189,500	\$6,427,000	unavailable	“in such amounts as the Secretary determines to be appropriate”

* ACF all-purpose table—FY2012-2013, Administration for Children and Families, 2013. Retrieved from www.acf.hhs.gov/sites/default/files/olab/fy2013apt.pdf.

The Child Welfare Services program provides funds that promote program flexibility in the provision of community-based child welfare services. Tribes receive an allocation based upon a population-based formula identified within the regulations. This tribal allocation is then deducted from the state’s allocation.

Studies show that culturally competent programs, resources, and case management result in better outcomes for Native children and families involved in the child welfare system.⁴⁰ The flexible funding of the Child Welfare Service Program is typically used by tribes for in-home services, support services for children in foster care, case management, and training and professional development. The flexibility of the Child Welfare Service Program allows tribes to provide culturally competent services to families along a continuum, from child protection work to out-of-home placement. Furthermore, it provides the flexibility necessary for tribes to tailor their child welfare services to fit their communities’ needs.

Of the 566, federally recognized tribes 180 depend on this funding. The median tribal grant is about \$13,300, an insufficient amount to support all the gaps in services this program is meant to fill. Because of the way the formula for tribal grants has been created, it is essential to increase the entire appropriation of the Child Welfare Services Program to ensure that tribes have access to increased flexible Child Welfare Services funds for their child welfare programs.

From Association of Village Council Presidents (AVCP):

AVCP just recently helped a family from the Native Village of Kwigillingok. A young Native mother, while living hundreds of miles away from the village to attend vocational education training, but became involved in a domestically violent relationship. The Alaska State Office of Children’s Services (OCS) became aware of the danger this mother’s children were in, but did not want to take custody of her children. OCS wanted to place the children safely in Kwigillingok with their grandparents while the mother finished school and worked through the domestic violence she was facing. AVCP, the OCS worker, the Kwigillingok ICWA worker, and the family in Kwigillingok, arranged transportation from Seward to Kwigillingok. This allowed the mother to concentrate on finishing her training and resolve the domestic violence issues in her relationship, knowing the children were safe with her family and community. OCS, AVCP, and the family were all able to work together because of AVCP’s Child Welfare Services Program funds. These funds not only allowed for the best placement for the children but also allowed for the most cost effective care for the children.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Promoting Safe and Stable Families (Social Security Act Title IV-B, Subpart 2)

- Increase funding to \$75 million for FY 2015 to allow more tribes, who are currently ineligible due to a funding formula that denies funds to tribes eligible for less than \$10,000, to access these funds.

**Table 6 – Promoting Safe and Stable Families
(Social Security Act Title IV-B, Subpart 2) (Discretionary Portion)**

	FY 2011	FY 2012	FY 2013*	Authorization
Total	\$63,184,000	\$63,065,000	\$59,672,000	\$200,000,000
Tribal—including mandatory funds	\$11,645,500	\$11,042,000	unavailable	3% set-aside of total
Tribal—estimated discretionary funds	\$1,895,500	\$1,892,000	\$1,790,000	3% of discretionary

* ACF all-purpose table—FY2012-2013, Administration for Children and Families, 2013. Retrieved from www.acf.hhs.gov/sites/default/files/olab/fy2013apt.pdf.

Promoting Safe and Stable Families is a program designed to provide funds to operate a coordinated child welfare program that includes family preservation, family support, reunification, and adoption support services. Promoting Safe and Stable Families has both a mandatory capped entitlement appropriation, as well as a discretionary appropriation. Tribes are eligible for funds based on a three percent set-aside. All tribes whose plan receives approval are eligible for a portion equal to that tribe's proportion of children compared with the number of children for all tribal entities with approved plans. Tribes who would qualify for less than \$10,000 under the formula are not eligible to receive any funding.

Tribal child welfare programs work tirelessly to strengthen families and provide services that keep children safely in their homes. In state systems, when child abuse or neglect is substantiated, Native children are three times more likely to be removed from their home—as opposed to receiving family preservation services—than their non-Native counterparts.⁴¹ Because of this, tribes across the nation are working to increase their child welfare capacity and assume the care of more children and ensure that Native families are kept together.

An integral part of this work is the Promoting Safe and Stable Families Program—which focuses on preventing the unnecessary removal of children—by supporting parenting classes, home-visiting services, respite care for caregivers of children, and other services that safely preserve families.

One hundred and thirty tribes and tribal consortia depend on this funding to provide child welfare services that strengthen families and prevent unnecessary removal of AI/AN children from their homes. Yet because of the funding levels, many tribes are ineligible for these formula grant dollars as their portion of the tribal set-aside is less than \$10,000. Increasing this program to \$75 million (still \$125 million below the authorized appropriations) could help dozens of new tribes access this funding and augment the programming of the 130 tribes and consortia currently funded.

From Tlingit & Haida:

The Tlingit & Haida Preserving Native Families (PNF) child welfare department received a phone call from Alaska State Office of Children's Services (OCS) regarding concerns for the safety of two children due to their mother's behavior. OCS was preparing to go into the home for an initial investigation. The Tlingit & Haida office learned that the mother was already a Tlingit & Haida Temporary Assistance for Needy Families (TANF) client. One of the PNF supervisors then made a call to the TANF Program and asked if they would consider using a new assessment tool, created by the PNF department, to determine if the mother might be at risk for OCS involvement and need supportive services. The TANF worker agreed and performed the assessment. She then found that the score was high—the mother was at great risk and in great need. The TANF worker then worked with the mother and PNF to connect her to essential services that would quickly ensure the safety of her children and the preservation of her family. When OCS met with the mother, she shared with the OCS worker details of the PNF services in which she was involved. OCS then determined that the children were safe and intervention and removal was unnecessary. Promoting Safe and Stable Families Program funds helped create the assessment and provided a portion of the flexible program funds necessary for Tlingit & Haida's PNF department to preemptively reach out to support this mother and prevent any harm that may have befallen her children.

CHILDREN’S MENTAL HEALTH

Today, Native children and communities grapple with complex behavioral health issues at higher rates than any other population. To understand the behavioral health needs of Native children and youth, policymakers must consider the legacy of trauma that has been visited upon this population. Past treatment has left Native people with unresolved historical trauma⁴² and in socially and geographically isolated communities⁴³ that rank at the bottom of a number of socioeconomic indicators⁴⁴—all risk factors for mental and behavioral health issues. Resources to address mental health needs in tribal communities are currently insufficient. Inadequate funding, uncoordinated health systems, and a shortage of mental health professionals are key barriers to the development of successful interventions.⁴⁵ Another barrier is a lack of culturally relevant services.

Funding, therefore, must continue to provide flexible opportunities that allow tribes to tailor their mental and behavioral health interventions to the unique trauma and needs of AI/AN children and communities. Funding must also account for the elevated risk for mental and behavioral health care present in tribal communities. In other words, to meaningfully fulfill the trust relationship, the federal government must continue to support and strengthen tribally driven prevention, intervention, and treatment for the mental and behavioral health needs of AI/AN children and communities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Substance Abuse and Mental Health Services Administration

Programs of Regional and National Significance

- Increase the funding to the FY 2011 level of \$9 million, and reserve \$3 million specifically for the Circles of Care Program.

The Children and Family Programs line item in the Substance Abuse and Mental Health Services Administration (SAMHSA) budget represents funds allocated to support State/Community Partnerships to Integrate Services and Supports for Youth and Young Adults Program and the Circles of Care Program. Although tribes are eligible for State/Community Partnerships to Integrate Services and Supports for Youth and Young Adults, none have received funding under this competitive grant program which is a five-year pilot program designed to facilitate a successful transition to independence and adulthood for young adults with serious mental health conditions. Circles of Care is a competitive grant program that is the cornerstone of tribal Children’s Mental Health and comprised of all tribal grantees. Indian Country’s primary concern under this line item is the appropriation of funds necessary for the Circles of Care Program.

Circles of Care is a three-year planning grant that supports the development of capacity and infrastructure necessary for a coordinated network of holistic, community-based, culturally appropriate interventions designed by and for the community to help children with serious behavioral health issues access services and find wellness. The Circles of Care program is the only SAMHSA grant program that is focused specifically on children’s mental health issues in Native communities. It is also the only SAMHSA program that allows tribes and tribal organizations to apply without competing for funding with other governmental entities like states, counties, or cities. There are currently seven communities receiving Circles of Care funding.

American Indian and Alaska Native children and youth face a “disproportionate burden” of mental health issues while simultaneously facing more barriers to quality mental health care.⁴⁶ Programs like Circles of Care, which provide communities with the funding to plan and build culturally competent services and design integrated supports that meet the specific needs of their youth with behavioral health challenges, are essential to the well-being of Native youth today.

Since its inception in 1998, the Circles of Care Program has impacted 38 different tribal and urban Indian communities. These programs have been incredibly successful in creating long-term sustainable systems change. Of the 31 total graduated Circle of Care grantees, 12 have obtained direct funding to implement their system change efforts through the Child Mental Health Initiative (CMHI) Program (which funds Systems of Care grants), and four others have partnered with other CMHI-Systems of Care grantees to implement their models. The others have developed various alternative strategies to operationalize and sustain their system change plans to care for youth with mental health challenges.

It is essential that funding be renewed to FY 2011 levels in FY 2015, with \$3 million under this line item reserved for the Circles of Care program. This will ensure that the Circles of Care program can continue and a new robust cohort of tribal communities can have the opportunity to plan for the systems change necessary to ensure the well-being of their children and youth struggling with mental illness.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Substance Abuse and Mental Health Services Administration

Garrett Lee Smith (GLS) Grants

- Increase the GLS State/Tribal Youth Suicide Prevention and Early Intervention Grant Program appropriation to \$40 million to ensure that current three- and four-year grantees can complete their projects, and a larger cohort of annual grantees will have access to this program in FY 2015.
- Increase funding for the GLS Campus Suicide Prevention Program to the FY 2012 level of \$9.134 million to ensure current multi-year grantees can complete the grant cycle and allow for the additional new annual grantees in FY 2015.

Table 7 – Garrett Lee Smith Suicide Prevention Programs

	FY 2011	FY 2012	FY 2013*
State/Tribal Youth Suicide Prevention and Early Intervention Grant Program	\$35,239,000	\$34,002,000	\$34,002,000
Campus Suicide Prevention Program	\$6,399,000	\$9,134,000	\$8,875,000

* HHS/SAHMSA Operating plan for FY2013, Substance Abuse and Mental Health Service Administration, 2013. Retrieved from beta.samhsa.gov/sites/default/files/fy2013-operating-plan_0.pdf.

The GLS State/Tribal Youth Suicide Prevention and Early Intervention Program provides four-, three-, and one-year grants to tribes, states, and tribal organizations to support the development and implementation of youth suicide prevention and early intervention strategies. The GLS Campus Youth Suicide Prevention Program provides funding to institutions of higher learning, including tribal colleges and universities, via multi-year and annual grants to support efforts to prevent suicide and suicide attempts by students.

The suicide rate for Native youth is 2.5 times higher than the national average.⁴⁷ Youth suicide is a significant—but preventable—problem in Native communities. In response to this problem, AI/AN communities across the country have successfully implemented proactive and holistic programming, which aims to simultaneously reduce those factors known to contribute to suicide and strengthen those factors known to protect against suicide.⁴⁸ The GLS State/Tribal Youth Suicide Prevention and Early Intervention Program and the GLS Campus Youth Suicide Prevention Program support this important work in 34 tribal communities and at one tribal college.

Funding for the GLS State/Tribal Youth Suicide Prevention and Early Intervention Program must be increased to \$40 million. These grants provide targeted funding to effectively address a problem of epidemic proportions in tribal communities. This increase will ensure that current grantees can complete the programs they have begun and give more tribal communities the opportunity to access these funds. Similarly, funding for the GLS Campus Youth Suicide Prevention Program should be maintained at current levels.

From Confederated Salish & Kootenai Tribes:

The Tribal Social Service Department Circle of Trust Youth Suicide Prevention Program is funded by the Garrett Lee Smith grant. There is virtually no person on the reservation who has not been affected by suicide because of family ties, extended family, and the fact that in a tight-knit community, any loss is personally felt by all.

Prior to receiving a Garrett Lee Smith grant, the pain and stigma of suicide was so great in this community that the mere mention of the word “suicide” evoked shameful feelings. It was terrifying, no one would talk about it, and no one knew what to do when youth threatened harm. Since the Circles of Trust Youth Suicide Prevention Program started, hundreds of mental health and emergency response professionals, college students, and community members have been trained in Applied Suicide Intervention Skills Training (ASIST). As a result of ASIST, the community at large is now equipped with practical, hands-on skills to help identify and assist those at risk for suicide or suicidal behavior. The Circle of Trust program has also built up a group called Partners in Suicide Prevention. This group of community gatekeepers has worked to spread the word about the 24/7 Crisis Hotline and engage the community in conversations so that people know suicide can be prevented. Now because of Garrett Lee Smith funds, Salish-Kootenai works to intervene with youth who are struggling before it is too late. As a result of program funding, lives have been saved in this community because of this program.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Substance Abuse and Mental Health Services Administration American Indian and Alaska Native Suicide Prevention

- Restore funding to FY 2012 level of \$2.94 million.

The American Indian and Alaska Native Suicide Prevention line item supports training and technical assistance to help tribal communities mobilize existing resources to target issues that affect mental well-being in youth.

This program has provided training and technical assistance to over 65 tribal communities. It has helped these communities leverage existing social and educational resources to implement comprehensive community-based prevention plans that target bullying, violence, and suicide. It has trained over 9,000 community members in prevention and mental health promotion. Restoring funding to FY 2012 levels will recognize the importance of this type of programming and allow for more of these important activities to continue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Children’s Mental Health Services Program

- Restore funding to \$117 million to allow for the continued support of the current cohorts of four-year Systems of Care Expansion Implementation Grants, and six-year Children’s Mental Health Initiative Systems of Care Grants, and allow for new grantees in FY 2015.

The children’s mental health initiative line item supports the development of comprehensive, community-based “Systems of Care” for children and youth with serious emotional disorders. This includes funding for one-year Systems of Care Expansion Planning Grants, four-year Systems of Care Expansion Implementation Grants, and six-year Children’s Mental Health Initiative Systems of Care grants. American Indian and Alaska Native communities are eligible for, and recipients of, each of these grants, but must compete with non-tribal applicants to receive these funds.

Children’s Mental Health Initiative Systems of Care grants support a community’s efforts to plan and implement strategic approaches to mental health services that are family-driven; youth-guided; strength-based; culturally and linguistically competent; and meet the intellectual, emotional, cultural, and social needs of children and youth. Since 1993, 173 total projects have been funded, dozens of which have been in tribal communities. Currently, 17 tribal communities are funded under the Children’s Mental Health Initiative line item.

The American Psychiatric Association (2010) has recognized family, culture, and traditional health practices as important protective factors for American Indians and Alaska Natives struggling with mental health challenges. The Systems of Care model of mental health service provision honors these findings and is therefore recognized as being more in line with the American Indian and Alaska Native worldview and traditional tribal ways of helping than any other service system.⁴⁹ Further, its emphasis on cultural competence has “opened the door to the demonstration and acceptance of cultural resources as important and viable community-based approaches” to mental health treatment.⁵⁰

This program has been both well-received and particularly effective in allowing tribal communities to intervene with children and youth struggling with mental and behavioral health challenges.

Due to this program’s efficacy in tribal communities, it is of the utmost importance that funding for current grantee cohorts be made available, so that they may finish the important work they have begun. In addition, the well-being of American Indian and Alaska Native children is dependent on the ability of more tribes to access these funds and create real systems change.

Disabilities

Key Recommendations

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill

Vocational Rehabilitation Services Projects for American Indians with Disabilities

- Increase Vocational Rehabilitation Services Projects to \$67 million and create a line-item of \$5 million for providing outreach to tribal recipients.

“The moral test of a government is how it treats those who are at the dawn of life, the children; those who are in the twilight of life, the aged; and those who are in the shadow of life, the sick, the needy, and the [disabled].”

– Senator Hubert Humphrey

According to the Centers for Disease Control and Prevention, approximately 30 percent of American Indian and Alaska Native adults have a disability—the highest rate of any other population in the nation.⁵¹ Of those Native adults with a disability, 51 percent reported having fair or poor health.⁵² A number of issues contribute to this troubling reality, including high incidences of diabetes, heart disease, and preventable accidents. As a result, tribes have an extraordinary need to support their disabled citizens in improving their health and becoming self-sufficient. Despite this need, however, tribes have had limited access to funding for vocational rehabilitation and job training compared to states. An increase in the Vocational Rehabilitation Services Projects to \$67 million would begin to put tribes on par with state governments and better equip tribes to provide supports to their citizens with a disability.

Elders

“I remember the biggest lesson I ever learned ... ‘Take care of the old person you are going to become.’”

– Tlingit spiritual leader and statesman Dr. Walter Soboleff

In tribal communities, elders are considered the “wisdom-keepers” and are held in the highest regard. However, American Indian and Alaska Native elders are at a growing risk of financial exploitation and neglect. In fact, it is these same elders in Indian Country that comprise the most economically disadvantaged elderly minority in the nation.⁵³

The Older Americans Act (OAA) is the major federal statute that authorizes social and nutritional services to elders. These supportive services include congregate and home-delivered nutrition services; community centers; community service employment; long-term care ombudsman programs; information and referral services; and services to prevent the abuse, neglect, and exploitation of elders. The OAA specifically states “it is the purpose of this Title to promote the delivery of supportive services, including nutrition services, to American Indians, Alaskan Natives [SIC], and Native Hawaiians that are comparable to services provided under Title III” (grants for state and community programs on aging). Grants to tribes have a history of being both well-managed and insufficiently funded to meet existing needs. Due to inadequate funding to carry out the purpose of Title III, “comparable services” for Native elders have not been achieved. Tribal governments have little or no access to the agencies, departments, ombudsman, or programs that are available to states. In addition, state programs seldom serve Native elders due to cultural and geographic barriers. Congress needs to take action to remedy these disparities and ensure that Native elders are well taken care of.

Key Recommendations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Older Americans Act – Title VI

- *Provide \$30 million for Parts A (Grants for Native Americans) and B (Grants for Native Hawaiians) of the Older Americans Act.*

Programs under Title VI of the Older Americans Act are the primary vehicle for providing nutrition and other direct supportive services to American Indian, Alaska Native, and Native Hawaiian elders. Approximately two-thirds of the Part A and Part B grants to tribes or consortia of tribes are for less than \$100,000. This funding level is expected to provide services for a minimum of 50 elders for an entire year. Yet, those tribes receiving \$100,000 typically serve between 200 and 300 elders. As such, many tribes are unable to meet the five-days-a-week meal requirement because of insufficient funding and are serving congregate meals only two or three days per week. Some Title VI programs are forced to close for a number of days each week, unable to provide basic services such as transportation, information and referral services, legal assistance, ombudsman, respite or adult day care, home visits, homemaker services, or home health aide services. Rapidly increasing transportation costs also severely limit Title VI service providers’ ability to deliver meals and related supportive services to home-bound Native elders at the current funding level. This funding should be significantly increased so that Native elders receive the care that they deserve.

- *Provide \$8.3 million for the Native American Caregiver Support Program administered by the Administration on Aging and create a line-item for training for tribal recipients.*

The Native American Caregiver Support Program under Part C of the OAA assists American Indian, Alaska Native, and Native Hawaiian families caring for older relatives with chronic illnesses. The grant program offers many services that meet caregivers’ needs, including information and outreach, access assistance, individual counseling, support groups and training, respite care, and other supplemental services. However, this program cannot be effective if it is not adequately funded. It should be funded at \$8.3 million, with sufficient resources also allocated to address historically unmet tribal training needs.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Older Americans Act – Title VII

- *Create a tribal set-aside of \$2 million under Subtitle B of Title VII.*

Subtitle B of Title VII of the Older Americans Act authorizes a program for tribes, public agencies, or non-profit organizations serving Native elders to assist in prioritizing issues concerning elder rights and to carry out related activities. While states have been funded at more than \$20 million per year under this program, tribes have never received appropriations for this purpose. Further, tribes have no additional source of mandatory federal funding for elder protection activities. As such, a \$2 million tribal set-aside should be created under Subtitle B to ensure that tribes have access to such funds at a comparable level to states.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Older Americans Act – Title IV

- *Provide \$3 million for national minority aging organizations to build the capacity of community-based organizations to better serve Native seniors.*

Language and cultural barriers severely restrict Native elder access to federal programs for which they are eligible. Typically, these senior Americans have limited access to and participation in programs such as Social Security, Medicare, and Medicaid. Funding is needed to build capacity for tribal, minority, and other community-based aging organizations to serve Native elders and enroll them in programs to which they are entitled. These efforts could include training tribal staff on expanding Native elders' access to Medicare, Medicaid, housing, congregate meals, and veteran benefits. Efforts could also include working with tribal leaders to leverage existing funds and programs to sustain support for elders. This funding is essential to strengthening local organizations in serving seniors.



Participants at a Tulalip Tribes job fair learning about economic development resources. Photo credit: Flickr/Tulalip

Economic & Workforce Development

Tribal nations and the federal government must work together to enhance the economic prosperity and secure the economic future of the first Americans. The federal government owes a solemn trust responsibility to support the prosperity and economic security in Indian Country and to provide the necessary resources to tribes that allow them to better protect and enhance their tribal lands and their seventh generation workforce. To empower tribes in their efforts to achieve greater control over their own affairs and shape their own futures, the federal government should ensure tribal nations have more flexibility to carry out federal programs and remove the barriers and red tape that undermine tribal self-determination and discourage private investment in Indian Country. Recent legislation such as the HEARTH Act demonstrates how giving tribes more flexibility to develop and manage their own lands for economic development leads to efficiencies and results that federal bureaucracies cannot duplicate. Expanding and investing in initiatives such as this will go a long way toward removing unnecessary requirements and limitations that burden so many reservation economies, hindering economic growth and development and creation of jobs for Indian people.

Problems such as chronically high unemployment; underdeveloped business and entrepreneurial opportunities; minimal access to capital; poor physical infrastructure, such as roads and bridges or water supplies; lack of education and training for a local workforce; and limited access to broadband all contribute to the poor economic conditions that have plagued tribal nations for decades. Honoring the trust responsibility and addressing these key needs will unleash the economic power of Indian Country. The results will be beneficial for not only our tribal nations, but the United States as well. Together, tribal nations and the federal government must work to fulfill the promises of the past to secure prosperity for future generations. These FY 2015 budget requests identify items that are essential to advancing economic security for tribal nations.

Key Recommendations

DEPARTMENT OF COMMERCE

Commerce, Justice, Science Appropriations Bill

Minority Business Development Agency (MBDA)

- Provide \$35 million for the Minority Business Development Agency.

Created by Executive Order in 1971, the Minority Business Development Agency (MBDA) was established to support minority business development centers and received funding of almost \$63 million to carry out this mission. Since then, MBDA's funding has shrunk by over 50 percent to an estimated \$30.5 million for FY 2013 and \$29.3 million for FY 2014. After MBDA revamped its cooperative assistance grants to Minority Business Centers (MBCs), the Native American Business Enterprise Centers (NABECs) were eliminated and their services were consolidated with the MBCs. About \$13 million of MBDA's budget is disbursed to the MBCs to provide business consulting; advice on business financing; and some procurement technical assistance to minority businesses, entrepreneurs, and tribal enterprises.

With the service gap created by the elimination of NABECs, the need for an increased level of funding for MBDA is even greater. MBDA must sustain and expand support for these centers, which provide important assistance to businesses that help them grow and develop, creating a stronger private sector and healthier national economy. The MBDA also supports minority contractors' teaming efforts to pursue federal contracts, directs efforts to track minority business data, collaborates with the Office of Native American Affairs, and is increasing its focus on global trade.

DEPARTMENT OF COMMERCE

Commerce, Justice, Science Appropriations Bill

Office of Native American Affairs

- Fund the Office of Native American Affairs at a minimum of \$1.25 million as part of the Commerce Department Management Budget.

In the late 1990s, the Secretary of Commerce established an Office of Native American Affairs (ONAA) within the Secretary's office that was codified by the enactment of the Native American Business Development, Trade Promotion and Tourism Act of 2000 (Public Law 106-464) (the 2000 Act). Since then, funding for the Office has been partial and very limited.

In order to carry out its mission, ONAA must receive adequate support to implement Indian policy initiatives and expand Native American business development initiatives both domestically and internationally. Funding made available through Commerce's Departmental Management budget would help ONAA's efforts, particularly given the reduced focus of MBDA on specific Native American business assistance.

This independent funding would allow the Office to draw support from and collaborate with other components in Commerce to address the unique economic challenges and opportunities in Native communities. The Secretary's duties cannot be fulfilled adequately as prescribed by the 2000 Act at the current funding level. Those duties include serving as the economic development lead within the Department to coordinate with other cabinet departments and agencies; conducting outreach to tribes, tribal enterprises, and Native businesses focused on domestic and international trade promotion; supporting tourism-related activities and demonstration projects; conducting trade and tourism missions abroad; and hosting, co-hosting, and supporting Native programs and conferences devoted to business and economic development, business and financial management training, marketing and procurement technical assistance, domestic and international trade promotion, and intertribal, interstate, and international tourism. The Office may also be instrumental in fostering business incubators that assist Native-owned businesses.

SMALL BUSINESS ADMINISTRATION

Office of Native American Affairs

- *Fund the Small Business Administration's (SBA) Office of Native American Affairs at a minimum of \$1.25 million.*

Compared to program investments across the SBA, funding for Native outreach is extremely low. The entrepreneurial potential in Indian Country is enormous and is a major but underdeveloped opportunity that could benefit tribal and regional economies across the nation. So, while funding for the Office of Native American Affairs (ONAA) has been increasing with ongoing initiatives in business development and tribal and business executive training, funding for the office has not kept up. At least \$1.25 million in funding is needed to allow ONAA to continue its efforts and maximize outreach to Native peoples through training programs such as the Emerging Leaders Program (10 training sites are currently in Native communities) and to help facilitate access for tribally-owned and individual Native-owned businesses to SBA's various loan programs, loan guarantees, and surety bond guarantees.

As outreach expands, SBA's presence in Native communities is growing, evidenced by the SBA's lending to Native American-owned small businesses at a level of \$100 million in Fiscal Year 2013 and counseling and training more than 12,500 Native American small business owners through the first three quarters of FY 2013 alone. Additionally, more than 400 Native American entrepreneurs and businesses owned by American Indian tribes, Alaska Native Corporations, and Native Hawaiian Organizations nationwide have been trained through SBA's Native American Emerging Leaders and Native American Entrepreneurial Empowerment Workshops. Further, ONAA has been integral in the facilitation of Native contractors' participation in SBA's 8(a) Business development program, HUB Zone, women business, veteran and service disabled veteran business, and other small business contracting programs. ONAA is a critical resource for tribally-owned and Native-owned businesses as it works to ensure these businesses gain access to capital, build capacity, generate increased revenues, create more jobs, develop tribal business codes, and strengthen the economic security of Native communities. With increasing tribal participation in SBA programs, it is crucial to provide \$1.25 million to continue SBA outreach to tribes, tribal enterprises, and Native entrepreneurs to tap the burgeoning entrepreneurial potential in Indian Country to help strengthen prosperity across the nation.

DEPARTMENT OF DEFENSE

Defense Appropriations Bill, Operations & Maintenance – Defense-Wide

Procurement Technical Assistance Centers, Defense Logistics Agency

- *Fund the American Indian Procurement Technical Assistance Program at \$3.6 million within the \$36 million funding for the Procurement Technical Assistance Program.*

For decades, the Defense Logistics Agency (DLA) has supported the Procurement Technical Assistance Program (PTAP) with cooperative agreement assistance to regional, statewide and local centers (PTACs). Many of these centers are housed within educational institutions that help support their operations. Beginning in the early 1990s, DLA began to fund American Indian Procurement Technical Assistance Centers (AIPTACs) under the proviso that such centers serve at least one Bureau of Indian Affairs area. Six such AIPTACs now operate across the country in California, Georgia, Montana, Oklahoma, Washington, and Wisconsin. Each center is run by a non-profit organization that supports itself by supplementing its DLA funds with other income derived from training events and business conferences. AIPTACs offer valuable assistance to tribal and other Native-owned companies in navigating the large, complex federal procurement market, securing government contracts, and complying with extensive government procurement and other regulatory requirements. Congress has supported the continued growth of PTAP with funding growing over the past 10 years from over \$20 million to over \$32 million. Minimum PTAP FY 2015 funding should be provided at \$36 million, including the \$3.6 million set-aside for AIPTACs.

DEPARTMENT OF DEFENSE

Defense Appropriations Bill, Procurement – General Provisions

Indian Incentive Program

- *Fund the Indian Incentive Payment Program at a minimum of \$15 million.*

Under Section 504 of the Indian Finance Act (25 U.S.C. 1544), a contractor may receive additional compensation of five percent of the amount paid or to be paid to a Native American subcontractor or supplier under a federal contract. Since FY 1991, Congress annually has appropriated funds for the Department of Defense (DOD) to make Indian Incentive Payments (IIP) to contractors that subcontract work to Native-owned subcontractors under DOD contracts. Since FY 2009, Congress has appropriated \$15 million annually for the IIP program, but demand has always exceeded the funding made available. This has created a backlog of IIP requests that have already been approved for payment but not paid, and the backlog continues to grow. For outstanding payments and to encourage continued participation in the program, Congress should appropriate at least \$15 million for the IIP.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Office of Indian Energy and Economic Development (OIEED) Guarantees for Indian Loans, Surety Bonds, Development Bonds

- *Fund the OIEED Indian Loan Guarantee Program at a minimum of \$15 million.*

The Office of Indian Energy and Economic Development's Division of Capital Investment oversees the Indian Loan Guarantee Program and loan subsidy program, and has authority to support surety bonding for Indian contractors. The OIEED Loan Guarantee Program is the lone federal guarantee program that facilitates the process for eligible tribal and individual Native borrowers to obtain conventional lender financing for businesses and economic development projects. BIA-certified lenders are those willing and able to lend to tribes and Native businesses on reservations and which submit to tribal court jurisdiction (whereas SBA-certified lenders must adjudicate loan defaults in federal court). OIEED also operates a revolving credit facility, where the SBA has no such support. As lending conditions improve, the OIEED can readily assist Native borrowers seeking loan guarantees and lines of credit for working capital, payrolls for hiring new employees, and even assurances sufficient for sureties to provide performance bonds to tribal- and other Native-owned contractors.

The Indian Loan Guarantee Program received \$6.7 million in FY 2013. With a high demand for financing in Indian Country, an increase in funding for the Office is critical to providing the necessary capital for business and economic development projects in Indian Country. Achieving financial security and prosperity requires sufficient access to capital, and Congress should authorize a substantial increase in the aggregate limit on Indian loan and surety bond guarantees for FY 2015.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Office of Indian Energy and Economic Development (OIEED)

- *Fund a minimum of \$25 million for OIEED, with at least \$5 million specifically to advance its energy and economic development initiatives, fund business plans and feasibility studies, and assist with model tribal leasing and environmental ordinances.*

The Department of the Interior's Office of Indian Energy and Economic Development (OIEED) promotes tribal renewable and conventional energy development and mineral resource development for the purposes of economic development. OIEED is responsible for many creative and successful initiatives that encourage energy resource development on tribal lands, spur economic and business development assistance and training, expand job and skills training opportunities, and leverage limited federal funding to provide access to capital for business development.

OIEED has received over \$20 million annually, but very little of its budget is available specifically for economic development support. However, OIEED has been increasingly effective in stretching its limited funding to launch creative and successful initiatives, including: technical assistance and capacity building workshops and support for feasibility studies to advance energy resource development on tribal lands, spur economic and business development, expand job and skills training opportunities, and improve and streamline the delivery of financing to tribes, tribal enterprises, and individual Indian-owned businesses for business development. The collaboration and direct relationship between OIEED and the Office of the Secretary has been key to OIEED's effectiveness, and therefore, the structure should always be maintained.

Further, to expand upon OIEED’s successful activities, there are other increased funding opportunities that would enable the OIEED to: (1) provide funding to requesting tribes through their 638 contracts for business plans or feasibility studies for business and economic development projects; (2) expand the scope and usefulness of its Indian Loan Guarantee Program; (3) expand use of the Section 477 program and other job training initiatives and provide more technical assistance; and (4) help develop a model tribal environmental code that tribes can adapt and implement along with their new tribal ordinances governing the leasing of their tribal lands for energy and economic development projects. Further, with additional funding, the grant program authorized under Title V of the Energy Policy Act of 2005 could be established and would provide important funding to develop tribal capacity in managerial and technical capabilities, develop energy resource integration projects, and establish and maintain environmental programs in support of energy programs. This funding would be especially useful to tribes seeking to establish leasing/ environmental programs pursuant to the provisions of the HEARTH Act because such grants can be used to establish the tribal regulatory programs necessary to qualify under that Act.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Community and Economic Development

- *Restore funding for the Community and Economic Development Program at a minimum of \$1.4 million.*

The Community and Economic Development Program has been unfunded since FY 2012. Recognizing that community and economic development in Indian Country require strategic planning and technical assistance for long-term programs designed to provide economic stability and jobs for surrounding communities, tribes request restored funding for this program to its FY 2011 level.

DEPARTMENT OF THE TREASURY

Financial Services Appropriations Bill

Community Development Financial Institutions (CDFI) Fund

- *Maintain a minimum of \$15 million for technical and financial assistance under the Native American CDFI Assistance Program.*

The Native Initiative of the Community Development Financial Institutions Fund (CDFI) is an important program that expands access to capital for individuals and small businesses in Indian Country. Each year the CDFI Fund’s Native Initiatives Financial Assistance and Technical Assistance component, the Native American CDFI Assistance Program (NACA Program), makes awards that assist financial institutions with a primary mission of serving Native communities to increase their lending services and financial products, as well as to build their own internal capacity to serve their target markets. The NACA Program funds Native CDFIs to provide micro loans, small business loans, anti-predatory lending options, and housing loans—including first and second mortgages, rehab loans, and refinancing. Native CDFIs also offer financial literacy and entrepreneurial development training, homebuyer education and foreclosure prevention counseling, credit counseling, small business planning, debt relief counseling, information to warn against predatory lending, Individual Development Accounts, and free tax preparation services in Native communities across the country.

In FY 2013, the NACA Program received applications for funding, totaling \$26.9 million in requests – over double the funding available. With over 70 certified Native CDFIs and numerous organizations in the certification pipeline, demand for support under the NACA Program is expected to continue to increase. The CDFI Fund’s budget line item for NACA has not changed since 2009. Given increased demand and demonstrated impact, additional funding should be appropriated for the NACA Program to support current initiatives and emerging Native CDFIs and to continue specialized capacity building training as part of the CDFI Fund’s Capacity Building Initiative. Additional resources should be dedicated to updating the Native American Lending Study, now more than 10 years old, which will provide crucial data not available elsewhere on the status of financial infrastructure and lending practices across Indian Country.

From Cheyenne River:

Four Bands Community Fund provides one example of the economic impact that a Native CDFI can have on its community. Four Bands is a non-profit, Native CDFI located in Eagle Butte, South Dakota. Founded in 2000, Four Bands’ mission is to create economic opportunity by helping people build strong and sustainable small businesses and increase their financial capability to create assets and wealth. Since it began providing services, this small CDFI has assisted nearly 60% of the reservation’s population.

Four Bands’ approach to poverty reduction is to invest in, grow, and protect Native assets by seeding or investing in new entrepreneurial ideas and growing or expanding entrepreneurs’ efforts on the Cheyenne River Reservation for both adults and youth. Four Bands helps to grow an entrepreneurial spirit among people on the Reservation through financial literacy and business education classes that support entrepreneurs as they develop their ideas, as well as through capital investments in entrepreneurial efforts with loans of up to \$250,000. In efforts to support their community economic development work, Four Bands fosters partnerships among local businesses and advocates for supportive local economic policy.

Four Bands does business on the Cheyenne River Indian Reservation, which is about the size of Connecticut, with a population size of about 8,000 people and a median household income (\$27,000) that is well below the state (\$45,000) and federal (\$50,000) levels. Despite these challenges, Four Bands has had significant economic impact by helping individuals to embrace Native values of self-sufficiency and enabled them to create their own futures. From the time they began operations in 2000 until December 31, 2012, Four Bands has:

- Served nearly 5,000 customers (over 60 percent of the reservation);
- Approved \$4.2 million in 278 Credit Builder loans and 433 business loans;
- Created or retained 440 jobs;
- Graduated 350 individuals from the Cheyenne River Entrepreneurship Assistance and Training and Education (CREATE) program;
- Helped 520 individuals complete financial literacy training;
- Sponsored 150 youth entrepreneur interns;
- Helped 182 Individual Development Account (IDA) savers, committing over \$300,000 in funding; and
- Exposed 2,500 students to the concepts of financial literacy & entrepreneurship (over 30 percent of the reservation).

DEPARTMENT OF LABOR

Labor, HHS, Education Appropriations Bill

Employment and Training Administration, YouthBuild Program

- *Restore the YouthBuild Program funding to a minimum of \$102.5 million, restore the rural and tribal set-aside in the YouthBuild program, and reinstate a dedicated 10 percent rural and tribal set-aside of at least \$10.25 million.*

The YouthBuild program is a workforce development program that provides significant academic and occupational skills training and leadership development to youth ages 16-24. Engaging approximately 10,000 youth annually, it provides students an innovative alternative education program through personalized instruction en route to their GED or high school diploma, while simultaneously developing skills that allow them to be competitive when they enter the job market. Youth in the program participate in public construction projects while attending classes to obtain their high school diploma or GED.

YouthBuild reports that since it was established as a federal program in 1992, 120,000 YouthBuild students have built 22,000 units of affordable housing in low-income communities in 46 states and the District of Columbia. When the program was transferred from the Department of Housing and Urban Development to the Department of Labor in 2007, the 10 percent set-aside for rural and tribal programs was eliminated. Each year, YouthBuild has to turn away thousands of people because of inadequate funds.

The YouthBuild program recruits youth who have been adjudicated, aged out of foster care, dropped out of high school, or are otherwise at risk of not having access to workforce training. According to YouthBuild, in 2010, 4,252 youth participated in the program and had a completion rate of 78 percent, and 60 percent of those who completed the program were placed in jobs or further education. There are a number of tribal YouthBuild programs in several states, and Native Americans make up roughly four percent of YouthBuild participants. With the recent reduction in tribal YouthBuild programs, high unemployment rates, serious housing challenges in Indian Country, and the growing Native youth population (42 percent of American Indian/Alaska Native population is under 25 years old), it is critical that the 10 percent rural and tribal set-aside be restored.

DEPARTMENT OF LABOR

Labor, HHS, Education Appropriations Bill

Employment and Training Administration, Indian and Native American Program

- *Fund the Department of Labor's Indian and Native American Program (INAP) at a minimum of \$60.5 million.*
- *Fund the Native American Employment and Training Council at \$125,000 from non-INAP resources.*

Reducing the education and employment disparity between Native peoples and other groups requires a concentrated effort that provides specific assistance to enhance education and employment opportunities, create pathways to careers and skilled employment, and prepare and maintain a pathway for Native people to join the nation's middle class. The Workforce Improvement Act (WIA) Section 166 program serves the training and employment needs of over 30,000 American Indians and Alaska Natives through a network of 175 grantees funded under the Comprehensive Service Program (Adult), the Supplemental Youth Service Program (Youth), and the Indian Employment and Training and Related Services Demonstration Act of 1992, Public Law 102-477.

As the only federal employment and job training program that serves American Indians and Alaska Natives who reside both on and off reservations, it is imperative that funding levels be maintained for the WIA Section 166 program. Native citizens living on remote reservations or in Alaska Native villages experience great difficulties accessing the state and local workforce. In these areas, the WIA Section 166 program is the sole employment and training provider. And further, any reauthorization and funding of this program must be adjusted for the drastic changes in the economic environment and growth in population since the 2000 Census. According to the Census, the population of tribal communities has grown 27 percent since the 2000 Census compared to nine percent for the general population.

The Act authorizes the INAP to be funded at “not less than \$55 million,” but Section 166 is currently funded at approximately \$47 million. Funding reserved for INAP grantees is distributed directly to tribes from the Department of Labor, and not first dispersed to the states for later tribal distribution in keeping with the sovereign status of our tribal nations. The status of tribal nations as sovereign governments is recognized specifically in the United States Constitution, treaties, federal laws, and numerous Supreme Court opinions, and any WIA reauthorization should preserve this nation-to-nation relationship between the federal government and tribes.

The Act also authorizes the Native American Employment and Training Council to advise the Secretary on the operation and administration of INAP, but it uses funds that are intended for INAP grantees. Since the current INAP funding is already below \$55 million, the Secretary should use other streams of funding to support its advisory council. Without an increase in funding, not enough tribes are able to benefit from the support and training activities for employment opportunities in Indian Country.



The second tallest structure in the world, and the tallest in the Americas, is the broadcast tower for KVLY-TV serving Fargo and Grand Forks, North Dakota. It is 2,063 ft high. Photo credit: Flickr/Ericc E Johnson via KVLY

Telecommunications

As the United States continues to deploy and adopt 21st century technologies, any federal programs and policies designed to encourage and implement new technologies in Indian Country must contemplate the unique circumstances that exist on tribal lands. Furthermore, without adequate resources and funding, these efforts will not foster tribal self-determination and capacity building. Funding for federal commitments to consult with tribal nations and access to public media systems continue to be essential to bridging the digital divide.

Key Recommendations

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Financial Services Appropriations Bill

Office of Native Affairs and Policy

- Provide a permanent fixed annual budget of \$500,000 to fund the Office of Native Affairs and Policy.

The FCC's Office of Native Affairs and Policy (FCC-ONAP) was created in 2010. FCC-ONAP is responsible for and actively engaged in new rulemakings aimed at closing the digital divide and providing regulatory oversight in Indian Country. Tribal engagement and consultation efforts developed by FCC-ONAP have generated policies that specifically address the unique telecommunications needs of tribal nations. Further, reforms to key FCC programs, like Lifeline and Link-Up, included unprecedented accommodations to the needs of Indian Country.

During this critical development phase of regulatory proceedings to support 21st century broadband infrastructure, a dedicated annual budget for FCC-ONAP is vital to facilitate meaningful and productive consultations with tribal governments.

FY 2016 ADVANCE APPROPRIATION (CPB/OMB REQUEST) CORPORATION FOR PUBLIC BROADCASTING (CPB)

Labor, HHS, Education Appropriations Bill

Grant Programs

- *Appropriate at least \$5 million to fund American Indian and Alaska Native radio stations.*
- *Appropriate at least \$1 million to Native Public Media and Koahnic Broadcast Corporation.*

In Indian Country, Native radio stations are essential to the tribal communities they serve since they are often the first source of emergency reporting and information. Public broadcasters use datacast technology for homeland security, public alert and warning systems, and public safety purposes. In Oklahoma, KCNP Chickasaw radio provided real time weather reports that saved lives during the 2013 tornado season. In Arizona, KUYI Hopi radio provides “House Calls,” a health call-in show that connects listeners with a local doctor on questions about hanta virus, diabetes, HIV, and other local health issues. In Alaska, KNBA covers news from Alaska Native villages about climate change refugees, language revitalization, and other hyper local stories important and relevant to Alaska Native communities. Often, the only place where Native stories and issues are heard is on Native radio stations.

NCAI supports the Administration’s request for a \$445 million advance appropriation for CPB in FY 2016 to be spent in accordance with the Public Broadcasting Act’s funding formula. This is the same budget amount enacted for FY 2014 and requested for FY 2015. Since 1976, CPB’s two-year advance appropriation has served as a Congressional strategy to protect public media from any immediate political pressure. Community Service Grants (CSGs) account for approximately 70 percent of CPB’s appropriation, which directly funds 1,300 local public television and radio stations including the 35 Native radio stations.

Local public media stations and their employees have experienced significant reductions through cuts to other federal programs that benefit public media. The elimination of CPB’s Digital appropriation and the Public Telecommunications Facilities Program coupled with cuts to programs at the Departments of Education and Agriculture represent a \$57.5 million, or 7.3 percent, funding cut between FY 2010 and FY 2012. CPB and the public media system are now facing an additional reduction of over \$22 million through the Budget Control Act’s sequestration process and the recently enacted continuing resolution. These cuts come at a time when stations are struggling to maintain service to their communities in the face of shrinking nonfederal revenues – a \$239 million, or 10.8 percent, drop between FY 2008 and FY 2011.

Native American stations were awarded \$4,474,147 in CPB CSG funds in FY 2013. This is after the approximate five percent reduction in funding due to federal sequestration. The amount of sequestration impact was \$235,000 for the 30 Native radio stations that received CPB funding in FY 2013. Five additional Native stations have since qualified for the CPB CSG program in FY 2013. CPB also funds the essential system-wide station support services provided by Native Public Media, Inc., and content production and satellite programming distribution by Koahnic Broadcast Corporation. Access to these funds allows Native Public Media, Inc., to ensure that Native radio stations stay on the air by maintaining compliance with FCC and other federal rules and regulations, and by providing the training and support Native broadcasters need.

NCAI supports \$5 million in FY 2016 CPB funding for the 35 CPB qualified Native radio stations serving federally recognized American Indian Tribes and Alaska Native Villages; and \$1 million for Native Public Media and Koahnic Broadcast Corporation for technical support services to Native radio stations.



Mountain Elk Wall, a student intern from the Salish/Kootenai College on the Flathead Indian Reservation, is working on a native grasslands study, transecting different populations of grasses to see if they are deteriorating or growing, and investigating which factors are influencing their growth or decline. Photo credit: USDA

Agriculture & Rural Development

Agriculture is a major economic, employment, and nutrition sector in Indian Country. In 2007, there were at least 61,472 American Indian-operated farms and ranches on more than 58 million acres of land. These farms and ranches sold \$3.26 billion of agricultural products, including \$1.46 billion of crops and \$1.71 billion of livestock and poultry.⁵⁴ Additionally, the 2007 Census of Agriculture Fact Sheet notes that, “American Indian farm operators are more likely than their counterparts nationwide to report farming as their primary occupation...to derive a larger portion of their overall income from farming...[and] to own all of the land that they operate.”⁵⁵ As a result of the huge agricultural footprint across Indian Country and the fact that more than 35 percent of American Indian and Alaska Native peoples live in rural communities,⁵⁶ tribal governments and farmers look to active partnerships throughout the US Department of Agriculture (USDA) to sustain and advance common interests across the broad array of services that this federal agency provides to tribal governments.

Programs at USDA span a wide range of areas that have an impact on Indian Country, including food safety, housing, business development, telecommunications and broadband, water systems, crop insurance, nutrition, land conservation, forestry, research, and of course the programs designed to assist farmers. In FY 2012, Rural Development and the Rural Utility Service together funded investments totaling more than \$190 million in Indian Country, with approximately half of that in the form of loans and loan guarantees. As such, tribal governments look to the myriad of services, programs, and resources available from the USDA to ensure sustained prosperity and economic security to American Indians and Alaska Natives—not only through its programs to farmers and ranchers, but also through programs that serve tribal governments, natural resource managers, youth, colleges, water infrastructure providers, tribal utilities and housing providers, energy suppliers, and tribal communities.

In FY 2012, Rural Development and the Rural Utility Service together funded investments totaling more than \$190 million in Indian Country, with approximately half of that in the form of loans and loan guarantees. As such, tribal governments look to the myriad of services, programs, and resources available from the USDA to ensure sustained prosperity and economic security to American Indians and Alaska Natives—not only through its programs to farmers and ranchers, but also through programs that serve tribal governments, natural resource managers, youth, colleges, water infrastructure providers, tribal utilities and housing providers, energy suppliers, and tribal communities.

Key Recommendations

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

Office of Tribal Relations

- *Fund the USDA's Office of Tribal Relations at a minimum of \$1.5 million.*

The Office of Tribal Relations (OTR), located within the Office of the Secretary, is a critical voice for agriculture in Indian Country within the USDA, especially since a vast majority of USDA's services and programs affect and touch tribal lands and communities. Many times, when decisions are being made, there is a need to open lines of communication between the agency and within Indian Country. OTR serves a linchpin role in expanding all USDA program support throughout Indian Country, as well as ensuring that relevant programs and policies are efficient, easy to understand, accessible, and developed in consultation with the American Indians and Alaskan Native constituents they impact. The OTR is also responsible for coordinating policy affecting American Indians and Alaska Natives across other federal agencies and throughout the USDA.

Over the past two years, OTR has increased its responsibilities in four major areas:

- Pursuant to the settlement in *Keepseagle v. Vilsack*, OTR coordinates all USDA responsibilities for Technical Assistance in 10-15 regional locations over the course of the five-year settlement period and is the Designated Federal Official for the Council for Native American Farming and Ranching.
- Pursuant to Memorandums of Understanding (MOUs) between the USDA and the Bureau of Indian Affairs, OTR is critical to the development of inter-agency strategic plans involving data sharing, land consolidation, and credit deployment.
- OTR is the lead for implementation of the intra- and inter-agency implementation of the USDA's 2012 Sacred Sites Report and corresponding MOUs between USDA and the US Departments of the Interior, Energy, and Defense, as well as the Advisory Council on Historic Preservation.
- OTR supports USDA Rural Development (RD) and Rural Utility Service on implementation and administration of the 2012 Substantially Underserved Trust Areas initiative under section 306F of the Rural Electrification Act of 1936, as amended (7 U.S.C. 906f). This initiative will allow RD to provide greater flexibility and more favorable loan terms around much-needed electricity, water and waste disposal, telecommunications, distance learning, and broadband infrastructure in trust areas.

The OTR's initial funding level of \$1 million in FY 2010 was slashed by half in both FY 2011 and FY 2012, leaving the OTR with insufficient personnel and resources to support its vast mission within the Department, in partnership with other federal departments, and throughout the many Native communities in the United States. With the added responsibilities for OTR initiated in 2012, it is clear that OTR requires additional resources to function in accordance with US law and policy in FY 2015.

Lack of sufficient funding presents a barrier to OTR expanding their work to provide the programs, technical assistance, content or even the basic communications to ensure that non-Internet education and training are available to tribes on all USDA programs. Active tribal participation in USDA funding opportunities is required to assist the build-out of broadband infrastructure, and support the workforce development required to fully utilize Internet capabilities, business programs, and financing necessary to bring Native goods and services to market.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

Rural Development, Rural Utilities Programs, and Rural Housing and Community Facilities Programs

- *Provide a minimum of \$2.5 billion to USDA Rural Development.*

As tribes seek to build sustained prosperity and economic security, it is imperative that tribal citizens and businesses on tribal lands have access to environments that are stable; conducive to economic and community development; and supportive of schools, health facilities, first responders, and businesses.

The Department of Agriculture's Rural Development (USDA-RD) programs support a broad array of utility needs and business activities in Indian Country by providing loans, grants, and other assistance for community facilities, housing financing, preservation and repair, electric utilities, high cost energy, telecom infrastructure and distance learning, broadband infrastructure, water/waste systems and other infrastructure deployment. USDA-RD manages programs across three mission areas—the Rural Business and Cooperative Programs (see Economic Development section above), Rural Housing and Community Facilities Programs, and Rural Utilities Programs. Through its Rural Development mission area, USDA administers and manages housing, business, and community infrastructure and facility programs through a national network of state and local offices. These programs are designed to improve the economic stability of rural communities, businesses, residents, farmers, and ranchers and improve the quality of life in rural America.

- *Provide \$9 billion to Rural Utility Services.*

The FY 2014 budget for Rural Utility Services has been cut by nearly \$3 billion dollars from FY 2012 and 2013 levels. The additional funds in FY 2012 and FY 2013 that will not be available in FY 2014 will leave a noticeable gap in services and development in many Native communities. USDA-RD began implementing changes in 2012 designed to improve access to RUS funding for individuals living in Substantially Underserved Trust Areas (SUTA) – including Indian lands and lands owned by Alaska Native Regional Corporations and Village Corporations – to improve basic services, including: water and waste disposal, rural electrification and high-cost energy, telecommunications and broadband infrastructure, and distance learning and telemedicine. The SUTA changes, authorized by the 2008 Farm Bill (but not appropriated), will require additional funding for administration as well as for programs and loan authority within RUS. It is important that funding is available now that access is improved.

Of special concern is the need to maintain funding for tribal set-asides for water, wastewater, and solid waste management for Indian country and Alaska Native villages. USDA's Water and Environmental Program (WEP) provides a combination of loans, grants, and loan guarantees for drinking water, sanitary sewer, solid waste, and storm drainage facilities in tribal and rural areas and cities and towns of 10,000 or less. WEP also makes grants to non-profit organizations to provide technical assistance and training to assist rural communities with water, wastewater, and solid waste management. Last year, funding for WEP was substantially cut and only provided tribal-specific grants and loans of \$22 million for tribes in the lower 48 states and \$23 million for Alaska Native villages, equaling cuts of \$26 million and \$61 million respectively.

More than 12 percent of tribal homes lack access to safe drinking water and basic sanitation, which is a rate more than 20 times the national average.⁵⁷ For example, many Alaska Native villages must transport human waste in large containers to open pit sewage lagoons. The federal government's failure to address this situation is unacceptable, especially in light of its trust obligation to tribal nations. The existing federal budget does not make a significant dent in addressing this fundamental deficit in quality of life for Native peoples, and recent cuts to this budget makes it worse, exposing Native peoples and youth to unhealthy water and its subsequent detrimental impacts to human health, economic development, and community morale.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

Rural Development, Rural Housing and Community Facilities Programs

- *Provide a minimum of \$28 billion in loan authority for the Rural Housing and Community Facilities Programs.*

In FY 2013, the Rural Housing Service (RHS) programs provided \$177 million in economic support to American Indian and Alaska Native enterprises and communities, as well as to tribal colleges. RD provided 56 Single Family Housing direct loans, equaling \$119 million, and 1,100 Single Family Housing loan guarantees at \$155 million. Tribal colleges received \$3 million for 24 grants under the Tribal College Community Facilities Initiative, and tribal communities received more than \$114.7 million in loan and grant financing under the Community Facilities Program.

Access to housing, community, and home repair financing provides Native individuals, families and communities with security, credit facilities, and repair and weatherization needs. This financing also supports community and educational facilities and provides employment in construction and related industries that flows from access to capital in Indian Country.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

USDA Natural Resources Conservation Service (NRCS)

- *Maintain funding for the Environmental Quality Incentives Program (EQIP) of at least \$1.4 billion.*
- *Restore funding for the Wildlife Habitat Incentives Program (WHIP) to at least \$85 million.*
- *Fund the Conservation Stewardship Program (CSP) at a minimum of \$973 million.⁵⁸*

Between FY 2010 and FY 2011, the Natural Resources Conservation Service (NRCS) saw an 85 percent increase in tribal participation in their programs, which could be attributed to USDA's outreach to tribal governments. Specifically, NRCS has assisted with the establishment of 33 Tribal Conservation Districts by working with the Intertribal Agricultural Council (IAC) and Indian Nations Conservation Alliance (INCA).

American Indians and Alaska Natives hold their natural resources as sacred and depend heavily upon them for economic, cultural, and spiritual sustenance. Historically, federal natural resources funding for tribes has been limited, as tribes are ineligible for dozens of federal natural resource programs. Other funding for tribal natural resource programs under Bureau of Indian Affairs' appropriations consistently experiences the smallest budget increases of all the Department of the Interior bureaus. While working to sustain essential efforts amidst the harsh budget climate and potential cuts to funding, tribes should have access to new opportunities afforded by USDA's NRCS programs. The 2008 Farm Bill authorizes the Secretary of Agriculture to provide up to 90 percent of the costs associated with planning and implementing conservation practices for tribes. In addition, up to 30 percent of such payments may be provided in a short-term advance for purchasing materials or contracting. Tribes are also included in the five percent set-aside of Environmental Quality Incentives Program (EQIP) funds and the five-percent set-aside of Conservation Stewardship Program acres for socially disadvantaged farmers or ranchers. NCAI requests that the funding levels remain at existing levels for the EQIP, which provides financial and technical support to tribes and others to install or implement structural and management conservation practices on eligible agricultural land.

It will also be important to maintain current levels for the Wildlife Habitat Incentives Program (WHIP), which enables tribes and other eligible participants to protect, restore, develop, or enhance habitat for upland wildlife, wetland wildlife, threatened and endangered species, fish, and other types of wildlife in an environmentally beneficial and cost-effective manner.

The Conservation Stewardship Program (CSP) is another vital program in the NRCS. The CSP provides crucial help in reducing soil erosion, enhancing water supplies, improving water quality, increasing wildlife habitat, and reducing the damage caused by floods and other natural disasters. Funding this program at \$973 million is necessary to cover technical and financial assistance needed for a full enrollment of the acres authorized by Congress. The CSP program is an important resource for tribes as tribal participation has been increasing over the years through a 172 percent increase from FY 2010 through FY 2011, with 246 contracts to tribes totaling \$10.4 million.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

National Institute of Food and Agriculture, Federally-Recognized Tribal Extension Program

- *Increase the Federally-Recognized Tribal Extension Program (FRTEP) to \$5 million.*

Congress mandates research and extension services in every county in the nation. These services support farmers, natural resources managers, youth (via 4-H youth programs), and communities by providing a FRTEP agent to liaise with other USDSA programs, provide training in farm and ranch business management, supervise 4-H and youth development activities, and coordinate special training programs, including application of new agriculture technologies. While there are more than 3,100 extension offices available to farmers nationwide, fewer than 30 extension agents serve Indian reservations, with current funding of only \$3 million available to 1862 and 1890 Land-Grant Institutions and the University of the District of Columbia. An increase to \$5 million would begin to address this persistent inequity.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

Food Distribution Program on Indian Reservations

- *Maintain FY 2012 funding for the Food Distribution Program on Indian Reservations (FDPIR) at \$102.7 million.*
- *Appropriate \$5 million to develop a traditional foods market for FDPIR.*

The Food Distribution Program on Indian Reservations is currently serving approximately 276 tribes that do not have easy access to Supplemental Nutrition Assistance Program (SNAP) offices or authorized food stores. Through 100 Indian Tribal Organizations (ITOs) and five state agencies FDPIR provides USDA foods to low-income households and the elderly living on Indian reservations and to American Indian and Alaska Native households residing in eligible areas near reservations or in Oklahoma. The ITOs also provide employment to local and tribal personnel who administer the program. This program should receive a five percent increase to offset rising food costs and to continue food purchase and program operations. Further, \$5 million needs to be appropriated for the development of a traditional foods market within the food packet. Congress authorized the USDA to purchase traditional and locally-grown foods, but it has been difficult for tribes to create a sustainable supply of traditional foods due to the lack of infrastructure and local capacity.



A group of Native children in Nebraska learn how to dig a circular pit to build a teepee. Photo credit: Visions Service Adventures

Environmental Protection

Tribal peoples maintain spiritual, cultural, practical, and interdependent relationships with their homelands and natural resources. Consequently, tribal peoples face direct and often disproportionate impacts of environmental degradation including climate change. Federal funding to support environmental protection for Indian reservations was not forthcoming until more than 20 years after the passage of the Clean Water and Clean Air Act. Tribes are still trying to catch up, and a significant gap remains.

Today, now almost 40 years after the passage of these Acts, only 40 tribes have water quality standards, which are a cornerstone of the Clean Water Act, that have been approved by the Environmental Protection Agency (EPA). Nearly all states have been implementing the Clean Water Act through approved water quality standards for decades. As indicated earlier, approximately 12 percent of tribal homes lack access to safe drinking water and basic sanitation, a figure that is nearly 20 times higher than the national average and one that indicates the unsafe conditions facing many Native families. Significant gaps in environmental protection that should be met through the implementation of monitoring, regulatory, and on-the-ground activities still remain in many areas of Indian Country.

The realization of the EPA Indian Policy remains a daunting challenge. The federal government must ensure tribes have fair and equal opportunities to realize, preserve, and enhance the environmental quality of Indian Country for present and future generations and to sustain tribal cultures. In the recommendations below, NCAI requests that EPA tribal programs receive, at a minimum, sufficient resources to achieve parity with states through sustainable targeted base funding.

Key Recommendations

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Indian Environmental General Assistance Program (GAP)

- Increase funding for GAP to \$75 million.

Program capacity building is a top environmental priority identified by tribes as part of the EPA National Tribal Operations Committee National Tribal Caucus. The General Assistance Program (GAP) is unique among federal programs in that it provides a foundation which tribes can leverage to support other greatly-needed programs, such as planning for climate change and natural resource management, energy efficiency activities, and small scale renewable energy projects. GAP funding is particularly critical to Alaska Native villages, where it provides 99 percent of the overall funding to address their fundamental and often dire needs, such as safe drinking water and basic sanitation facilities, and the on-the-ground presence to help confront profound climate change impacts, such as eroding shorelines, thawing permafrost, threats to subsistence resources, and permanent relocation of Alaska Native communities.

This increased collaborative leveraging potential makes GAP a wise investment of federal dollars. However, GAP funding has not kept pace with the growth of tribal environmental programs over the years, forcing tribes to perform the increased duties of maturing programs with fewer funds. Furthermore, the average cost for tribes to sustain a basic environmental program was set at \$110,000 per tribe in 1999 and has not been adjusted for inflation since then. Tribal demand for program implementation across various media includes the pressing need to establish climate change adaptation plans. A \$175,000 per tribe distribution (totaling approximately \$98 million) reflects an equitable adjustment, which tribes seek to achieve incrementally through a \$75 million request for FY 2015.

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Tribal Drinking Water

Safe Drinking Water State Revolving Fund (SRF)

- The tribal set-aside for the Safe Drinking Water SRF should be increased to 4.5 percent of the national Drinking Water SRF.

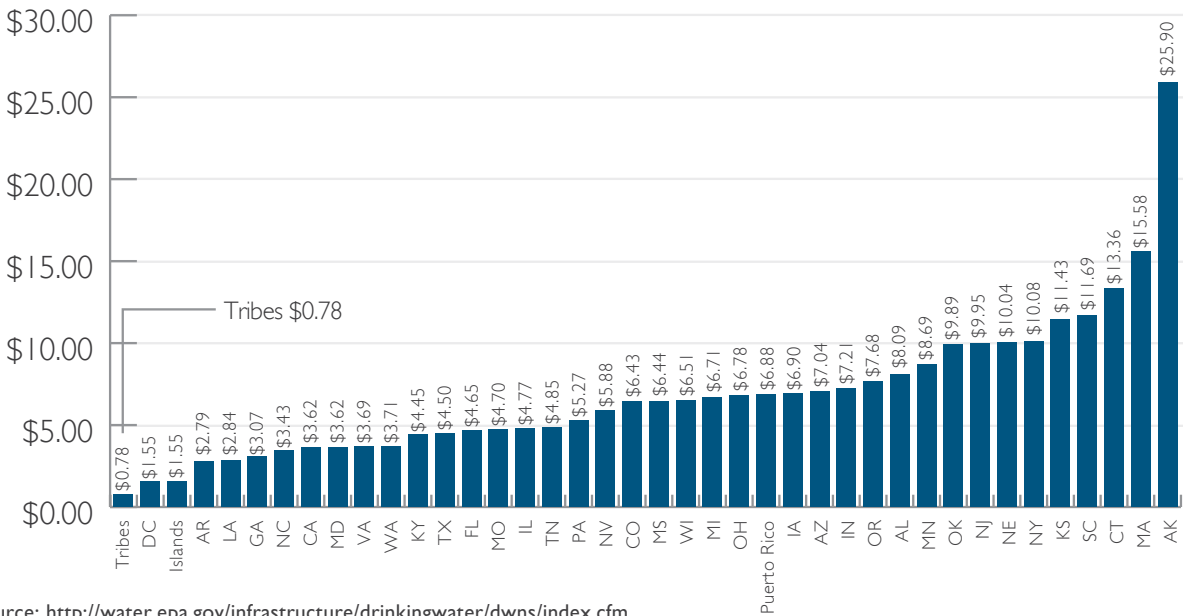
The lack of access to safe drinking water and basic sanitation in Indian Country continues to threaten the public health of American Indian and Alaska Native communities. Approximately 12 percent of tribal homes do not have safe water or basic sanitation facilities. This is twenty times as high as the 0.6 percent of non-Native homes in the United States that lacked such infrastructure in 2005, according to the US Census Bureau.⁵⁹ The fundamental inequity in the quality of tribal water systems must be addressed.

Recognizing the severity of these circumstances, memorandums of understanding signed by EPA, IHS, DOI, and USDA resulted in the creation of an interagency Infrastructure Task Force. This group's mission is to meet the US commitment to the United Nations Millennium Development Goal to address lack of access to clean and safe drinking water in tribal communities by 50 percent by the year 2015. The IHS 2008 Sanitary Deficiency Service Database estimates the tribal water and sewer infrastructure needs at almost \$2.4 billion.

Further, IHS also reports that \$67.2 million per year is needed until the year 2018 to reduce the number of tribal homes lacking access to safe drinking water by 67 percent.

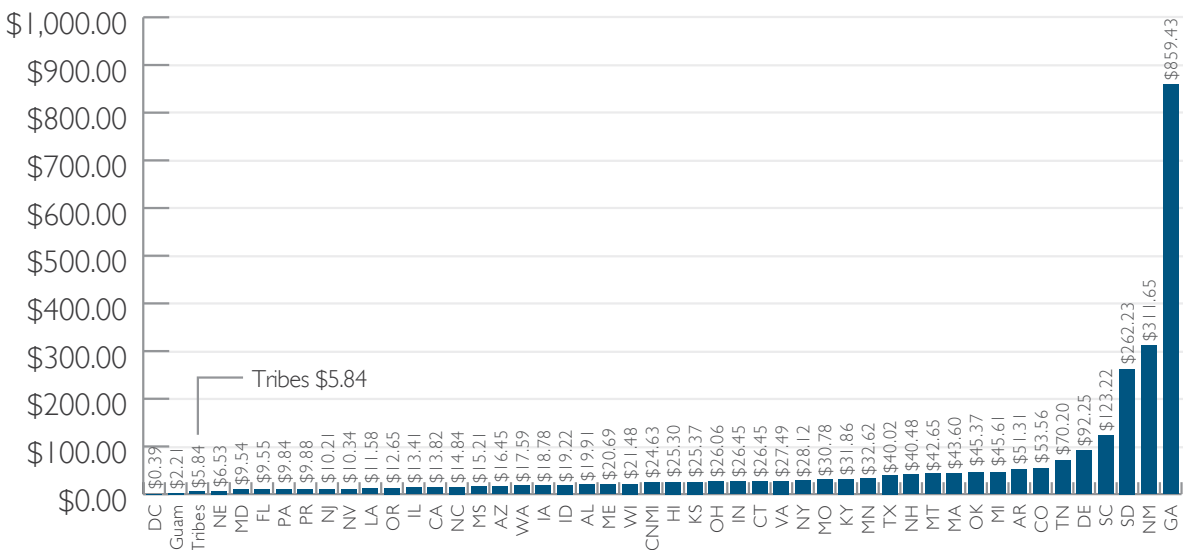
In 2010, the tribal set-aside under the Safe Drinking Water SRF was funded at \$27 million nationally. Tribal compliance with drinking water standards is consistently below those of other community water systems due to lack of funding for operations and maintenance. The tribal set-aside for the Drinking Water SRF should be increased to 4.5 percent of the national Drinking Water SRF.

Figure 7: FY 11 Drinking Water SRF Funds for \$100 of Need



Source: <http://water.epa.gov/infrastructure/drinkingwater/dwns/index.cfm>

Figure 8: FY 11 Clean Water SRF Funds Available for \$100 of Need



Source: <http://water.epa.gov/scitech/datatit/databases/cwns/2008rtctoc.cfm>

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Clean Water Act State Revolving Fund (Tribal Waste Water Facilities)

- *Increase the national Clean Water Act SRF Tribal Set-Aside to \$46.5 million.*
- *Permanently lift the funding cap on the Clean Water SRF Tribal Set-Aside for wastewater facilities.*

According to the IHS 2008 Sanitary Deficiency Service Database, tribal water and sewer infrastructure needs a total of close to \$2.4 billion to eliminate the disparity and meet the tribes' drinking water needs. Basic human health and environmental protection for thousands of tribal homes could be achieved with increased funding for sewage treatment construction programs

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

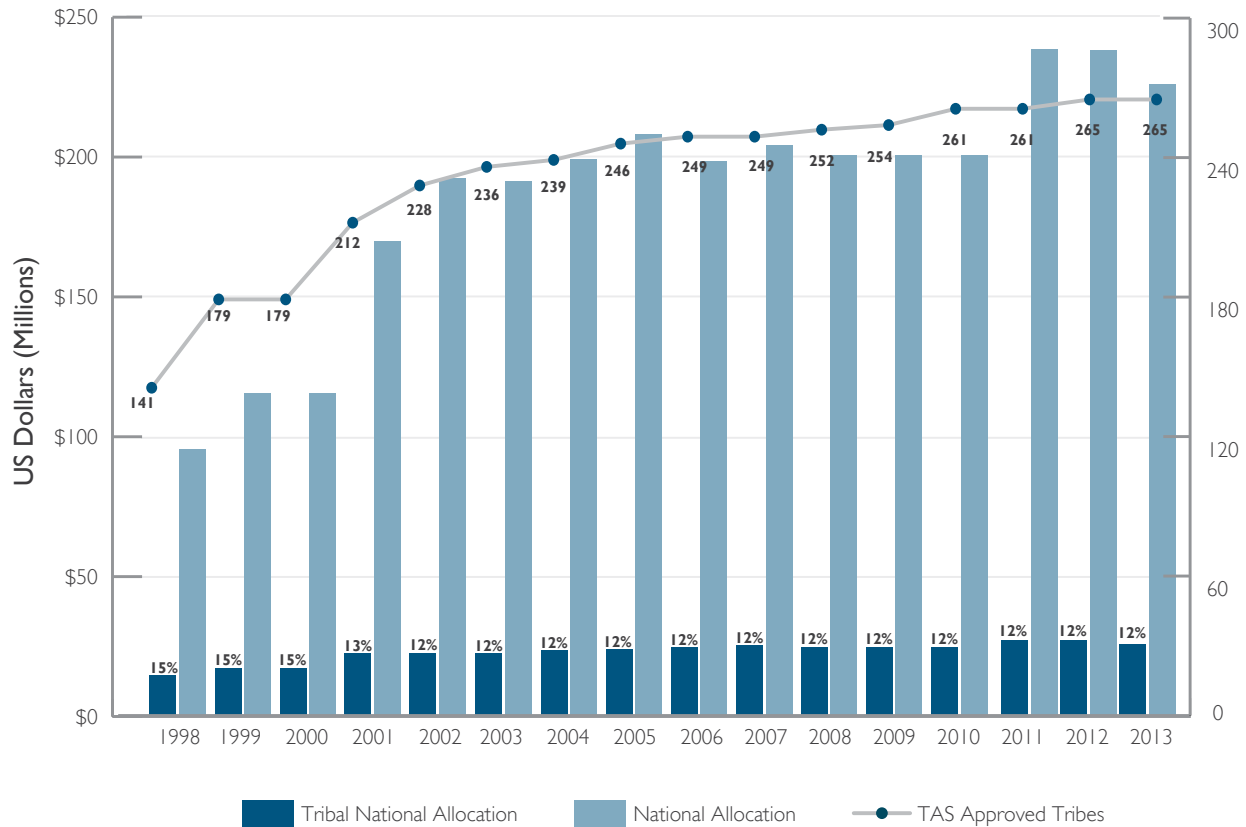
Tribal Water Pollution Control, Clean Water Act Section 106

- *Increase the tribal allocation to 20 percent.*

Clean Water Act Section 106 grants are key to tribal efforts to control water pollution, including water quality planning and assessments; developing and implementing water quality standards and total maximum daily loads; ground water and wetland protection; and nonpoint source control activities. The number of eligible tribes to receive CWA Section 106 funding increased from 141 in 1998 to 257 in 2010. Tribal recipients are now required to submit their water quality data through the Water Quality Exchange (WQX) as part of their Section 106 reporting requirements without any increase in Section 106 program funding. The national CWA 106 allocation to tribes has flat-lined and – in certain cases – decreased in some years during the same time period (e. g., 15.49 percent in 1998 to as low as 11.55 percent in 2005). Currently, tribes only receive 12.42 percent of the Section 106 allocation. Successful CWA implementation requires at least 20 percent of the national CWA Section 106 allocation to keep pace with the expansion of tribal programs.

Figure 7 shows the ongoing disparity between tribal and state allocations for Section 106 grants. The graph shows that the number of tribes developing their water quality programs has far outpaced the funding available to tribes to maintain water quality programs. The lack of adequate and continuous funding for implementation and enforcement hinders the effectiveness of tribal water programs.

**Figure 9: Tribal Program Clean Water Act Section 106
Total Allocation vs. Tribal Allocation**



Source: US EPA National Tribal Operations Committee National Tribal Caucus, Environmental Protection for Indian Country, July 2013 Addendum: Environmental Resources Needs and Recommendations, Fiscal Year 2015 Update.

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Nonpoint Source Pollutant Control – Clean Water Act Section 319

- Eliminate the cap on tribal funding for Nonpoint Source Pollutant Control.
- Provide \$27.1 million for the Tribal Nonpoint Source Pollutant Control.

Clean Water Act Section 319 provides tribes with grants to develop and implement polluted runoff and other non-point source control programs that address critical water quality concerns identified in the 106 program and other monitoring programs. Few tribes have EPA-approved WQS compared to 96 percent of states. WQS are the necessary foundation to engage in water pollution control activities, making this program critical, particularly as climate change will significantly affect water quality and require collaboration across jurisdictions. As tribal demand for this competitive funding exceeds availability, tribes request a permanent elimination of the one-third of one percent cap placed on the tribal allocation to help close the vast inequity in funding and programmatic implementation compared to states.

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Information Exchange Network (EN)

- *Set aside a minimum of 10 percent of Environmental Information Exchange Network funding for tribes, without restrictions for start-up or basic infrastructure development.*

The EPA Exchange Network is an innovative partnership among tribes, states, and the EPA to provide better access to high-quality environmental data and facilitate data management and the efficient submission of data. Environmental information is critical to understanding environmental challenges and developing responses for improvements. However, concerns about data privacy and lack of tribal capacity had previously prevented a more robust flow of data from tribes to EPA, limiting the ability of tribes to make informed environmental decisions and hindering EPA from assessing environmental progress in Native communities. Beginning in 1998, states assisted in the development of the Exchange Network and received several million dollars to develop requisite information technology infrastructure. Tribal governments were brought in years later, with limited capacity and unequal access to the resources. Both tribes and EPA have recognized the importance of improving the flow of tribal data and environmental information. Tribes have been able to take a more active role in improving data collection as a result of tribal grants offered as part of the Environmental Information Exchange Network.

At present, all 50 states operate nodes for the exchange of information over the internet, while only 10 tribes do (eight tribes operate node clients), with 17 in the planning phase. Tribes urge sustained funding for tribal access to the Information Exchange Network, with a minimum 10 percent tribal set-aside from overall EIEN funding, without restrictions for providing development and implementation support for tribes that are just coming on board, and operations and maintenance funding to tribes with operating programs.

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Great Lakes Restoration Initiative

- *Maintain funding at \$3 million for tribes as part of the Great Lakes Restoration Initiative.*

Tribes in the Great Lakes region have joined together to establish a tribal-federal-state collaboration, which stands as a model for replication across the country. The Great Lakes Restoration Initiative is the largest investment in the Great Lakes in two decades. A task force of 11 federal agencies developed an action plan to implement the initiative. This action plan covers fiscal years 2010 through 2014 and targets the most significant problems in the ecosystem, such as aquatic invasive species, nonpoint source pollution, and toxics and contaminated sediment. Over 100 Projects and programs are to be implemented through grants and agreements with states, tribes, municipalities, universities, and other organizations. This initiative received an overall allocation of \$475 million in FY 2010 for restoration activities in the Great Lakes region. Of this amount, \$3 million was allocated to tribes. Funding for tribes under the Great Lakes Restoration Initiative should be maintained in FY 2015 at the FY 2010 enacted level.



For Earth Day, the Swinomish tribe gathered together to pick up trash within their community. Photo credit: Flickr/NWIFC

Natural Resources

Given the state of the economy and national priorities, the vitality and sustainability of natural resources is even more integral to the health of American Indian and Alaska Native peoples, communities, cultures, and economies. It also has demonstrable positive impacts on surrounding communities. The ecological practices tribal peoples have cultivated for millennia are inherently sustainable and practical. They have been tested over time and have contributed to cultural survival. Today, tribes are using their unique knowledge and skills in concert with modern management practices, often collectively with community and non-tribal organizations, to produce real accomplishments and model programs of excellence. Tribes and their communities can cite many examples where they have shaped the successful restoration and sustainable management of fragile natural resources through a commitment to stewardship that often requires arduous, though rewarding, collaboration with states, regional organizations, local governments and other stakeholders in larger ecosystem management efforts. Federal support for tribal natural resource efforts, however, has not matched the tribal efforts, nor captured the value of tribal ecological knowledge and natural resources for tribal peoples and for the nation.

Federal investment in tribal natural resources management helps to sustain tribal land and people, grow economies, and support continued prosperity.

Federal investment in tribal natural resources management helps to sustain tribal land and people, grow economies, and support continued prosperity. As communities become more secure in their environments, their food and water systems, and their abilities to manage their resources, tribes and tribal members are free to turn to other needs: creating jobs; building supportive infrastructure; forming healthy tribal and neighboring communities and relations; developing innovative approaches to other concerns that affect the broader community; and diminishing strain on land management and law enforcement services, among other things.

Accordingly, investment by the federal government in tribal natural resource management will foster tribal economic self-sufficiency, cultural revitalization, and collaborative working relationships across jurisdictions – supporting communities and economies throughout the United States.

However, for tribes to fully utilize their natural resources and to establish and maintain natural resource management programs, there must be an increase in funding for Bureau of Indian Affairs (BIA) natural resource programs. Tribal funding has declined over decades, at a steeper rate than that of other Department of the Interior (DOI) natural resource programs, while tribes continue to be excluded from eligibility for dozens of natural resource programs across the federal agencies that are otherwise available to states, local governments, and other entities. BIA programs are often the only source of funding to protect tribal lands. Yet, the funding inequities are profound: per acre funding for Forest Service lands is three times the per acre funding for tribal forest lands; per acre funding for the DOI invasive species program is five times the per acre funding for the BIA's Invasive Species Program; and the BIA's percentage allocation of funding across the six DOI agencies under the Cooperative Landscape Conservation Initiative is a meager 0.12 percent.

Many of the BIA Trust natural resources programs discussed in this section experienced substantial cuts over the past decade. Further reductions in FY 2013-2014 under the Budget Control Act of 2011 and sequestration have eliminated jobs; stymied economic activity at a critical time for tribes; curtailed combined tribal, federal, state, and community collaboration; and ignored the valuable perspective in natural resources management that tribes contribute. The most effective role for the federal government is as a resource-provider and facilitator of independent decision-making and true self-governance for tribal nations. When tribes are free to make decisions that affect their local communities and local resources, they have the opportunity to align policy and planning with established tribal priorities.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Rights Protection Implementation

- *Increase funding to \$49.5 million for the BIA Rights Protection Implementation.*

The BIA Rights Protection Implementation Program has a clear and direct relationship with the federal trust obligation to tribes. This program ensures compliance with federal court orders by implementing effective tribal self-regulatory and co-management systems. Contract agreements are designed to assure proper regulation and management of off-reservation fish, wildlife, shellfish, and plant gathering activities; provide conservation enforcement; and perform the necessary assessment and habitat protection activities that help ensure abundant and healthy populations of ceded territory resources. The benefits of these programs accrue not only to tribes, but to the larger communities as well, because protection and enhancement of ceded territory natural resources and their habitats benefit all users of those resources. The efforts of program participants have been lauded in regional and national forums and serve as proven innovative models in an era where multi-jurisdictional cooperation and synergistic programming are essential aspects of a sustainable economic approach to national development.

In particular, there are 49 tribes whose off-reservation hunting, fishing, and gathering rights in the Pacific Northwest and Great Lakes regions are supported by this program. Five umbrella intertribal organizations assist the tribes in implementing relevant court orders and carrying out co-management responsibilities. In addition, this program supports implementation of the United States/Canada Pacific Salmon Treaty. Increasing funding for BIA Rights Protection Implementation from \$28.976 million in FY 2012 to \$49.5 million in FY 2015 would be a wise investment and is consistent with the federal trust responsibility to tribes. This funding is also essential for the protection of tribal economic, subsistence, cultural, and medicinal practices, as well as the sustenance of healthy productive tribal nations and their surrounding states, local governments, and neighboring communities.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Cooperative Landscape Conservation Initiative

- *Increase funding to \$10 million for the Cooperative Landscape Conservation (CLC) Initiative.*

Tribal peoples, lands, and infrastructure are disproportionately impacted by the effects of climate change and tribal governments, due to infrastructure inadequacies and remoteness; and tribal governments do not have sufficient personnel to implement programs for climate adaptation. Despite having some of the most pristine habitat in the United States, tribes have been historically underfunded for wildlife and natural resources management and conservation. There are 566 federally recognized tribal nations and over 300 reservations in the United States. Tribes manage 95 million acres of land, 11 million acres more than the National Park Service (NPS). Tribal lands contain more than 997,000 acres of lakes, 13,000 miles of rivers, and 18 million acres of forested lands. Tribal lands provide vital habitat for more than 525 federally listed plants and animals, many of which are both ecologically and culturally significant to tribes.

The inequity in the funding supporting tribes through the Cooperative Landscape Conservation Initiative is clear from the FY 2009 to FY 2012 budgets in which DOI received an average of approximately \$150 million to fund the CLC Initiative, but BIA received only \$200,000—and several times received no dedicated funding. In FY 2013, the inequity was partially recognized when BIA received \$1 million, however that level of funding was still only less than one percent of the total Initiative funding for DOI. In FY 2014, the Administration requested \$10 million of the Initiative's budget for the BIA, and tribes support that level of support for FY 2015 to begin to remedy this inequity and enable the BIA to address tribal natural resource management in an effective manner and to build tribal capacity to plan and implement programs in the face of climate change. According to a February 2012 report by the Congressional Research Service entitled, *Federal Land Ownership: Overview and Data*, the total number of acres owned and managed by DOI for the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service collectively totals 417 million acres. DOI holds 56.2 million acres of land in trust for Indian tribes and individual Indians. DOI's Indian trust landholdings, therefore, represent more than 13 percent of these three agencies' total. Despite the proportionately large amount of Indian land the DOI oversees, tribes, via the BIA, have consistently received less than one percent of Initiative funding.⁶⁰

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Water Management, Planning and Pre-Development Program

- Restore funding to the FY 2003 level of \$8.298 million for the BIA Water Management, Planning, and Pre-Development Program.

Funding from the BIA Water Management, Planning, and Pre-Development Program is used to assist tribes in protecting and managing their water resources, in accordance with the federal trust obligation to tribes. However, from FY 2003 to FY 2012, funding for this program declined 30 percent from \$8.298 million to \$5.789 million. To meet the significant tribal need and honor treaty rights, funding should be restored to the FY 2003 level of \$8.298 million.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Water Rights Negotiation/Litigation Program

- Restore funding to the FY 2003 level of \$10.923 million for the BIA Water Rights Negotiation/Litigation Program.

Funds from the Water Rights Negotiation/Litigation program are used to define and protect Indian water rights and, if possible, to settle claims or, if not, alternatively to litigate claims. The primary priority of the program is to provide all necessary documentation and other material that may be required to further the United States' water claims on behalf of a tribe. The inability to access quality water and exercise tribal water rights continue to create significant health, cultural, economic development, farming and ranching, and governance challenges for tribes and other communities, especially in light of major environmental events of the past few years. The Western Governors' Association (WGA) recently emphasized the need to resolve water rights disputes to prepare for oncoming changes in water quality and quantity predicted and now occurring as a result of climate change.⁶¹ It is likely that the resources from this program will be needed to settle and litigate water rights disputes foreshadowed by the WGA. However from FY 2003 to FY 2012 funding for this program declined 21 percent, from \$10.923 million to \$8.648 million. Tribes request that FY 2003 funding levels of \$10.923 million be restored so that water rights can be protected and disputes resolved.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Endangered Species Program

- Restore funding to \$3 million for the BIA Endangered Species Program.

The BIA's Endangered Species Program is the only program that provides tribes with technical and financial assistance to protect endangered species on Indian trust lands. From FY 2002 to FY 2012, funding for this critical program declined 58 percent to \$1.245 million. Tribes request that FY 2002 funding levels of \$3 million be restored so that tribes can continue to support habitat and environmental requirements to ensure endangered species can be protected into the future, especially in light of increasing threats caused by climate change and human development since 2002.

BIA FISH AND WILDLIFE PROGRAMS

Three key programs that empower tribes to manage reservation fish and wildlife resources across the nation are Tribal Management and Development (TMD), Wildlife and Parks, and Natural Resources programs. These programs help meet the growing national demand for outdoor recreation and tourism, as well as support the protection of millions of acres of habitat necessary for the conservation of fish, wildlife, and plant resources. These programs also employ more than 500 local tribal staff to assist the United States in meeting its trust responsibility to tribes.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Tribal Management/ Development (TMD) Program

- *Increase appropriations to \$20 million for base and programmatic funding for the BIA Tribal Management and Development Programs.*

From FY 2002 to FY 2012, funding for the Tribal Management and Development Program (TMD) declined 17 percent from \$9.333 million to \$7.705 million. For FY 2010, Congress restored funding for several decades-old, recurring TMD programs including the Lake Roosevelt Management, Upper Columbia United Tribes, Wetlands/Waterfowl Management, and Intertribal Bison Cooperative programs; and the BIA restored them to the budget request structure in FY 2011. The BIA recognizes the critical need for tribes to manage fish and game programs on their lands and included a budget request increase to \$9.723 million for the Tribal/Development Program in the FY 2013 and FY 2014 budget process. This funding needs to continue in FY 2015. These investments will substantially strengthen tribal conservation successes and meet the federal government's trust responsibility. Of the \$20 million requested, \$5 million should be set aside for Conservation Law Enforcement Officers.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Trust - Natural Resources Management

BIA Fish, Wildlife and Parks

- *Fund Fish Hatchery Operations at \$3 million.*
- *Fund Fish Hatchery Maintenance at \$7 million.*
- *Increase the Wildlife and Parks Tribal Priority Allocation to \$10 million.*

The 83 tribal fish hatcheries across Indian Country provide essential jobs, food, and revenue for tribes, as well as cultural support and opportunities for tribal youth to pursue environmental careers. Tribal standards in fisheries management are high because the tribes are highly dependent upon these operations and because many tribal peoples recognize their responsibility to steward and sustain their natural resources. These programs create jobs, advance economic self-sufficiency, and reduce costs by promoting cooperation and local economic growth.

At the request of Congress, the BIA conducted a comprehensive needs assessment study in FY 2006 which identified a \$48 million need in hatchery and rehabilitation costs. In this context, FY 2015 funding levels of \$3 million for Fish Hatchery Operations and \$7 million for Fish Hatchery Maintenance at 88 tribal fish hatcheries across the country are small investments that will lead to significant returns.

Fish Hatchery Operations funding is provided to fish-producing tribes to support hatching, rearing, and stocking programs. Salmon and steelhead trout released from tribal hatcheries in the Pacific Northwest benefit Native and non-Native commercial and sport fisheries in the United States and Canada, while providing for Native subsistence and ceremonial needs. Throughout the rest of the country, recreational opportunities created by the stocking of trout, walleye, and other species attract numerous sport fishermen to reservations and assist in developing reservation economies.

Fish Hatchery Maintenance funding provides for approximately 50 hatchery maintenance projects and supplements facility maintenance for 83 tribal hatcheries on a competitive basis. Typical projects include: relining raceways, replacing water pumps, upgrading alarm systems, fencing, roof and ceiling repair, and rearing tank installation.

Wildlife and Parks Tribal Priority Allocation supports tribal activities in the areas of fisheries, wildlife, outdoor recreation, and public use management, conservation enforcement, and related fields. Activities conducted are determined by tribes, and cover a broad array of diverse fisheries, wildlife, conservation enforcement, public use, habitat management, and related programs. Tribes, through a local priority setting process, determine any changes in annual funding and performance. The base Tribal Priority Allocations (TPA) funding for tribal fish and wildlife protection activities has remained flat for years, at just under \$5 million. Funding for Wildlife and Parks TPA should be increased by \$5 million in FY 2015 to expand the capacity of tribal fish and wildlife management departments to meet the needs of their communities and to work with federal, state, and local partners.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Natural Resources Tribal Priority Allocations

- *Increase funding to \$10 million for the Natural Resources Tribal Priority Allocations.*

The Natural Resources program fulfills the federal trust obligation through improved management, protection, and development of tribal land and natural resource assets. Funding for this Tribal Priority Allocation (TPA) program has remained flat for years, at just under \$5 million. Funding for the Natural Resources program should be increased by \$5 million in FY 2015. This investment will substantially increase tribal land and resource management capabilities and increase economic independence through generating revenues for tribal economies. By enhancing tribal economies through this program, the economic costs of social decline (e. g., increased need for law and order, social services, and health services) are decreased, resulting in cost savings.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Fish and Wildlife Service's Tribal Wildlife Grants Program

- Increase funding to \$8 million for the Fish and Wildlife Service's Tribal Wildlife Grants Program.

Of the \$58.115 million enacted level for State and Tribal Wildlife Grants (TWG) in FY 2013 to help conserve and recover imperiled fish and wildlife, only \$3.923 million was dedicated to competitive grants to the Indian tribes. Since FY 2010, TWG funding has declined nearly 50 percent. Since the inception of the TWG program over 13 years ago, on average, tribes have received only \$6 million per year despite having the need for significantly more funding. TWG will be a key program in the coming decades as tribes address fish and wildlife conservation and climate change influences on natural resources. The Administration's FY 2014 request for TWG in the amount of \$4.268 million is nearly \$2 million less than the historic average. Given past underfunding of this initiative, tribes request an increased appropriation to at least \$8 million.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

Commerce, Justice, Science Appropriations Bill

Pacific Coastal Salmon Recovery Fund (PCSRF)

- Provide \$110 million to the Pacific Coastal Salmon Recovery Fund.

The Pacific Coastal Salmon Recovery Fund (PCSRF) addresses watershed restoration and salmon recovery work for both Endangered Species Act listings and populations, and is critical to meeting trust obligations codified in treaties, laws, and other legal instruments regarding Indian fishing rights. The thousands of PCSRF projects that have been implemented throughout the region have made important contributions to improve the status of Endangered Species Act-listed species, prevent extinctions, and protect currently healthy populations.

This fund originated the groundbreaking multi-governmental collaborative project in salmon habitat restoration that was led by the Nisqually Tribe and recognized by President Obama with the nation's first and only Coastal America Partnership Award in late 2011. The President's FY 2012 budget included \$65 million for PCSRF, and \$80 million was appropriated in FY 2010. Tribes support an increase of \$45 million from the FY 2012 level as a wise investment in a program that creates a ripple effect including economic, ecological, social, cultural, legal, and intergovernmental co-benefits.

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Geographic/Ecosystem Programs

- Restore funding to a minimum of \$50 million for the Geographic/Ecosystem Program in Puget Sound.

The geographic-specific/ecosystem program in Puget Sound provides funding to tribes and tribal consortia and local communities to address environmental and human health risks and for tribal capacity building and project implementation. Tribes are seeking to restore funding to this program after steep reductions from \$50 million in 2010 to less than \$20 million in the EPA request for FY 2013.

FORESTRY

Indians are among the largest owners of commercial forestry resources in the United States. Of the total 56 million acres of federal Indian trust land, 16 million acres are forest lands, within which 7.3 million acres are designated for commercial forestry. The BIA estimates that these forests contain 44 billion board feet of commercial timber with an allowable cut of 1.02 billion feet per year. In the 1980s, these forests produced \$100 million annually in stumpage revenue and provided the equivalent of over 12,000 full-time, year-round jobs.

Increasingly, tribes are administering and controlling these resources that the Department of the Interior holds in trust. Commercial forestry on tribal lands is a key economic driver on over 103 reservations and the surrounding communities across 23 states. For example, some of the larger forested tribes operate the only sawmills in their region and are major employers of not only their own people, but of the non-tribal residents who live in or near their communities. Additionally, several timber tribes are engaging in biomass projects to generate renewable energy and jobs for tribal people and the surrounding community.

At present, there is at least a one million acre backlog in forestry management on federal Indian trust land. Tribal and US Forest Service (USFS) forests share 2,100 miles of common boundaries. Combining sound business practices, traditional ecological knowledge, modern techniques, and an inherent respect for the land, many tribes engage in superb sustainable forestry management practices that are recognized as innovative national (and international) models. Indian trust forests are significantly more productive, generating on a per-acre basis about 250 percent of the harvest produced by comparable USFS lands. These tribal achievements and initiatives demonstrate high return on federal dollars, which tribes accomplish in profoundly inequitable circumstances.

Despite the federal trust responsibility to sustain trust land and resources for the benefit of hundreds of thousands of tribal residents and their governments, natural resource-related programs continue to be underfunded—far below the funding levels necessary to fulfill the federal fiduciary responsibility to protect the health and productivity of the trust corpus. Historically, tribal forests on a per acre basis have received about one-third of the funding provided to forests managed by the US Forest Service. Independent studies by nationally-recognized forestry experts in 1993 and 2003 documented BIA Forestry per-acre management funding is less than half of that of the National Forest System.

In an era where federal funding commitments must demonstrate high return and accountability for administering trust programs, tribal forests and their management are strong and essential investments.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Forestry

- Increase funding to \$31.2 million for BIA Forestry Tribal Priority Allocations.
- Increase funding to \$23.3 million for BIA Forestry Projects.

Increasing funding for BIA Forestry Tribal Priority Allocations from \$26.2 million to \$31.2 million will spur needed long-term incremental progress toward BIA Forestry base funding parity. In addition, increasing BIA Forestry Projects funding by \$6 million, to \$23.3 million, to treat an additional 30,000 acres of the BIA's one million acre forest development backlog, will also increase tribal timber jobs, harvest, and value; improve forest health; contribute to carbon sequestration; and produce woody biomass for national renewable energy initiatives.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

- Increase funding to \$6.5 million for the BIA Invasive Species Program.

The Invasive Species Program provides critical funds to tribes to control noxious and invasive species. Invasive species cause approximately \$3 billion in damage on tribal trust land. The impacts of invasive species have a particularly disproportionate impact upon tribes because such species affect plants, animals, and other wildlife that are essential to tribal members for sustenance, medicines, ceremonies, cultures, and economic health.

This BIA program, currently funded at \$3.46 million, is the only funding stream designated to address invasive species on tribal trust land. In contrast, DOI spends at least \$1.3 billion each year to address invasive species on non-Indian lands, which amounts to over 400 times more proportional funding on non-Indian land than on tribal land. The BIA program is a critical element of the Department's Invasive Species Crosscut Initiative, since tribal trust land is often contiguous to other federal lands.

In light of the disproportionate impact invasive species have upon tribes, the significant disparity in funding between non-Native and tribal land under DOI's jurisdiction, and the contiguous nature of many tribal and non-Native DOI land areas, a \$3 million increase to \$6.5 million in BIA's Invasive Species Program for FY 2015 is an equitable and reasonable request. In 2012, the House Appropriations Committee placed a high priority on invasive species prevention, containment and enforcement by supporting level and increased funding for such programs, and BIA justified an increase in funding for this program to \$6.5 million for FY 2014.



On a spring day in Nevada, a group of Northern Paiute youth learn about energy solar panels. Photo credit: Black Rock Solar

Energy

Tribal lands contain abundant and largely underdeveloped conventional and renewable energy resources that hold great promise for current and future generations of Native peoples. Even with this substantial potential, there are only two commercial-scale renewable energy projects operating in Indian Country. In the conventional energy field, tribes boast nearly a quarter of the nation's on-shore oil and gas reserves and developable resources and one-third of the nation's western low-sulfur coal. The Three Affiliated Tribes of North Dakota celebrated a groundbreaking ceremony May 8, 2013, for their \$450 million Thunder Butte Refinery.

Nevertheless, tribes and Native communities face not only many of the same challenges in developing their energy resources and infrastructure that state and local governments and non-Indian communities face but also additional challenges—including special laws, regulations, and policies that are completely unique to Indian Country and often to a specific tribe, as well as grossly inadequate physical infrastructure, limited access to capital, and high workforce training and development needs.

In addition, tribes need access to the capacity and technical assistance necessary to advance the 150-plus energy projects that they are currently moving into the development, financing, and construction stages.

Only a few nationwide tribal examples exist to extrapolate successful renewable energy development models, and a report produced by the National Renewable Energy Lab (NREL DOE) provides tribes with basic information regarding the development potential for renewable energy—biomass, geothermal, hydroelectric, solar, and wind—on tribal lands. It provides detailed renewable energy potential information by tribal territory and resources throughout the United States in order to help tribes identify areas where development may be an option, and where tribal or private investment in renewable energy may assist in achieving a tribe's economic development, energy savings, or self-sufficiency goals.

Overall, analysis shows that the technical potential on tribal lands is about six percent of the total national technical generation potential.⁶²

This FY 2015 budget request identifies authorized energy programs that have never been funded; but, if adequately funded, it would provide innovative new tools to spur new investment in tribal energy development, capacity building, and resource management needs. Further development of tribal energy would contribute significantly to national energy security, clean energy development to reduce greenhouse gas emissions, and tribal economic development and job creation.

NCAI is advocating that the Department of Energy's (DOE) FY 2015 budget for programs and financial assistance for Indian energy:

1. Is consolidated and managed by the Office of Indian Energy, as authorized in the Energy Policy Act;
2. Is requested at the authorized level of \$20 million, including financial (grant) assistance, or at least at the levels prior to sequestration; and
3. Also includes additional funding of \$10 million of program costs to begin establishing the necessary regulations, framework, and other administrative support for the tribal loan guarantee program to be managed by the Office of Indian Energy and administratively supported by the DOE Loan Program Office.

Key Recommendations

DEPARTMENT OF ENERGY

Energy and Water Development Appropriations Bill

Office of Indian Energy Policy and Programs (IE), Tribal Loan Guarantee

- Provide \$30 million for DOE Office of Indian Energy (IE) programs, with \$10 million for program startup costs to be managed by the Office of Indian Energy and \$20 million for loan guarantee funding.

Since January 2011, the Office of Energy, Indian Policy and Programs (IE) has established new programs and aligned efforts across DOE in close consultation with tribes and in response to priorities identified by tribes and the new DOE Indian Energy Working Group.

DEPARTMENT OF ENERGY

Energy and Water Development Appropriations Bill

Office of Indian Energy Policy and Programs (IE)

- Provide \$2 billion loan authorization together with \$2 million in administrative funding to establish a Tribal Loan Guarantee Program.

The Energy Policy Act of 2005 (Section 2602(c)) authorized DOE to establish a Tribal Loan Guarantee Program and to create related loan guarantee regulations. The regulations necessary to operate the program have yet to be issued, and the program has not yet been funded.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Minerals and Mining - Office of Indian Energy and Economic Development (OIEED)

- Provide \$5 million to OIEED for assisting tribes with energy capacity building through development grants.

The Energy Policy Act of 2005 authorizes the Secretary of the Interior to provide assistance to tribes for use in developing and sustaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues. To achieve this goal and in light of tribes taking action to implement regulations under the requirements of the HEARTH Act, OIEED should be provided \$5 million with grant capability to provide this assistance to tribes.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Low-Income Home Energy Assistance Program (LIHEAP)

- Provide \$4.7 billion for LIHEAP.

The LIHEAP is intended to assure that low-income families will not be forced to choose between food and heat. With high unemployment and long-standing barriers to economic development, much of Indian country cannot afford the rising costs of heat and power. Alaska Native villages are experiencing some of the highest costs for energy with fuel prices recently reaching \$7 per gallon. In FY 2011, LIHEAP was appropriated \$4.7 billion total, with \$51 million allocated to tribes and tribal organizations. Full funding is crucial to address the extreme need for heating assistance in Indian country.



*Many tribal homes are still not up to modern safety standards like this image taken on the Navajo Nation in Arizona.
Photo credit: Department of the Interior*

Housing

Housing is a core necessity for tribal communities. While tribes have made great strides toward improving housing conditions in their communities through the Native American Housing Assistance and Self-Determination Act (NAHASDA), the need for adequate, affordable housing for low income Indian people persists. Native Americans still face some of the worst housing and living conditions in the United States. Nearly 30 percent of homes in Indian Country rely on wood for heating; up to 18 percent are without phone service in some areas; and substandard housing conditions continue to prevail. According to the American Community Survey 2006-2010 data, Indian homes frequently lack utilities and infrastructure, with approximately 8.6 percent lacking complete plumbing facilities; 7.5 percent lacking kitchen facilities; and 18.9 percent lacking telephone service.

Since the enactment of NAHASDA in 1996, tribal housing programs are moving into a new era for housing and community development—and using sustainable building practices and leveraging their NAHASDA and other federal funding. Today there are close to 500 Tribally Designated Housing Entities (TDHEs) in Indian Country.

The NAHASDA effectively replaced the various Indian housing programs under the 1937 Housing Act and consolidated federal housing funds through direct block grants to the tribes and their TDHEs. It also authorized tribes to design and implement tribal housing and other community development infrastructure programs. The NAHASDA has resulted in tens of thousands of more housing units being constructed, as well as increased tribal capacity to address related infrastructure and economic development challenges.

The NAHASDA authorizes several programs and activities that are in need of additional funding, including: the Indian Housing Block Grant; Indian Community Development Block Grant; Sections 184 and 184A Guarantee Loan Program; Title VI Guarantee Loan Program; and NAHASDA's Training and Technical Assistance Funding.

The requested funding levels were informed by the enacted FY 2013 Budget, the Senate Appropriations Committee Report I 13-45, and the 2014 Omnibus Spending bill.

Key Recommendations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

- *Fund the Indian Housing Block Grant (IHBG) at not less than \$675 million.*

IHBG funding is important for housing development, construction, infrastructure, maintenance, and repair in Native communities. These funds also assist tribal governments and TDHEs to leverage other funds, such as low-income housing tax credits.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

- *Fund the Indian Community Development Block Grant (ICDBG) at not less than \$70 million.*

ICDBG funding provides tribes with the resources to improve the overall economic and community development groundwork of their communities. The ICDBG funds also provide key support to tribal economies and community development efforts and enable tribes to increase the variety of commercial, industrial, and agricultural projects on their tribal lands.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

- *Fund Title VI at \$2 million.*

Title VI of NAHASDA assists Indian Housing Block Grant recipients to secure financing from private lending institutions at favorable rates with the assistance of a federal guarantee. Eligible activities under Title VI assistance include rental assistance, development services, management services, crime prevention and safety activities, and model activities. This program provides tribes with an additional resource to leverage limited dollars.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

- *Fund the Section 184 Program at \$7 million.*

The Section 184 program provides 100 percent reimbursement to private lenders in cases of home loan default. Indian tribes have participated in this program with an extremely low default rate. Using Section 184, Indian tribes or tribal members can purchase an existing home; obtain single-close construction loans for stick-built or manufactured homes on a permanent foundation; obtain rehabilitation loans; or obtain both a purchase and rehabilitation loan.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

- *Fund NAHASDA's Training and Technical Assistance at \$4 million.*

Building tribal capacity is essential for tribes to enhance their housing and community development projects. The training and technical assistance provided through NAHASDA to address Native American housing needs is an indispensable resource for tribes and TDHEs to run their programs more efficiently and in compliance with applicable laws and HUD regulations. Training and technical assistance also includes developing model policies, which saves tribes tens of thousands of dollars each year by sharing information about successful efforts undertaken by other tribes.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, Housing and Urban Development Appropriations Bill

- *Fund the Native Hawaiian Housing Block Grant at \$13 million and maintain funding for the Section 184A Loan Guarantee at \$1 million.*

Since 2000, NHHBG funding has been the primary source for housing assistance for Native Hawaiians eligible to reside on Hawaiian Home Lands. The Department of Hawaiian Home Lands, the sole recipient of NHHBG funds, uses these funds to increase the supply of affordable housing units or rehabilitate existing units to relieve some of the overcrowding pressures and substandard living environments experienced in many low-income Native Hawaiian households.



*Many roads in rural Indian Country are unpaved and poorly graveled, which creates safety issues for those who travel for work and school.
Photo credit: Ben Sutherland*

Transportation

Transportation is critical to linking people within tribal communities to other surrounding areas, providing access for law enforcement, fire, and other emergency services, and providing communities with opportunities for sustainable economic development. Surface transportation in Indian country involves thousands of miles of roads, bridges, and highways. According to the latest National Tribal Transportation Facility Inventory (NTTFI) issued under 23 USC 202 (b)(1), there are over 159,000 miles of roads and trails in Indian country that are owned by the Bureau of Indian Affairs (BIA), Indian tribes, states, and counties. However, far too many of these miles of roadways are a part of the most underdeveloped and unsafe road system in the nation, even though they represent the primary means of access to American Indian and Alaska Native communities. There are 27,500 miles of roads and trails owned by the BIA. Only 7,100 miles of these roads are paved, and the other 20,400 miles are classified as graveled, earth, or primitive. Indian tribes own 13,650 miles of roads and trails, of which only 1,000 miles are paved and 12,650 miles are classified as gravel, earth, or primitive.

Transportation infrastructure development is critical to economic development, job creation, and improving living conditions and safety for individuals and families in Indian country. Transportation is also significant to the millions of non-Natives who travel through tribal lands every day. Construction of transportation, public transit, highway safety, and maintenance programs are crucial to providing a safe and reliable transportation network for residents of tribal communities to travel to places of work, schools, healthcare facilities, and retail establishments. Safe and well-maintained transportation systems enable tribal governments to further develop their tribal economies and strengthen ties within tribal communities.

The current transportation authorization, Moving Ahead for Progress in the 21st Century (MAP-21) expires September 30, 2014. MAP-21 restructured the transportation programs for Indian tribal governments by establishing and consolidating the Tribal Transportation Program (TTP) (formerly the Indian Reservation

Programs), eliminating the separately funded IRR Bridge Program and High Priority Project Program (IRRHPP) and creating discretionary grants within the TTP for tribal bridges and highway safety programs and projects. MAP-21 changed the regulatory funding formula for allocating TTP “tribal shares” for transportation construction that the BIA and FHWA must phase in over a number of years. MAP-21 increased funding and also revamped the Tribal Transit Program administered by the Federal Transit Administration, by establishing a statutory formula for allocating transit funds to eligible Indian tribes.

Tribal communities are vulnerable by unsafe and often inaccessible roads, bridges, and ferries. Tribal members suffer injury and death on reservation roadways at rates far above the national average. According to the Federal Highway Administration, “American Indians have the highest rates of pedestrian injury and death per capita of any racial or ethnic group in the United States.” Over the past 25 years, 5,962 fatal motor vehicle crashes occurred on Indian reservation roads, with 7,093 lives lost. While the number of fatal crashes in the nation declined 2.2 percent during this time period, the number of fatal motor vehicle crashes per year on Indian reservations increased 52.5 percent.⁶³ Adult motor vehicle-related death rates for American Indians and Alaska Natives are more than twice that of the general population. These grim statistics indicate the need for major changes in federal transportation safety programs serving Indian country.

The current cost to construct all the transportation needed in Indian Country is approximately over \$81 billion. In addition, the lingering shortfalls and flat funding levels for the BIA Road Maintenance Program over the last 30 years has compromised highway safety in Indian country, dramatically shortened the useful life of the BIA System and tribal roads and bridges, and undermined tribal economic development initiatives in Indian country. The current cost of deferred maintenance for BIA Roads is over \$290 million. These staggering amounts to meet the transportation and maintenance needs in Indian country will require a substantial commitment of federal resources in keeping with the trust responsibility.

The requested funding reflects authorized funding amounts according to the current transportation authorization, Moving Ahead for Progress in the 21st Century Act (MAP-21) (P.L. 112-141).

Key Recommendations

DEPARTMENT OF TRANSPORTATION

Transportation, HUD Appropriations Bill

Tribal Transportation Program (TTP)

- Provide \$450 million for the Tribal Transportation Program.

The Tribal Transportation Program oversees over 159,000 of roads and trails in Indian Country, which are owned by the BIA, Indian tribes, states, and counties, and providing safe and adequate transportation systems. These roadways and trails serve as the primary transportation thoroughfare for residents of and visitors to American Indian and Alaska Native communities. The Transportation Program is funded from the Highway Trust Fund and allocated through a statutory formula.

DEPARTMENT OF TRANSPORTATION

Transportation, HUD Appropriations Bill

Tribal Technical Assistance Programs (TTAPs)

- Provide \$1 million for DOT Tribal Technical Assistance Programs.

The TTAPs is the only program providing technical assistance and training for Indian tribal governments to build tribal capacity by providing training and certifying highway roads and technical experts who oversee and construct highways and roads in tribal communities. Funding support for TTAPs was not specifically designated when MAP-21 was established. However, there are currently seven TTAPs around the country serving all federally-recognized tribes, and each TTAP receives \$140,000 annually (for a total of \$980,000). An increase to \$1 million for TTAP is requested to improve tribal technical capacity for tribal transportation officials.

DEPARTMENT OF TRANSPORTATION

Transportation, Housing and Urban Development Appropriations Bill

Tribal Transit Program

- Provide \$30 million for the Tribal Transit Program.

The Public Transportation on Indian Reservations (5311(c)) (also known as the Tribal Transit Program), is a program that enables Indian tribes to use the funding for capital, operating, planning, and administrative expenses for public transit projects to meet the needs of public transportation in rural tribal communities.

DEPARTMENT OF TRANSPORTATION

Transportation, Housing and Urban Development Appropriations Bill

Tribal High Priority Projects Program

- Fund the Tribal High Priority Projects Program for \$30 million.

Prior to MAP-21, the Tribal High Priority Projects Program (THPPP) received its funding separately from the Highway Trust Fund. Yet under MAP-21, this separate funding was eliminated, and THPPP was authorized to receive its funding from the General Fund. However, since the enactment of MAP-21, the THPPP has not been funded. This program is crucial to tribal governments to complete their highest priority projects, which often include efforts to repair and reconstruct facilities following an emergency or natural disaster.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Roads Maintenance

- Provide \$30 million for the BIA Road Maintenance Program.

Currently, BIA needs \$290 million per year to maintain BIA-owned roads and bridges to an adequate standard. Costs to maintain these roads have risen sharply due to high inflation for construction. However, for FY 2013, only \$25 million has been appropriated for BIA roads maintenance. It is critical that \$30 million be appropriated for the BIA Road Maintenance program in FY 2015.



Protection of Native cultural resources is critical to the vitality of traditional Native religions, customs, languages, and tribal sovereignty. These resources may include not only land and objects but also cultural practices, languages, and symbols. Seventy of the remaining 139 spoken tribal languages could become extinct by 2015.

Historic & Cultural Preservation

After nearly two centuries of failed policies to assimilate Native people, the era of tribal self-determination has advanced efforts in cultural preservation and revitalization. Federal policies enacted over the past 20 to 30 years have increased tribal management of programs and services. However, increased funding is crucial to sustain current efforts to preserve cultural practices and sacred places and advance tribal self-determination.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Native American Graves Protection and Repatriation Act (NAGPRA)

- Provide \$4 million for Section 10 of NAGPRA and create a line item for grants to fund efforts surrounding the appropriate handling and return of culturally-unidentifiable remains.

The NAGPRA Section 10 program authorizes the Secretary of the Interior to award funds to tribes, Native Hawaiian Organizations, and museums for repatriation of cultural items and human remains. Establishment of a tribal priority under Section 10 would ensure grant funding is awarded to tribes, and creation of a separate line item to fund work with culturally-unidentifiable remains would support tribal repatriation efforts.

- Provide a 10 percent increase for investigations into failure of museums or other institutions to comply with NAGPRA, and create a line item for investigations of tribal complaints against museums or other institutions.

The number of tribal complaints regarding the failure of museum compliance with NAGPRA has been an ongoing and troublesome issue. Providing a 10 percent increase for these investigations and a tribal specific line item will assist the Department of the Interior's efforts to respond in a timely manner and is essential to the successful implementation of NAGPRA.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Tribal Historic Preservation Officer Program

- *Provide \$15 million for the Tribal Historic Preservation Officer Program.*

The Tribal Historic Preservation Office program was created in 1992. The program is operated by the National Park Service and funding for Tribal Historic Preservation Officers (THPOs) is provided through the Historic Preservation Fund. THPOs are essential to record and preserve cultural practices of their respective tribes and are active in capturing oral histories, preserving and revitalizing Native languages, and seeking the return of Native American ancestral and sacred objects. THPOs also have a critical federal-tribal role in the Section 106 process of the National Historic Preservation Act (NHPA), which requires government-to-government consultation regarding sacred places and objects.

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American Indian Higher Education Consortium
Bureau of Indian Affairs Self-Governance Advisory Committee
Columbia River Inter-Tribal Fish Commission
Environmental Protection Agency National Tribal Operations Committee
Exchange Network Tribal Governance Group
Indian Health Service Tribal Self-Governance Advisory Committee
Intertribal Agriculture Council
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National American Indian Court Judges Association
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