



INDIAN COUNTRY

— BUDGET REQUEST —

Supporting Tribal Economic Security and Prosperity

A publication of the National Congress of American Indians

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EXECUTIVE
SUMMARY



FISCAL YEAR 2014
INDIAN COUNTRY
— BUDGET REQUEST —

Supporting Tribal Economic Security and Prosperity

Executive Summary

As the nation continues to debate the appropriate role and size of the federal government and how best to foster a stronger American economy, Indian Country remains committed to the work of rebuilding and shoring up tribal societies, bolstered with the tools of self-determination and self-government. Tribal governments exist to protect and preserve their unique cultures, identities, and natural environments for posterity. Overcoming poverty, while honoring tribal traditions and strengthening culture, is achievable but *securing tribal economic security and prosperity will require a sustained commitment.*

Respect for the responsibility of tribes as governments is essential for Native people to contribute their distinct American and tribal perspectives to future generations. Prosperity in Indian Country requires that tribal citizens are able to practice their cultural and religious traditions while enjoying economic opportunities—their families flourishing, with access to quality foods, housing, and financial security. Where tribes exercise self-determination, success stories abound; and they all include the themes of improved responsiveness and increased accountability. The exercise of tribal control invokes the pride and fortitude of tribal people that can contribute to and sustain effective government administration.

Congress and the Administration have wrestled with how to reduce the federal deficit while avoiding damage to the economy. The most recent economic data available do not isolate the impact of the recession or recovery for tribal nations, but comparisons show that economic disparities remain between Native people on reservations/trust land and the rest of the nation. And while tribal citizens have witnessed progress in addressing some of the most basic infrastructure disparities since 2000, the lack of basic housing, transportation, and broadband infrastructure continues to pose significant challenges for tribal health, safety, and economic security.

These FY 2014 Indian Country budget recommendations outline key areas where the federal government can partner with tribal nations to provide resources to their citizens and develop new governmental and economic opportunities. This assistance and goodwill between nations derives from the trust relationship, and is engrained within Article I, Section 8, of the US Constitution. However, equally important to the trust relationship is a fundamental understanding that tribes are government entities, with all of the necessary tools to govern effectively and achieve government progress. As such, in addition to asking Congress and the Administration for the necessary funding to assist in providing services to tribal citizens, tribal nations also seek government parity in national tax reform discussions. Given that the Budget Control Act of 2011 imposed severe caps over the next ten years on non-defense discretionary funding, tribes look to Congress to protect the trust, treaty, and statutory obligations to tribes funded in the federal budget. Until all tribes retain exclusive taxing jurisdiction within the exterior borders of their tribal lands, federal support remains critical to ensure essential government services are delivered to tribal people.

Executive Summary (continued)

Many factors give cause for hope in Indian Country for creating economic security and prosperity, including the contributions of tribes and Native-owned businesses to local, state, and regional economies and the burgeoning population of Native youth. Tribal leaders urge Congress to uphold its solemn promises to tribes, even as policymakers continue working to reduce the deficit through spending reductions and revenue generation. The following FY 2014 tribal budget program requests have been compiled in collaboration with tribal leaders, Native organizations, and tribal budget consultation bodies. Indian Country respectfully requests that these recommendations be included in the FY 2014 federal budget to honor the trust responsibility and support tribal economic security and prosperity.

Support for Tribal Governments (More Information on Page 22)

Providing tribes with the tools for effective governance, and fully honoring contract commitments to tribal governments, is critical to fulfilling the promise of the Indian Self-Determination and Education Assistance Act. To build a more prosperous American future, tribal nations recommend the following budget levels and policy changes.

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
DOI	Interior, Environment	Tribal Priority Allocations	Provide full funding.
DOI	Interior, Environment	BIA Contract Support Costs	\$234,000,000
HHS	Interior, Environment	IHS Contract Support Costs	\$617,000,000
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 25)

Law enforcement infrastructure and basic police protection on tribal lands are not optional—they are a fundamental function of government, and if they are not provided at the highest quality, no one will be willing to invest in tribal economies. In recent years, Congress and the Administration have agreed with tribal leaders on this very point. The enactment of the Tribal Law and Order Act in 2010 (TLOA) is an excellent example of the federal government acknowledging critical issues in Indian Country and acting to assist in addressing them. However, the TLOA also requires adequate funding from Congress in various areas of public safety in order for its intent to truly be felt on tribal lands. For instance, a key provision allows for the expansion of tribes' sentencing authority. However, if adopted by a tribe, this provision would also require a restructuring of tribal criminal codes, significant additions to both the judicial bench and the legal defense unit of the tribal justice system, as well as a general increase in court costs. This section discusses critical areas where public safety funding is necessary to ensure tribal public safety providers can effectively protect and serve tribal citizens and tribal lands.

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
DOI	Interior, Environment	BIA Public Safety and Justice	\$358,000,000
DOI	Interior, Environment	BIA Safe Indian Communities	Increase to allow four more tribes.

(Table continued on next page.)

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
DOJ	Commerce, Justice, Science	Tribal Set-Aside from Office of Justice Programs	Create a seven percent tribal set-aside from funding for all discretionary Office of Justice Programs (OJP) programs.
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
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

Homeland Security & Emergency Management (More Information on Page 33)

Tribes are an integral component of our country's homeland security and emergency management infrastructure, which makes it perilous to abandon funding in this area and imperative that funding be continued. Nearly 40 tribes are located directly on or near the borders that the United States shares with Mexico and Canada. Hundreds of 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. Tribal governments have broad emergency and first-responder responsibilities, as well as extensive border security responsibilities, including enforcement activities to deal with illegal immigration, terrorism, and smuggling. Dozens of tribes have critical national infrastructure on their lands, including oil pipelines, nuclear facilities, missile sites, and dams.

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
DHS	Homeland Security	Tribal Homeland Security Direct Grants	\$20,000,000
DHS	Homeland Security	Western Hemisphere Travel Initiative, Tribal IDs	\$10,000,000

Education (More Information on Page 35)

In the wake of the recent economic downturn, the country must view improving the education of our nation's children as a key strategy for strengthening the economy. Research repeatedly demonstrates that investments in education contribute to economic growth while also expanding opportunities for individual advancement. 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 (continued)

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. Unfortunately, when faced with making tough budgetary decisions, policymakers and elected officials often target education and other social welfare budgets that require more long-term investments. Even worse, Native youth and families are often the hardest hit by these budget cuts. As a result, schools in Indian Country face inadequate federal support which leads to a shortage of staff, lack of support services, and dilapidated facilities. 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 maintain a system that is struggling and underfunded.

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
ED	Labor-HHS-Education	State-Tribal Education Partnership Program	\$5,000,000
DHHS	Labor-HHS-Education	Impact Aid Funding	\$1,395,000,000
DHHS	Labor-HHS-Education	Title VII funding, No Child Left Behind Act (NCLB) (culturally-based education)	\$198,000,000
DHHS	Labor-HHS-Education	Alaska Native Education Equity Assistance Program, Title VII, Part C	\$35,000,000
DHHS	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	\$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	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
DHHS	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	\$36,000,000
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

(Table continued on next page.)

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
DOI	Interior, Environment	Tribal Colleges and Universities' Institutional Operations, Titles I and II under the Tribally Controlled Colleges and Universities Assistance Act	\$94,300,000
USDA	Agriculture	1994 Institutions Extension Program (NIFA)	\$30,000,000
USDA	Agriculture	1994 Institutions Research Program	\$15,000,000
USDA	Agriculture	1994 Institutions Educational Equity Grants	\$30,000,000
USDA	Agriculture	Native American Endowment Account (Corpus Payment)	\$136,000,000
USDA	Agriculture	Tribal Colleges and Universities Essential Community Facilities Program	\$10,000,000
ED	Labor-HHS-Education	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

Health Care (More Information on Page 46)

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 Natives. The FY 2014 budget for the IHS should support tribal self-determination and uphold the federal government's partnership with tribes to improve Native health and wellness.

In order to build on the foundation of this partnership, Indian Country 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 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 2014 Request
DHHS	Interior, Environment	Indian Health Service funding increase over the FY 2013 budget request to maintain current services	\$500,762,000
DHHS	Interior, Environment	Indian Health Service funding increase over the FY 2013 budget request level for program services	\$478,373,000

(Table continued on next page.)

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
DHHS	Labor-HHS-Education	SAMHSA Behavioral Health Program	\$15,000,000
DHHS	Labor-HHS-Education	SAMHSA Behavioral Health Tribal Prevention Grant program	\$40,000,000
DHHS	Labor-HHS-Education	American Indian Suicide Prevention Programs Set-aside under Garrett Lee Smith Act	\$6,000,000
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 52)

American Indian and Alaska Native children are disproportionately represented in foster care in the United States—placed at a rate that is two to three times the national average. Given the high incidence of out-of-home placements for American Indian and Alaska Native children and the high risk these children generally have for entering the child welfare system, tribal governments not only need adequate financial resources to help protect children, but they also need flexibility in the design of these programs. Tribes face great obstacles in their efforts to provide preventive services to address child abuse and neglect in their communities. These difficulties are strongly linked to the limited funding available to provide such services.

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
DHHS	Labor-HHS-Education	Foster Care Demonstration Grants (Children's Bureau)	\$20,000,000
DHHS	Labor-HHS-Education	Child Welfare Services, Title IV-B, Subpart 1 (tribal allocation)	Create a five percent set-aside.
DHHS	Labor-HHS-Education	Tribal Title IV-E development grants	Extend grant life cycle from two to three years and increase funding to \$450,000.
DHHS	Labor-HHS-Education	Promoting Safe and Stable Families, Title IV-B, Subpart 2 (discretionary component)	\$200,000,000
DHHS	Labor-HHS-Education	Promoting Safe and Stable Families, Title IV-B, Subpart 2, the tribal Discretionary Court Improvement Program (CIP) Grants	\$5,000,000
DHHS	Labor-HHS-Education	Child Abuse Prevention and Treatment Act, Tribal Title II grants	Create separate line-item for tribal grants.
DHHS	Labor-HHS-Education	Child Abuse Prevention and Treatment Act, Tribal Title II grants	Set aside five percent.
DOI	Interior, Environment	Indian Child Abuse Treatment grant program	\$10,000,000
DOI	Interior, Environment	Indian Child Protection and Family Violence Prevention grant program	\$30,000,000

(Table continued on next page.)

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
DOI	Interior, Environment	Indian Child Welfare Act	\$30,000,000
DOI	Interior, Environment	Urban Indian Child Welfare Grant Program	\$5,000,000
DOI	Interior, Environment	BIA Child Welfare Assistance	\$35,000,000

Disabilities (More Information on Page 56)

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 disabled citizens.

Agency	Appropriations Bill	Program	NCAI FY 2014 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 57)

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 2014 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 59)

Native nations striving for self-determination seek increased economic development, improved access to capital, better workforce development, more job creation, and the beneficial use of tribal land and natural resources. Facing chronic underfunding of federal government programs that serve basic tribal needs, tribes must turn to their own sources of economic development to fund programs and services for their citizens, including health care, affordable housing, education, and infrastructure programs. It is both essential and mutually beneficial for the federal government to partner with tribes to address challenges and leverage economic opportunities to strengthen tribal self-governance. With federal spending and deficit reduction efforts underway, it is imperative that Congress and the Administration honor the trust responsibility by allowing tribes greater flexibility to develop their economies. These FY 2014 budget requests identify items that are essential to advancing economic security for tribal nations.

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
USDA	Agriculture	Rural Development	\$2,500,000,000
USDA	Agriculture	Loan Authority for the Rural Business-Cooperative Service	\$915,000,000
USDA	Agriculture	Target for Indian Country applicants of the Rural Business and Industry Guaranteed Loan Program	\$825,000,000, with \$10,000,000 targeted for tribes
USDA	Agriculture	Rural Business and Industry Loan Program	\$30,000,000, with \$3,800,000 targeted for tribes
USDA	Agriculture	Rural Business Opportunity Grants	\$1,000,000
USDA	Agriculture	Rural Business Enterprise Grants	\$3,500,000
USDA	Agriculture	Foreign Agriculture Service, Market Access program	\$200,000,000, with \$1,250,000 for tribal agriculture and ranching
Commerce	Commerce, Justice, Science	Minority Business Development Agency	\$30,000,000
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

(Table continued on next page.)

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
DOL	Labor-HHS-Education	YouthBuild Tribal Set-Aside	Create tribal set-aside of at least 10 percent (\$10.25 million out of \$102,500,000) for tribal programs.
DOL	Labor-HHS-Education	Employment and Training Administration, Indian and Native American Program	\$60,499,999
DOL	Labor-HHS-Education	Native American Employment and Training Council	\$125,000
Commerce	Commerce, Justice, Science	Census Bureau	Continue support for the Census Bureau, the ACS, and 2020 Census planning.

Telecommunications (More Information on Page 69)

Major changes are occurring in telecommunications regulation. Tribes are a critical part of local and regional economies and must be included in strategic efforts to keep pace with technological advancement and to strengthen telecommunications infrastructure. To ensure that tribal nations are included in this digital transition, it is essential that programs offering financial assistance are available and adequately funded.

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
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
Commerce	Commerce, Justice, Science	Public Telecommunications Facilities Program (PTFP) AIAN Radio Station Construction	\$4,000,000
FCC	Financial Services	Office of Native Affairs and Policy	\$2,000,000

Agriculture & Rural Development (More Information on Page 72)

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 \$3.16 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 across the broad array of services that this federal agency provides to tribal governments.

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
USDA	Agriculture	Office of Tribal Relations	\$1,500,000

(Table continued on next page.)

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
USDA	Agriculture	Rural Utilities Service, American Indian and Alaska Native loans and grants	\$120,000,000
USDA	Agriculture	Rural Housing and Community Facilities Programs, designated for American Indian and Alaska Native loans and grants	\$65,000,000
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 program development	\$5,000,000

Environmental Protection (More Information on Page 78)

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, Indian Country 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 2014 Request
EPA	Interior, Environment	Indian Environmental General Assistance Program	\$96,000,000
EPA	Interior, Environment	Safe Drinking Water State Revolving Funds	4.5 percent tribal set-aside
EPA	Interior, Environment	Clean Water Act State Revolving Fund, tribal set-aside	Lift the funding cap on tribal set-aside and provide \$46,500,000.
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	\$26,000,000
EPA	Interior, Environment	Exchange Network	10 percent set-aside for tribes
EPA	Interior, Environment	Great Lakes Restoration Initiative, tribal allocation	\$3,000,000

Natural Resources (More Information on Page 83)

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.

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
DOI	Interior, Environment	BIA Rights Protection Implementation	\$49,500,000
DOI	Interior, Environment	Cooperative Landscape Conservation Initiative	\$8,750,000
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 Program	\$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	\$6,000,000
DOI	Interior, Environment	BIA Wildlife and Parks Tribal Priority Allocations - 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'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	\$23,600,000
DOI	Interior, Environment	BIA Invasive Species Program	\$5,000,000

Energy (More Information on Page 91)

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 their energy resources. The FY 2014 budget identifies authorized programs that have never been funded that would greatly enhance the needed analysis and planning, capacity-building, and resource management that tribes need to develop and maintain their energy resources.

Energy (continued)

Further development of tribal energy would contribute significantly to national energy independence, clean energy, economic development, and job creation.

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
DOE	Energy and Water	Office of Indian Energy Policy and Programs	\$20,000,000
DOE	Energy and Water	Office of Indian Energy Policy and Programs, Tribal Loan Guarantee Program	\$2,000,000,000
DOI	Interior, Environment	Office of Indian Energy and Economic Development, energy capacity building through development grants	\$5,000,000
DOI	Interior, Environment	Capacity-Building Assistance to Tribes for Negotiating and Implementing Tribal Energy Resource Agreements	\$5,000,000
HHS	Labor-HHS-Education	Low-Income Home Energy Assistance Program, (Tribes)	\$51,000,000

Housing (More Information on Page 94)

Housing continues to be a critical infrastructure need for tribal governments. While significant strides have been made in recent years, Native communities still face some of the most substandard and overcrowded housing conditions. The Native American Housing Assistance and Self-Determination Act of 2008 (NAHASDA) expires in September 2013. NAHASDA has been highly successful in increasing the number of houses constructed for Native people, as well as increasing tribal capacity around infrastructure and economic development. NAHASDA authorizes several programs and initiatives in need of additional funding, as indicated below. When tribal communities are provided access to much-needed housing funding, they are able to efficiently and effectively utilize these dollars to address the longstanding housing and infrastructure needs of their communities. Sustained federal investment in housing and infrastructure for Native people is essential to maintaining the momentum gained by recent investment.

Agency	Appropriations Bill	Program	NCAI FY 2014 Request
HUD	Transportation, HUD	Indian Housing Block Grant	\$650,000,000
HUD	Transportation, HUD	Indian Community Development Block Grant	\$60,000,000
HUD	Transportation, HUD	NAHASDA's Training and Technical Assistance	\$2,000,000
HUD	Transportation, HUD	Section 184 Loan Guarantee Program	\$7,000,000
HUD	Transportation, HUD	Title VI Loan Guarantee	\$2,000,000
HUD	Transportation, HUD	Native Hawaiian Housing Block Grant	\$20,000,000
HUD	Transportation, HUD	Section 184A Loan Guarantee	\$1,000,000

Transportation (More Information on Page 97)

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 2014 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
DOI	Interior, Environment	BIA Roads Maintenance	\$30,000,000

Historic & Cultural Preservation (More Information on Page 100)


Cultural preservation has always been an important aspect of Native culture and lifeways. However, it is only in the past 20 years that the federal government acknowledged Native peoples' rightful role as stewards of historic and sacred places throughout the country. As sovereign nations, tribes work to maintain historic and cultural preservation, and these efforts stand as an act of self-governance and self-determination.

Agency	Appropriations Bill	Program	NCAI FY 2014 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 to comply with NAGPRA, and create a line-item for investigations of museum 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): DOJ (Department of Justice); DOI (Department of the Interior); DHS (Department of Homeland Security); HHS (Department of Health and Human Services); ED (Department of Education); USDA (Department of Agriculture); Commerce (Department of Commerce); SBA (Small Business Administration); Treasury (Department of the Treasury); DOD (Department of Defense); CPB (Corporation for Public Broadcasting); EPA (Environmental Protection Agency); HUD (Department of Housing and Urban Development); DOT (Department of Transportation)

The seal of the University of the South Florida is centered on the page. It features a circular design with a sunburst at the top, a central figure, and a quill pen at the bottom. The words "UNIVERSITY OF THE SOUTH FLORIDA" are inscribed around the inner edge of the seal.

BUDGET
— REQUESTS —



Prosperity in Indian Country requires that tribal citizens are able to practice their cultural and religious traditions while enjoying economic opportunities—their families flourishing, with access to quality foods, housing, and financial security. Photo credit: Flickr.com/thaths

Supporting Tribal Economic Security and Prosperity

Fiscal Year 2014 Indian Country Budget Recommendations

“The modern Indian movement has put on grand display America’s truest nobility – its commitment to give dispossessed peoples the chance to thrive – but it took the passionate and informed determination of Indian people to activate that impulse.”

– Charles Wilkinson¹

Introduction

Native people and tribal governments constitute a unique and valuable element of America’s story. Interwoven as a central part of the nation as its first peoples, tribal communities have sustained the longest-standing governments in the United States. As the nation continues to debate the appropriate role and size of the federal government and how best to foster a stronger American economy, Indian Country remains committed to the work of rebuilding and shoring up tribal societies, bolstered with the tools of self-determination and self-government. Overcoming poverty, while honoring tribal traditions and strengthening culture, is achievable but *securing tribal economic security and prosperity will require a sustained commitment.*

Introduction (continued)

Tribal governments exist to protect and preserve their unique cultures, identities, and natural environments for posterity. Respect for the responsibility of tribes as governments – such as passing and enforcing laws, raising revenue, or building and maintaining infrastructure – is essential for Native people to contribute their distinct American and tribal perspectives to future generations. Prosperity in Indian Country requires that tribal citizens are able to practice their cultural and religious traditions while enjoying economic opportunities—their families flourishing, with access to quality foods, housing, and financial security.

Constitutional Responsibility

Tribal nations ceded millions of acres of land that made the United States what it is today and, in return, received the guarantee of ongoing self-government on and off their own lands. The treaties and laws create what is known as the federal “trust responsibility,” to protect both tribal lands and tribal self-government, and to provide for federal assistance to ensure the success of tribal communities. The authority to fund programs that fulfill the trust responsibility is founded in the Constitution, specifically the Indian Commerce Clause, the Treaty Clause, and the Property Clause.

In their role as governments, tribes deliver all the range of services that other governments provide. Tribal governments maintain the power to determine their own governance structures and enforce laws through police departments and tribal courts. Tribes provide multiple programs and services, including, but not limited to, social programs, first-responder services, education, workforce development, and natural resource management. They also build and maintain a variety of infrastructure, including roads, bridges, and public buildings. Yet, tribes need adequate resources to exercise their self-determination and serve as effective governments.

Self-Determination Inspires Effective Government Spending

“Tears of happiness flowed down our cheeks as we watched our flag go up. Then I knew we were truly on our way.”

– Viola Burgess, Chair of the SouthEast Alaska Regional Health Consortium Board of Directors remembering the flag raising ceremony signifying the change of management from the Indian Health Service to tribal management in 1986²

Today, many tribes exercise their right to be self-governing and to take program funds and manage them to best fit the needs of their citizens under P.L. 93-638, the Indian Self-Determination and Education Assistance Act (ISDEAA). Tribal control of Department of the Interior and Department of Health and Human Services programs transfers decision-making power to tribal nations, which ensures an emphasis on community priorities, allows innovation, and affords tribes financial flexibility.

Where tribes exercise self-determination, success stories abound; and they all include the themes of improved responsiveness and increased accountability. The exercise of tribal control invokes the pride and fortitude of tribal people that can contribute to and sustain effective government administration.

In one case in Alaska, the Southcentral Foundation has garnered national attention for its Nuka System of Care, which is responsive to the needs and values of the Native community. In 2011, the Alaska Native-owned, non-profit health care organization serving nearly 60,000 Alaska Native and American Indian people living in Anchorage and 60 rural villages, received the Malcolm Baldrige National Quality Award, which recognizes the country’s most innovative organizations. Nuka is a Native word for strong living things.

Self-Determination Inspires Effective Government Spending (continued)

By developing relationships with patients through in-person and virtual communication, Nuka has reduced health disparities while cutting costs. In the last decade, emergency room visits dropped by 40 percent; hospitalizations, 75 percent; specialty care, 65 percent; and routine doctor visits, 30 percent. At the same time, those improvements allowed Southcentral to operate on an annual two percent increase in Indian Health Service (IHS) funding with an annual increase in patients of seven percent.³ The organization also made progress in reducing binge drinking, strokes, heart disease, and cancer, rates for all of which have dropped to about the national average.

The prosperity that stems from tribal self-determination ripples throughout regional economies, improving life for tribal citizens and non-Indians alike. In northeast Minnesota, the Fond du Lac Band of Lake Superior Chippewa (the Band) poured more than \$300 million into the regional economy in 2011 and created more than 3,600 jobs in three of the counties comprising most of the reservation. The Band contributed \$124 million through government and program operations dollars it generated to provide services for tribal citizens. In addition, the Band's diverse array of enterprises – which include construction, logging, timber, propane, pharmacies, gas and groceries, radio stations, and insurance businesses – made substantial contributions in other regional revenues. The Band employs 2,200 people of its 4,150 enrolled population. However, due to the Band's broad and diverse approach to economic development, less than half of its economic contributions in the region came from tourism dollars. Thus, the Band has not only become the economic engine in the region, but it has prepared a portfolio characterized by long-term sustainability for its citizens.

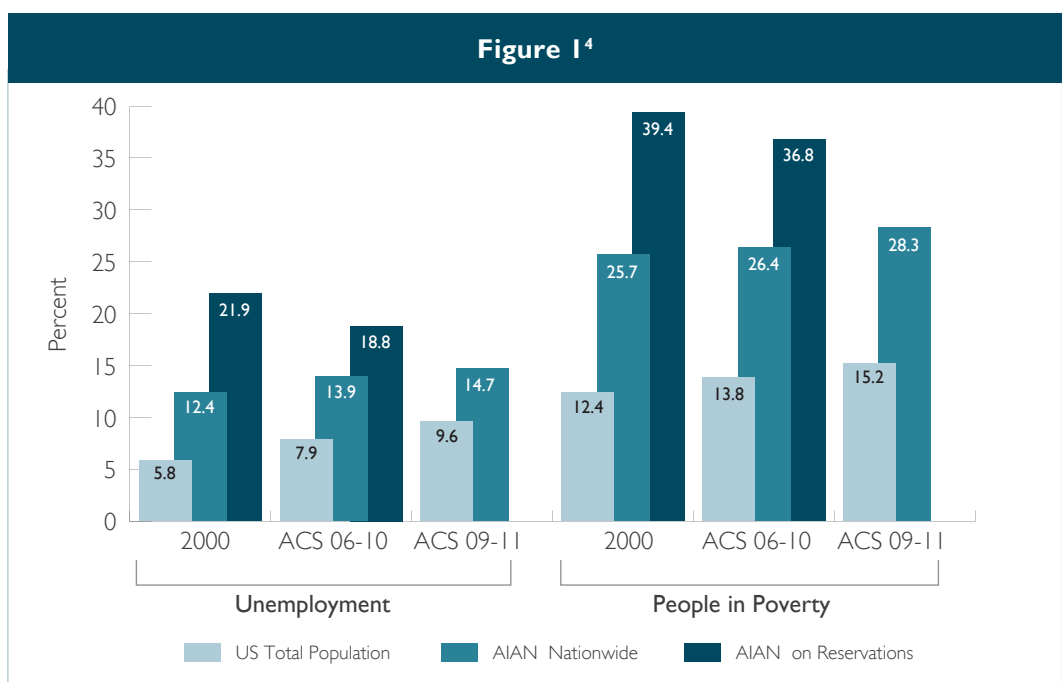
The preceding examples of progress made in tribal health care and economic development are just two of many more successes accompanying the assertion of tribes' right to self-government and self-determination in the last three decades. Tribal leaders, however, often caution decision-makers to ensure that the devolution of functions and funding to tribal governments and consortia does not ever undercut the federal government's ultimate trust, treaty, and statutory obligations to American Indians and Alaska Natives.

Tribes exercising their self-determination and self-governance rights under ISDEAA are awarded self-determination contracts or self-governance compacts. In *Cherokee Nation* (2005) and *Ramah Navajo* (2012), the Supreme Court has twice declared that these are legally binding contract commitments, which must be honored. Consistent with these decisions, the United States must fully honor these contracts by covering full contract support cost requirements, and by promptly resolving all historic contract support cost shortfalls.

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

Conditions in Indian Country

Congress and the Administration have wrestled with how to reduce the federal deficit while avoiding damage to the economy. The most recent economic data available do not isolate the impact of the recession or recovery for Indian Country, but comparisons between 2000 and the most recent five-year period estimates (2006-2010) show that economic disparities remain between Native people on reservations/trust land and the rest of the nation (see Figure 1).



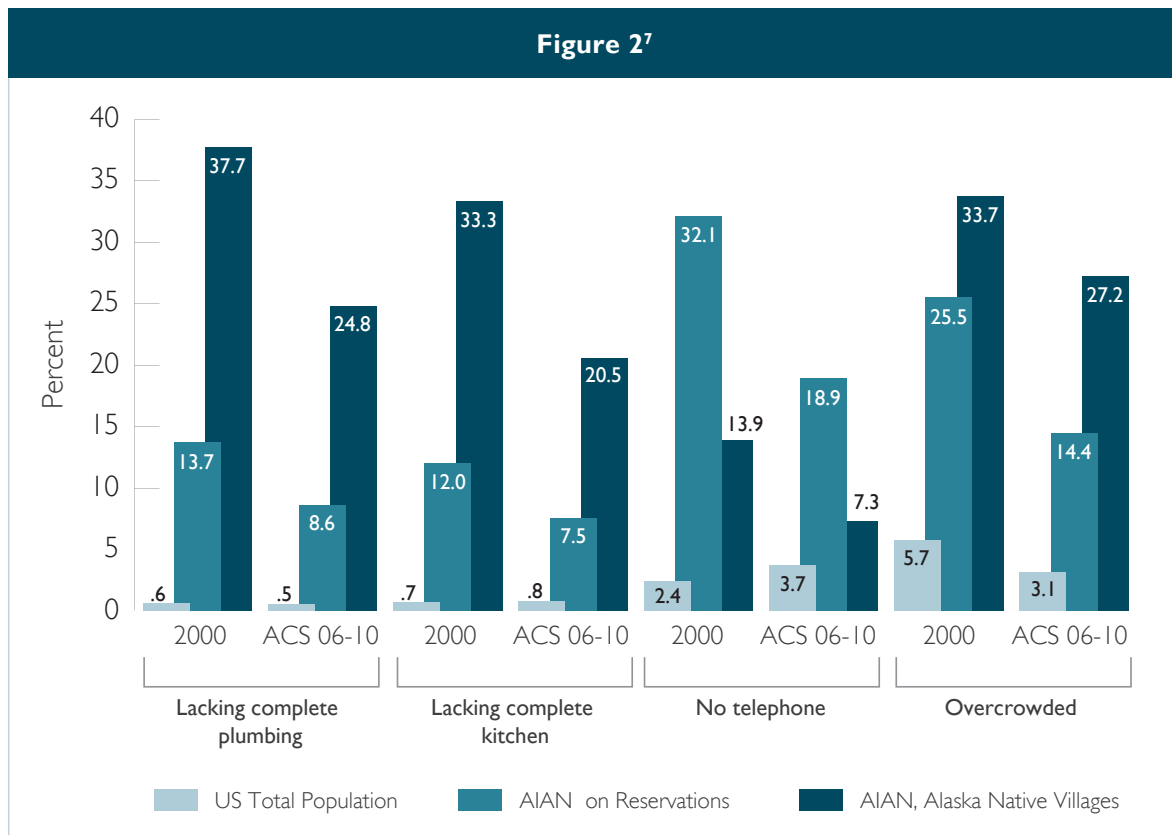
[Note: ACS refers to the American Community Survey and AIAN refers to American Indian/Alaska Native]
Source: US Census Bureau, Census 2000 Summary File 4, 2006-2010, 2009-2011 American Community Survey

Conditions in Indian Country (continued)

Although poverty for tribal citizens on reservation and trust land is more than 2.5 times higher than for the total population, poverty declined from 2000 to the 2006-2010 period by almost three percentage points on reservations, while increasing for the entire nation. Similarly, unemployment, as measured by the Census, decreased on reservations over the same time period; but, with 18.8 percent of the Native civilian labor force still unemployed on reservations, the rate remains more than two times as high as the unemployment rate for the total population.⁵

More recent data (ACS 2009-2011) show increases in poverty and unemployment among American Indians and Alaska Natives both on and off reservations, as well as the total population compared to 2000. Generally, American Indians and Alaska Natives living off tribal lands tend to be in close proximity to American Indian reservations and/or trust lands, Oklahoma tribal statistical areas, and Alaska Native villages.⁶

Meanwhile, tribal citizens have witnessed progress in addressing some of the most basic infrastructure disparities since 2000 (see Figure 2). In Alaska, 38 percent of tribal households in Native Village Statistical Areas lacked complete plumbing, 33 percent had an incomplete kitchen, and 34 percent were overcrowded in 2000. By the 2006-2010 period estimate, incomplete plumbing dropped by a third to 25 percent, complete kitchens increased by 13 percentage points, and the number of homes lacking a telephone was cut nearly in half. Similar advances in infrastructure occurred on reservation lands, but in every census housing indicator, considerable gaps persist: the percentage of reservation homes lacking complete plumbing is 17 times the national percentage, 19 percent of tribal homes still have no telephone, and overcrowding in reservation homes is almost five times as likely, and nine times for Native villages, as for the entire nation. Likewise, the over 160,000 miles of roads in Indian Country comprise the most underdeveloped roadway network in the nation. Critical 21st century infrastructure, such as broadband access, is also severely underdeveloped in Native communities. Undeniably, the lack of basic housing, transportation, and broadband infrastructure continues to pose significant challenges for tribal health, safety, and economic security.



Source: US Census Bureau, Census 2000 Summary File 4 and 2006-2010 American Community Survey

Government Parity in Taxation

Most tribal governments' budgets currently are largely dependent on federal resources. Historically, though, tribal nations participated in an inter-tribal trade economy, which, when coupled with subsistence living and moderate use of goods, provided the necessary tools for a prosperous life. However, over the past several centuries, traditional tribal economies were demolished and replaced with an economic base made up largely of government subsidies. Unfortunately, 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.

These FY 2014 Indian Country budget recommendations outline key areas where the federal government may assist tribal nations in providing resources to their citizens and developing new governmental and economic opportunities. This assistance and goodwill between nations derives from the trust relationship, and is engrained within Article I, Section 8, of the US Constitution. However, equally important to the trust relationship is a fundamental understanding that tribes are government entities, with all of the necessary tools to govern effectively and achieve government progress. Justice Marshall acknowledged this when he said, *"The power to tax is an essential attribute of Indian sovereignty because it is a necessary instrument of self-government and territorial management."*⁸

While tribal leaders ask Congress and the Administration for the necessary funding to assist in providing services to tribal citizens, tribal nations also seek government parity in national tax reform discussions. Currently, tribes are legislatively restricted from offering tax-exempt financing for certain development projects.

Government Parity in Taxation (continued)

This restriction leaves tribal nations unable to provide tax incentives for energy and natural resource development on tribal lands—even as a recent General Accountability Office briefing document states that the value of leasable minerals on tribal lands was \$2.8 billion during FY 2010 and \$3.5 billion during FY 2011.⁹ Moreover, domestically, tribes do not have access to parent locator services available to states, and cannot offset individuals' federal tax returns to enforce tribal child support judgments. Each of these areas, as well as a host of other changes to the Internal Revenue Code, and increased taxing jurisdiction for tribal governments, would enable tribal nations to begin generating government revenue to establish a strong tax base.

Conclusion

Given that the Budget Control Act of 2011 imposed severe caps over the next ten years on non-defense discretionary funding, tribes look to Congress to protect the trust, treaty, and statutory obligations to tribes funded in the federal budget. Until all tribes retain exclusive taxing jurisdiction within the exterior borders of their tribal lands, federal support remains critical to ensure essential government services are delivered to tribal people.

Many factors give cause for hope in Indian Country for creating economic security and prosperity. The number of American Indian- and Alaska Native-owned businesses increased 17.9 percent from 2002 to 2007; total receipts of these businesses were \$34.5 billion, up 28.3 percent from 2002.¹⁰ Yet, entrepreneurial parity is still unrealized: the adult American Indian/Alaska Native population represented 1.5 percent of the adult US population in 2009, but held only 0.9 percent of all firms, 0.3 percent of these firms' gross receipts and 0.3 percent of their employment.¹¹ Indian Country is also very young. About 32 percent of Native people are under the age of 18, compared to only 24 percent of the total population. The median age for Native people on reservations is 26, compared to 37 for the entire nation.¹² The children of Indian Country are making their way through schools, colleges, and training programs, and into the workforce, all while carrying their cultural traditions. Although disparities in education achievement still exist, there is much to celebrate, such as the growing cadre of second-generation Native college graduates.

Fulfillment of the trust responsibility also 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 commerce. Education is fundamental to long-term economic opportunities. Bolstering public safety is also a prerequisite for long-term economic development. Support for energy and natural resources 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 those energy resources. The federal budget should continue to promote the successful and efficient initiatives in Indian Country that work, such as Self-Determination programs and the 477 program.¹³ 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.

Tribal leaders urge Congress to uphold its solemn promises to tribes, even as policymakers continue working to reduce the deficit through spending reductions and revenue generation. The following FY 2014 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 FY 2014 federal budget in order to honor the trust responsibility and support tribal economic security and prosperity.



The Bureau of Indian Affairs recognizes 566 tribal nations, with 229 of those tribes and villages located in Alaska; the remaining tribes are located in 34 other states. In total, tribal governments exercise jurisdiction over lands that would make Indian Country the fourth largest state in the United States if all the lands were combined. Photo credit: Mary Harsch

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

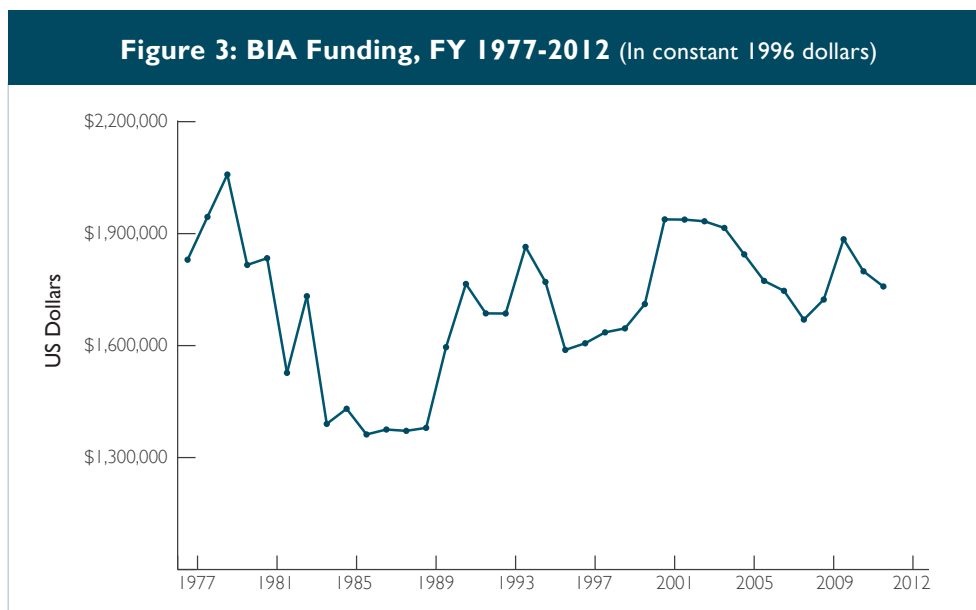
DEPARTMENT OF THE INTERIOR

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. Figure 3 shows the funding provided for core tribal governmental programs through the BIA from FY 1977 through FY 2012 adjusted for inflation. The considerable fluctuations in federal funding that supports tribal governments and Indian programs have prevented tribes from taking full advantage of the Indian Self-Determination and Education Assistance Act. Indian Country strongly encourages appropriate funding to fully cover these obligations in the FY 2014 budget.



Data Source: Walke, R. (1998). *Indian-Related Federal Spending Trends, FY 1975–FY 1999*. Washington, DC: Congressional Research Service and US Department of the Interior (updated 1/06/2012).

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 (\$234 million) and Indian Health Service (\$617 million), 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 (ISDEAA) 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 health care, 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 tribal communities. When the federal government fails to pay these contracted 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 prevent 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. Based on projections from the most recent data available, the total need in FY 2014 for BIA CSC is approximately \$235 million, and for the IHS is \$617 million.

- *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.



Police officers from the Lummi Nation Police Department. There are more than 200 tribal police departments, ranging from small departments with only two officers to those with more than 200 officers, maintaining public safety on the more than 50 million acres of tribal lands that comprise Indian country. Photo credit: Keith Brofsky

Public Safety & Justice

The problems that continue to plague public safety providers on tribal lands are the result of decades of gross underfunding for tribal criminal justice systems; a uniquely complex jurisdictional scheme; and a centuries-old failure by the federal government to fulfill its public safety obligations on American Indian and Alaska Native lands. In recent years, a broad representation of tribal leaders highlighted the shortcomings in the current justice system during numerous government-to-government consultations, informal dialogues, conference calls, meetings, and Congressional hearings. At each turn, they emphasized that the current lack of resources for law enforcement on tribal lands poses a direct threat to Native and non-Native citizens alike, and to the future of all tribal nations. These concerns culminated in the passage of the extremely comprehensive Tribal Law & Order Act (TLOA) in 2010.

However, even the passage of the TLOA has not prompted Congress to invest more funds into public safety on reservations. In fact, as recently as in the FY 2012 Consolidated and Further Continuing Appropriations Act, lawmakers not only removed the Administration's proposed seven percent tribal set-aside from discretionary Office of Justice Programs (OJP) initiatives – which had garnered past support from both the House and Senate Commerce, Justice, Science Appropriations Subcommittees – but slashed funding for tribal justice programs across the board. This is unacceptable.

Highly-functioning law enforcement and basic police protection are fundamental priorities of any government; tribal governments are no different. Tribes have some of the most valuable resources in the nation – natural and human – and tribal lands are prime locations for new business ventures and economic development. Yet, issues of perceived safety on the reservation continue to hinder successful growth of tribal economies. Further, the severe lack of public safety resources has served as a welcome mat for criminal activity on the reservation.

Increased and targeted funding in the following program areas will have a huge impact on safety in tribal communities, and will help attract new business to tribal lands. 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.

Key Recommendations

Shared Responsibility:

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

Commerce, Justice, Science; Labor, HHS; and Interior - Environment 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 2014 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 necessary appropriations to ensure its intent is fully met. Critical investments in tribal justice systems must be enacted immediately. The safety of American Indians and Alaska Natives depends upon it.

Critical investments in tribal justice systems must be enacted 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.

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 finally fund the Indian Tribal Justice Act. It is well-documented by entities such as 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 issued – 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 a single penny has been appropriated. The promise of this much-needed base funding must finally 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 they must be assessed as being sub-standard; and this information becomes public, undermining 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) Public Safety and Justice to \$358 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 that comprise Indian country. 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.¹⁴ According to the DOJ's Bureau of Justice Statistics, the police-to-citizen ratio nationwide is 367 full-time employees per 100,000 residents.¹⁵ On the other hand, virtually no tribal police department has more than two officers per 1,000 residents—almost half the national police-to-citizen ratio.¹⁶ 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 only represent 0.004 percent of the total of 675,734 state, city, and county law enforcement officers in the United States.¹⁷

- *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 the success of the Safe Indian Communities Initiative does not sunset with the publication of the handbook.

Indian Country would like to see the Initiative expanded further to reach additional tribes. This 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/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 – have to 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 very under-resourced tribes that need tribal justice assistance funding the most are left without.

Instead, the approach should be to utilize Justice Department appropriations as base funding where tribes are encouraged to determine their own priorities. The huge variations in funding from year-to-year do not allow tribal courts to rely on DOJ funding for more than three years at the most. DOJ actually posed the idea of base funding at the most recent Office on Violence Against Women (OVW) tribal consultation. While this marks a great 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 in an equitable manner, 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 decimated, receiving 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 must reinstitute 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 allows for a more flexible funding structure and complements the Department of Justice's Coordinated Tribal Assistance Solicitation (CTAS). CTAS attempts to streamline the 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.

Also, to ensure that funding is allocated in an equitable manner and that no program area is overlooked, each formerly separate program area should receive funding at or above the FY 2010 funding levels. For instance, it is critical that the Bureau of Justice Assistance's (BJA) Tribal Civil and Criminal Legal Assistance Grants, Training and Technical Assistance grant program receive at least the same amount as it did in FY 2010, under the flexible seven percent structure. Tribes rely heavily on this program to ensure that their tribal justice systems function properly.

As background, there are 25 Indian Legal Services programs which operate in 23 states, annually providing both civil and criminal legal representation in tribal courts to hundreds of Native clients who meet federal poverty guidelines. In addition, these Indian Legal Services programs currently assist more than 160 tribes and/or tribal judicial systems in activities such as tribal court development and improvement, development of tribal dispute resolution systems, drafting of civil and criminal codes and rules of procedure, and training of tribal court and justice systems personnel, tribal court lay advocates, and guardians ad litem.

In many instances, these Indian Legal Services programs have been "on the ground" for decades, establishing themselves as a linchpin in the legal structure of reservation communities. Their presence helps create jobs, ensure safety, and attract business investors confident that tribes operate under solid codes and laws. When, in FY 2014, the President requests and Congress approves either an overall sum for assistance to tribal nations or a tribal set-aside of a percentage of DOJ funding, funding for BJA's Tribal Civil and Criminal Legal Assistance, Training and Technical Assistance grant program should be maintained at the level provided in recent years.

- *Ensure that the Justice Department continues to support and fund Drug and Tribal Healing to Wellness Courts (THWC).*

There are many successes among the Tribal Healing to Wellness Courts (THWC) where time, collaboration, and services are made available in a criminal or juvenile delinquency case. These courts require a large infusion of financial resources in order to implement the necessary drug and alcohol testing and treatment, to employ tribal court and tribal agency personnel, to provide individual and family counseling, and to proffer the additional court time needed to monitor the progress of the offender-participant. Although these forums are costly to operate, the value of these courts is immeasurable, and their presence results in lives saved, families restored, and communities returned to peace. Any one of these courts can provide data that demonstrate that THWCs decrease recidivism numbers, establish higher rates of sobriety, and return offenders to the community as healthy and productive members.

- *Increase funding of tribal law enforcement programs under the Department of Justice's Community Oriented Policing Services (COPS) Grants program 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.¹⁸ Through its Tribal Resources Grant Program, 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 dollars.

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 inadvertent practice of intermittent funding as “problematic,” especially “when referring to hiring of officers” (p. 18).¹⁹ Hiring more tribal police officers should be a top priority for reasons of public safety and the resulting economic opportunity it promotes. 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.²⁰ According to a recent DOJ report, “Substance abuse, depression, and gang involvement fuel a vast majority of the offenses for which American Indian juveniles are disproportionately confined” (p. 13).²¹ 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) 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 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 – 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. This is 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.*

Given the geographical remoteness of many Indian reservations, tribes are increasingly finding that international drug trafficking organizations target their lands to smuggle illicit drugs, as well as to produce and cultivate them. 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 addressing crime in tribal communities a priority. Given the complex jurisdictional status of crimes on 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

- *Maintain the authorized level of funding for the tribal programs under the Violence Against Women Act (VAWA), including the grants to Indian Tribal Governments Program, which funds initiatives to combat domestic violence and sexual assault in Indian Country.*

Congress must not ignore the devastating impact that violence against women has on tribal communities. It is estimated that one in three Indian women will be raped and that six in ten will be physically assaulted in their lifetimes.²² This violence threatens the lives of Native women and the future of American Indian tribes and Alaska Native villages. Ending this historic pattern of violence requires that the federal government fulfill its trust responsibility to assist tribal governments in safeguarding the lives of their citizens. 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.


When Congress unanimously reauthorized the Violence Against Women Act in 2005, the Act included a new title specifically focused on enhancing the safety of Native women. This was a major step forward; however, now it is necessary for the current Congress and Administration to take the next step toward ending domestic violence and sexual violence by making sure that the tribal provisions of VAWA continue to be adequately funded in FY 2014.

- *Continue to fund the Indian Country Sexual Assault Clearinghouse at \$500,000 and provide \$500,000 for regional summits in Indian Country that would provide training on the prosecution of cases involving violence against Native women.*

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.

Additionally, we urge Congress to appropriate \$500,000 – the amount appropriated in FY 2012 – to DOJ to develop and sponsor regional summits regarding violence against women in Indian Country. These proposed summits would provide training on the investigation and prosecution of federal cases involving domestic violence, sexual assault, and stalking in Indian Country, and they would seek to enhance collaboration among all the different entities charged with improving the safety of Native women.

Adequate funding for VAWA programs will be especially critical if the newly convened 113th Congress passes legislation which restores the authority of tribes to investigate and prosecute all persons – Indian or non-Indian – who commit crimes of dating violence, domestic violence, and violations of protection orders on the reservation. 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 their efforts.



A restoration forestry crew member from the Klamath Tribe of Oregon works in a controlled burn operation. Tribal certified wildland fire fighters have the advanced skills to monitor controlled burn operations in addition to responding to emergency wildland fires. Photo credit: NRCS Oregon

Homeland Security & Emergency Management

Tribal governments continue to monitor their lands with their own very limited resources for the benefit of all tribal community citizens, Native and non-Native. States continue to receive all but a very small percentage of available Department of Homeland Security (DHS) grant funding for states and tribes. The tribally-directed Tribal Homeland Security Grant Program is extremely underfunded at \$6 million for 566 federally recognized tribal governments. Disparate funding hampers public safety assistance responders who are sometimes the only governmental presence in rural and isolated jurisdictions, serving as the first and only emergency medical response or law enforcement authority. Tribal law enforcement responsibilities include border security, illegal immigration, smuggling, and potential terrorist threats on their lands. Tribal jurisdictions also include national vital infrastructure including missile sites, dams, nuclear facilities, and national oil pipelines. Financially-strapped tribal governments also are facing unfunded mandated compliance with the Western Hemisphere Travel Initiative to issue a secure enhanced tribal identification card for tribal citizens.

Key Recommendations

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill

Tribal Homeland Security Direct Grants

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

This 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.



The number of American Indian and Alaska Native students enrolled in colleges and universities and the number of postsecondary degrees awarded has more than doubled in the past 30 years. However, the Native high school dropout rate 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.

Education

“Education is the surest, most powerful path for breaking the cycle of poverty on tribal lands.”

– Secretary Arne Duncan, Remarks at the 2012 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 time again, improving American education is an “economic imperative.”

Research repeatedly demonstrates that investments in education contribute to economic growth, while also expanding opportunities for individual advancement.²³ 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.²⁴ 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.²⁵

For Native 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.²⁶ 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.²⁷

If just half of the 24,700 American Indian and Alaska Native [high school] students who dropped out from the Class of 2010 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. These increased earnings would create a wave of additional benefits for tribal, national, and state economies.

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.²⁸ 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.²⁹

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 included here detail the minimum funding needed to sustain a system that is currently struggling and underfunded.

Key Recommendations

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 dollars 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 2014. 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 \$1.395 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. Therefore, funding for Impact Aid must not be less than this requested amount. 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.

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. Additionally, a separate section (Sec. 317) was created to address similar needs of Alaska Native and Native Hawaiian institutions. Sixty million dollars should be provided (\$30 million discretionary/appropriations and \$30 million in mandatory funding under the Student Aid and Fiscal Responsibility Act) in FY 2014 to continue to fund grants to these vital institutions.

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, TCUs must find ways to continue to provide basic adult education classes for those Native students that 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. At TCUs, the number of students in need of remedial education before embarking on their degree programs is substantial. 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 Carl Perkins Technical and Career Education 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 in Bismarck, North Dakota, and Navajo Technical College in Crownpoint, New Mexico. The TCUs urge Congress to appropriate \$8.2 million for Sec. 117 of the Act.

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 fund construction and repair projects.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Johnson O'Malley

- Provide \$36 million to the Johnson O'Malley program.

The Johnson O'Malley 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. However, current funding provides less than \$50 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 pays 65 percent of the current 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 does not save money and is short-sighted.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Tribal Colleges and Universities' Institutional Operations

- Provide \$94.3 million for Titles I and II 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 26 TCUs, would require \$77.3 million. Since the Act was first funded in 1981, the number of TCUs has more than quadrupled and enrollments have increased by more than 325 percent. Currently, Title I TCUs receive \$5,665 per Indian student toward their institutional operating budgets. Accounting for inflation, the program's funding level is more than \$1,500 less per Native student than it was under the program's initial FY 1981 appropriation, which was \$2,831 per Indian student. Despite the constraints of the current economy, Congress has an obligation to make these critical institutions whole rather than continuing to make hollow promises for the future.

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

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

- \$9 million for institutional operations of tribally-chartered career and technical institutions under Title V of the Tribally Controlled Colleges and Universities Assistance Act of 1978;
- \$9,369,000 for operations of the Institute of American Indian Arts in New Mexico under the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act of 1986;
- Adequate funds for continued and expanded operations of Haskell Indian Nations University in Kansas and Southwestern Indian Polytechnic Institute in New Mexico under the Snyder Act of 1921; and
- \$27.7 million for a one-time appropriation, equal to 75 percent of the current combined funding of the institutional operations grants of those TCUs not funded under Titles I or II of the Tribally Controlled Colleges and Universities Assistance Act of 1978, necessary to transition these programs to forward funding.

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 1994 land-grant programs is a small but critical step in addressing disparities that exist in the current land-grant system.

1994 Extension Program

- *Provide \$30 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. Ten 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. It is time that Congress adequately invests in the extension programs benefiting reservation communities.

1994 Institutions Research Grants

- *Provide \$15 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, 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.

Educational Equity Grant Program

- *Provide \$30 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.

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 principal 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 provide resources for important investments 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

Transportation, Housing and Urban Development Appropriations Bill

Housing and Urban Development-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, including the continuum of 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 buildings, 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 played 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. 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.³⁰ Therefore, Congress should fully fund Head Start and Indian Head Start to ensure this highly successful program serves more Native people.


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.



*Health care is critical for strengthening tribal nations as Native people suffer from higher rates of diabetes, tuberculosis, and suicide than do other Americans. Yet as health care has improved, Indian life expectancy has increased by approximately nine years since 1973.
Photo credit: Washington Tribes*

Health Care

Implementing Our Values in the Federal Health Care Budget

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 Natives. The FY 2014 budget for the IHS should support tribal self-determination and uphold the federal government's partnership with tribes to improve Indian health and wellness.

In order to build on the foundation of this partnership, Indian Country calls for a long-term plan that brings American Indian and Alaska Native health care into line with the rest of the American population. This is necessary because, despite federal appropriations increases in FY 2010 and FY 2011, the IHS remains severely underfunded. For the IHS budget to grow sufficiently to meet the true and documented needs of tribal nations over a ten-year period would require the federal government to commit an additional \$2.2 billion per year. After a decade, the increase would fully fund the IHS at the \$26.1 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 2011, 2012, and 2013. 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 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.

Key Recommendations

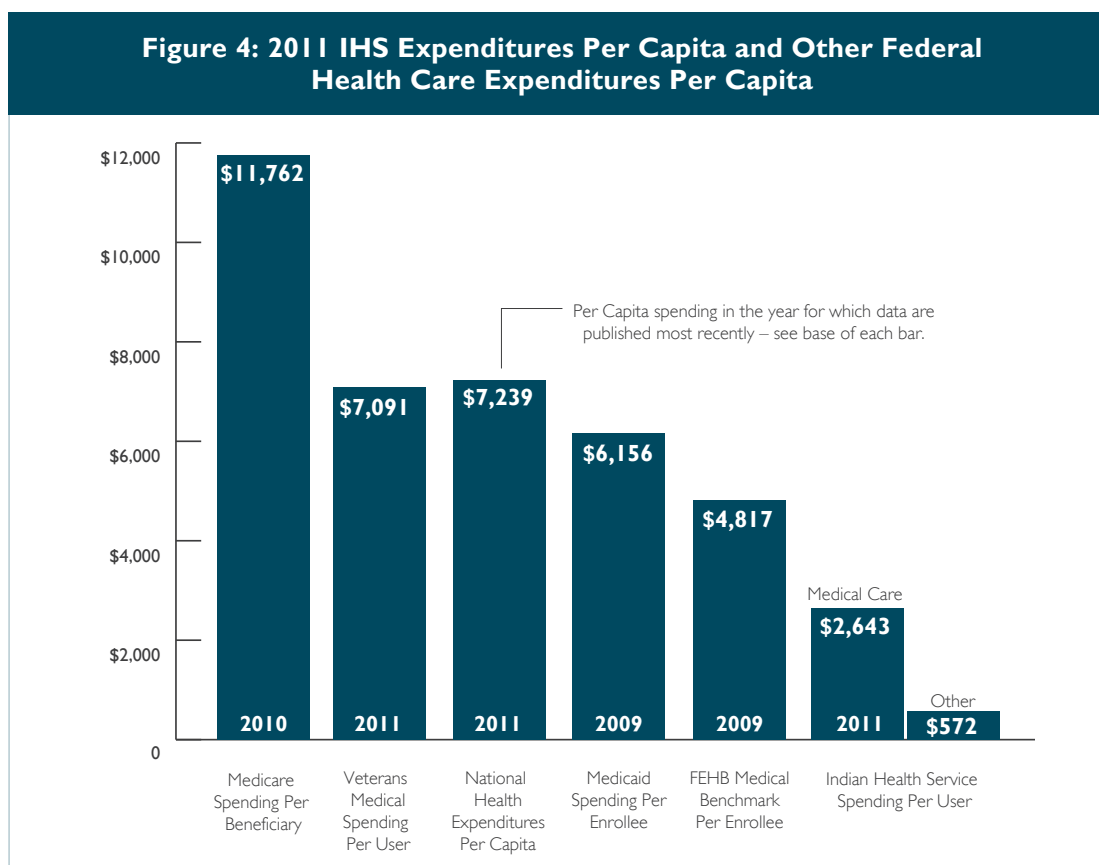
DEPARTMENT OF HEALTH AND HUMAN SERVICES

Interior - Environment Appropriations Bill

Indian Health Service (IHS)

- Provide a \$500.7 million increase to the Indian Health Service to maintain current services and a \$478.4 million increase for program services.

The FY 2014 tribal budget request above the President’s FY 2013 Budget addresses funding disparities between the IHS and other federal health programs (Figure 4) while still providing for current service costs (Table 1). Nearly one-half 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).



[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 2014 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, budget increases are necessary.

Table I – FY 2014 Current Service Costs

Tribal Pay Costs	\$17,181,000
Federal Pay Costs	\$14,634,000
Inflation Costs (Medical and Non-Medical).....	\$73,837,000
Population Growth Costs	\$57,895,000
Contract Support Costs.....	\$140,554,000 ³¹
Staffing Costs for New & Replacement Facilities.....	\$50,000,000
Health Care Facilities Construction Costs	\$146,661,000
TOTAL CURRENT SERVICE COSTS.....	\$500,762,000

FY 2014 Service Cost Increases

New costs in FY 2014 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, Indian Country recommends increases in funding to address Contract Support Costs and projected population increases.

Contract Support Costs: Indian Country recommends a \$140.5 million increase over the FY 2013 President’s budget level to fully fund Contract Support Costs (CSC) in FY 2014. 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 health care 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. The amount required to fully cover contract support cost requirements in FY 2014 is estimated at \$617 million, which represents an increase of \$140 million over the FY 2013 President’s budget level.

Population Growth: The request for \$57.9 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 1.5 percent per year.³² 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 2014 Program Services Increases

HEALTH ACCOUNTS	
Hospitals and Clinics (H&C).....	\$196,198,000
<i>Indian Health Care Improvement Fund (subset of H&C).....</i>	<i>\$10,000,000</i>
Dental.....	\$6,829,000
Mental Health	\$45,806,000
Alcohol and Substance Abuse.....	\$9,409,000
Urban Indian Health	\$1,644,000
Contract Health Services	\$171,661,000
FACILITIES	
Maintenance and Improvement	\$2,710,000
Sanitation Facilities Construction	\$17,903,000
Facilities and Environmental Health Support	\$942,000
Health Care Facilities Construction	\$25,000,000
Equipment.....	\$271,000
TOTAL PROGRAM INCREASES.....	\$478,373,000

Program Services Increases

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

Dental Health: A \$6.8 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.³³ 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. More complex rehabilitative care (e.g., root canals, crowns and bridges, dentures, and surgical extractions) is extremely limited, but may be provided where resources allow.

Mental Health: It is requested that an additional \$45.8 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 reservations. 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.

Alcohol and Substance Abuse Program: It is requested that an additional \$9.4 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 American Indian and Alaska Native communities and to address the special needs of Native people dually-diagnosed with both mental illness and drug dependency. The ASAP program 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 \$1.6 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.

Contract Health Services: A \$171.6 million increase is requested to provide for Contract Health Services (CHS)—a top tribal priority. 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. CHS 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.

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 \$40 million in FY 2014.

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

Suicide Prevention

- Provide a \$6 million tribal set-aside for Native suicide prevention programs under the Garrett Lee Smith Act.

Suicide has reached epidemic proportions in some tribal communities. The Garrett Lee Smith Memorial Act of 2004 is the first federal legislation to provide specific funding for youth suicide prevention programs, authorizing \$82 million in grants over three years through SAMHSA. Currently, tribes must compete with other institutions to access these funds. To assist tribal communities in accessing these funds, a line item for tribal-specific resources is necessary.

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. On average \$11.4 million has been provided for this program over the last 13 fiscal years.³⁴ Allocating this funding would ensure the continuation of an already established and necessary resource for Native Hawaiians.



Native young people represent the future of Indian Country with 32 percent under the age of 18. The protection of American Indian and Alaska Native children is vital to the welfare and security of tribal life. Photo credit: US Department of Agriculture

Human Services

Child Welfare

American Indian and Alaska Native children are our most precious resource and fundamentally represent the future of tribal nations. Despite the strong desire to protect our children, they are disproportionately represented in foster care in the United States, placed in care at a rate that is two-to-three times the national average.³⁵ Given the high incidence of out-of-home placements for American Indian and Alaska Native children and the high risk these children generally have for entering the child welfare system, tribal governments not only need adequate financial resources to help protect children, but they also need flexibility in the design of these programs to protect the prosperity of generations to come. Tribes need to be able to design and implement programs to best meet community needs.

Tribes face great obstacles in their efforts to provide preventive services to address child abuse and neglect in their communities. These difficulties are strongly linked to the limited funding available to provide such services and the cultural appropriateness of these services when they are available. Jurisdictional and geographical barriers make it difficult for American Indian and Alaska Native children and families to access services outside their communities, and thus the overall need for these services continues to increase. The majority of tribal communities are characterized as rural, with many covering vast areas that create a sense of geographic, and sometimes social, isolation. This is especially true where services and recreational and community activities are difficult to access.

Key Recommendations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Foster Care Initiative

- Provide \$20 million to fund the Children's Bureau foster care demonstration grants program and track tribal awards.

The goal of this initiative, proposed by the Administration, is to identify innovative strategies that improve outcomes for children in long-term foster care. Twenty million dollars in demonstration grants should be provided to tribes, states, and localities to test new, innovative strategies for improving outcomes for foster care children—especially those children who have had long-term involvement in the foster care system. Grantees that demonstrate improved outcomes for children in long-term foster care will be eligible for bonus funding. Tribal awards and outcomes for Native children in foster care should be tracked, including outcomes for Native children residing in states in which the state received a grant award.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Child Welfare Services

- Increase the tribal allocation of Title IV-B, Subpart I by creating a five percent set-aside of the total appropriation.

The bare minimum needed to establish a child abuse and neglect prevention program in any tribal community is approximately \$105,000.³⁶ Title IV-B, Subpart I supports a significant portion of this amount. Yet tribes are hindered in their ability to effectively administer a program, because the majority of them are only eligible for small grants (less than \$10,000, in most cases). Other sources of support to tribes, such as Indian Child Welfare Act (ICWA) and Bureau of Indian Affairs (BIA) Social Services funding, are needed to supplement child welfare-related services. There is a particular need to provide tribes with the funding necessary to generate responses to notices of state child custody proceedings that involve tribal member children. No other consistent, stable source of funding is available to tribal governments to provide basic, preventive child welfare services. BIA Social Services funding is discretionary and not available to every tribe. A five percent tribal set-aside of Title IV-B, Subpart I funding (within a total appropriation of \$281.7 million for this capped entitlement program) will allow for larger tribal grants to provide basic child welfare services to support Native families and protect Native children.

Title IV-E Foster Care and Adoption Assistance Program

- Amend the authorizing statute to extend the life cycle of tribal Title IV-E development grants from two to three years, and increase the funding from \$300,000 to a \$450,000 maximum to account for the program costs of the third year.

In 2009, tribes became eligible to operate their own Title IV-E programs. In expanding the program, Congress also wisely provided an authorization of \$3 million in mandatory funding each year to help establish tribal programs. Currently, the program allows grantees \$150,000 per year for up to two years. In each of the previous grant cycles, grantee tribes have requested a one year no-cost extension to continue programmatic development and submit an approvable plan. Allowing tribal grantees an extra year and increased funding will provide tribes with necessary time to develop acceptable plans and adequate funding to increase infrastructure for future implementation.

From South Puget Sound Inter-tribal Planning Agency (SPIPA):

SPIPA is a tribal consortium that administers selected services for its member tribes. SPIPA has enjoyed a positive relationship with the State of Washington for many years in regard to the coordination of child welfare services, but has always had a goal to be able to help its tribes even more fully exercise their sovereignty and responsibility to their children and families. One of the fundamental components of tribal sovereignty is the ability of tribes to develop service delivery systems that meet the needs of their members in ways that are not only effective, but which are appropriate to and respectful of the traditional values of the people. By getting a Title IV-E Development Grant, SPIPA and the tribes they serve have been able to move forward in the development of a foster care program that meets these criteria. In addition, SPIPA is not only planning to provide services to their tribal members that live on tribal lands, but is also in the process of developing an agreement with a neighboring county to provide foster care services to tribal members living in a nearby urban area. Their Title IV-E Development Grant funding is making it possible for them to develop a more comprehensive program that can effectively leverage state, county, tribal and federal resources to ensure that tribal children on and off tribal lands in their service area will be afforded the most effective and culturally appropriate services available and save the state and county funding as well.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Promoting Safe and Stable Families (PSSF)

- *Provide \$200 million for Title IV-B, Subpart 2—the full amount authorized for the discretionary component of the program which will benefit tribes and states.*

PSSF is one of only a few federal funding streams that can be used for services that prevent out-of-home placement and work to strengthen families where either the children are at risk of being placed or have been placed. These services form the foundation of all tribal child welfare programs and are critical to successful outcomes for their children and families. The funds are typically used to establish and operate integrated, preventive family preservation services and family support services for families at risk and/or in crisis. This funding is a particularly valuable tool for tribal child welfare because family preservation and family reunification work aligns with traditional American Indian and Alaska Native cultures and practices. In FY 2012, the enacted amount for the total program was \$345 million in mandatory funding and \$63 million in discretionary appropriations. The tribal allocations from reserved amounts in this program (three percent) were \$12 million total from both mandatory and discretionary sources. Title IV-B, Subpart 2 should be funded at \$200 million – the full amount authorized under the Act for the discretionary component of the program – so tribes will receive increased resources from the three percent tribal set-aside.

- *Amend the authorizing legislation to support the increase of tribal Court Improvement funding from \$1 million to \$5 million, while increasing the overall appropriation request by \$5 million, holding state allocations harmless.*

Tribal justice systems are chronically and historically underfunded; they continue to face complex issues of justice with far fewer resources than their state counterparts while balancing more conflicting demands from state and federal authorities with regard to compliance and from the communities they serve in relation to cultural imperatives and values. There is no other funding stream available to tribes specifically for their juvenile dependency courts. Tribal court improvement is critically needed, especially as a growing number of tribes plan and begin direct administration of Title IV-E foster care, adoption, and guardianship programs.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Child Abuse Prevention and Treatment Act

- *Provide a separate line item for tribal Title II grants and set aside five percent of total funding for tribes and tribal consortia.*

Grants are authorized under Title II, Community-Based Grants for Prevention of Child Abuse and Neglect of the Child Abuse Prevention and Treatment Act (CAPTA). Currently, tribes and migrant programs must compete with each other for a one percent set-aside of the total funding appropriated under Title II of CAPTA.

Tribes and states have a governmental responsibility to ensure that foster care protections are provided to every child who is in an out-of-home placement under their jurisdiction and care. A five percent tribal set-aside, listed as a separate line item in the budget, will provide a base level of funding for every tribe, regardless of size, and give every tribal community an opportunity to establish a quality child abuse and neglect prevention program.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Indian Child Protection and Family Violence Prevention Act

- *Appropriate \$10 million for the Indian Child Abuse Treatment grant program and \$30 million for the Indian Child Protection and Family Violence Prevention grant program.*

The Bureau of Indian Affairs and Indian Health Service have oversight authority for the Indian Child Protection and Family Violence Prevention Act, but in more than 10 years have never made any requests for these grants, nor has Congress appropriated any funding. Yet, American Indian and Alaska Native children experience the second highest rate of child abuse and neglect, just behind their African American peers.³⁷ These grants would provide greater access for tribes to respond to child abuse and neglect in their communities and begin to slow the cycle of untreated trauma and violence in tribal communities.

Indian Child Welfare

- *Increase funding to the Bureau of Indian Affairs for the Indian Child Welfare Act (ICWA) Tribal Priority Allocations by \$20 million for tribes and tribal consortia.*

Upon passage of Indian Child Welfare Act (ICWA) in 1978, Congress estimated that \$35 million was needed to fully fund tribal programs under the Act. Despite this historical estimate, the program has never been funded at more than \$17 million in any given year. We request a \$20 million increase in ICWA funding, through the Bureau of Indian Affairs' Tribal Priority Allocations line item, to begin to address historical underfunding and provide tribes minimum support with which to keep Native children safe in their homes and communities. Given the disproportionate representation of American Indian and Alaska Native children in foster care when compared to all other racial/ethnic groups, the lack of tribal access to the Title XX Social Services Block Grant (a major source of funding for state child welfare programs), and the assistance that tribes provide to states – free of charge – to help manage Indian child welfare cases in the state system, it is critical that ICWA be fully funded.

- *Reestablish the Urban Indian Child Welfare Grant Program under the Indian Child Welfare Act (ICWA) and fund it at \$5 million.*

Increasingly, American Indian and Alaska Native children are removed from their homes in urban areas, and placed into state custody. From 1979 to 1993, the Bureau of Indian Affairs requested funding for grants that would allow urban organizations serving Native peoples to help tribes, states, and counties comply with ICWA. The grant program became an effective way to serve tribal children and families who resided in urban areas, but it was discontinued due to lack of funding. Five million dollars in urban Indian child welfare grants will provide support that tribes need to respond to notices from states and counties that are removing Indian children from their homes because of abuse or neglect.

- *Increase Bureau of Indian Affairs Child Welfare Assistance funds by \$10 million to \$35 million.*

This funding stream provides foster care and adoptive home services to children who do not qualify for Title IV-E funding. Historically, because this funding has never exceeded \$30 million per year, many tribes have not even been able to access these severely limited funds. Child Welfare Assistance, funded through the BIA Tribal Priority Allocations line item, should be increased to \$35 million in FY 2014.

Moreover, tribes should be able to use program funding as a non-federal match for the Title IV-E Foster Care and Adoption Assistance entitlement program. Tribes only recently gained direct access to Title IV-E funds, and have not had the same support that states have had over the last three decades to build the infrastructure necessary to administer the program. Consistent with the federal statute, the regulations should be clarified to ensure that Child Welfare Assistance, like any other tribal contract funding, can be used as a non-federal match to leverage other federal funds.

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.³⁸ Of those American Indian and Alaska Native adults with a disability, 51 percent reported having fair or poor health.³⁹ 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 disabled citizens.

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.⁴⁰

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, Alaska Natives, 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 woefully inadequate to meet existing needs. As such, due to insufficient funds 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 geographical 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.



Tribal governments have created effective avenues to educate and train their citizens through tribal colleges and vocational training. Despite these efforts, 25 percent of American Indians and Alaska Natives are living in poverty, while 13 percent of the US lives at or below the poverty line.
Photo credit: Keith Brofsky

Economic & Workforce Development

The federal government has a trust responsibility to support sustained prosperity and economic security for tribal nations, their communities, and citizens throughout Indian Country. For Indian Country to progress and achieve prosperity, tribes must be able to protect and enhance their tribal lands and generate self-sustaining income from them. For FY 2014, the federal government must take actions to address Indian Country's chronic business and employment disparities by funding economic drivers that could make a real difference in reservation businesses and economies—such as business and procurement technical assistance, planning and feasibility study funding, financing of all sorts (loans, loan guarantees, equity investments, surety bonding, bond financing) and export assistance. Tribes cannot attract or grow competitive businesses on tribal lands that do not have a supportive infrastructure—transportation, broadband and wireless communication, streamlined property acquisition and leasing of Indian lands, and more infrastructure deployment on those lands to facilitate economic growth and job creation. More emphasis must be placed on programs that can maximize Indian Country's access to the funding, tools, and markets to promote domestic and international business opportunities.

President Obama and key Congressional leaders have stressed the importance of creating a strong and competitive workforce. Although tribal nations have often been overlooked, tribal governments have created effective avenues to educate and train its citizens through tribal colleges and vocational training. Despite these remarkable efforts, however, 25 percent of American Indians and Alaska Natives are living in poverty, while 13 percent of the US lives at or below the poverty line. As tribes continue to engage in business development and economic growth, the Department of Labor has an opportunity to strengthen and sustain job creation in some of America's most rural and underdeveloped areas.

Secretary of Labor Hilda L. Solis has established a vision to achieve “good jobs for everyone.” The Employment and Training Administration's (ETA) workforce programs have a critical role to play in realizing the Secretary's vision of good jobs.

ETA provides high quality employment assistance, labor market information, job training, and income support through the administration of the following programs: adults, dislocated workers, youth, and targeted populations authorized by the Workforce Investment Act of 1998 (WIA); Trade Adjustment Assistance (TAA) authorized by the Trade Act of 1974, as amended; Employment Services authorized by the Wagner-Peyser Act; Unemployment Insurance (UI) authorized by the Social Security Act; Foreign Labor Certification (FLC) activities authorized by the Immigration and Nationality Act; apprenticeship programs authorized by the National Apprenticeship Act; the Office of Job Corps; YouthBuild; the Indian and Native American training program; the Migrant and Seasonal Farmworker program; the Workforce Data Quality Initiative; and the Senior Community Service Employment Program authorized by the Older Americans Act. When adequately funded, several of these initiatives have the potential to strengthen workforce development across Indian Country.

By prioritizing the creation and support of programs and funding that expand tribal economic security, the federal government can partner with tribes to build sustained prosperity that benefits tribal nations, regional economies, and the nation as a whole. Indian Country's recommendations call for sustainable federal funding for programs that provide incentives and leverage non-federal dollars to catalyze economic growth for American Indians and Alaska Natives. To partner with tribal nations to spur economic development, growth, and job creation, Congress must enact appropriations measures that enable federal departments and agencies to streamline and implement Native programs more efficiently and effectively in FY 2014, with at least the same funding levels as FY 2013.

Key Recommendations

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

Rural Development Programs, Rural Business-Cooperative Services

- *Provide a minimum of \$2.5 billion for USDA Rural Development, including a minimum of \$915 million in Loan Authority for the Rural Business-Cooperative Service (RBS).*

The Department of Agriculture's Rural Development programs (USDA-RD) support a broad array of economic development activities in Indian Country by providing loans, loan guarantees, grants and other assistance for business development, telecommunications, water systems, and other infrastructure deployment. From 2001 to 2012, USDA-RD assistance to tribal communities exceeded \$3.4 billion to support job training, business development, community economic development, strategic community planning and self-help initiatives, entrepreneurial training, and broadband deployment. In FY 2012, the USDA-RD programs provided more than \$16 million in economic support to American Indian and Alaska Native enterprises through its Rural Business and Cooperative Service programs.

- *Provide a minimum of \$825 million in loan authority for the Rural Business and Industry Guaranteed Loan Program, including a target of more than \$10 million for Indian Country applicants.*

In 2012, USDA-Rural Development investments in businesses and job creation in Indian Country totaled more than \$9.2 million from the Business and Industry Guaranteed Loan Program, out of the slightly more than \$812 million available (down from \$1 billion in recent years).

The purpose of the Business and Industry Guaranteed Loan Program is to improve, develop, or finance business, industry, and employment, and improve the economic and environmental climate in rural communities. This purpose is achieved by bolstering the existing private credit structure through the guarantee of quality loans that provide lasting community benefits. Providing loan guarantees to tribal businesses and governments helps entities gain access to capital that is otherwise unavailable. With its focus on developing business, industry, and employment in rural communities – as well as its relative lack of expense or risk to the federal government – this is a smart investment in tribal nations that should be continued.

- *Provide a minimum of \$30 million for the Rural Business Enterprise Grant program, with funding for tribal communities provided at a minimum of \$3.8 million.*

In FY 2012, the USDA awarded more than \$3.5 million under the Rural Business Enterprise Grants (RBEG) program to 32 grantees to support small business and job creation opportunities and train workers in Native communities. The purpose of the RBEG program is to foster the development of small and emerging business enterprises with less than \$1 million in projected gross revenues in rural areas. Grant funds may be used for a variety of projects to build local and regional food systems, including land development, road and building construction, the purchase of equipment, training and technical assistance, and the start-up and/or operation of revolving loan funds. The RBEG program's momentum should be sustained by funding the program at no less than \$3.8 million.

- *Maintain funding of \$1 million or more for Rural Business Opportunity Grants (RBOG) funds for tribal communities.*

In FY 2012, almost \$1 million was awarded specifically to Native grantees under the Rural Business Opportunity Grants (RBOG) program (down from \$2.478 million in FY 2011). The program focuses on strategic planning activities to improve economic conditions in rural areas, particularly in underserved communities. The RBOG program was not included in the President's budget for FY 2013. Given the need for continued business and economic development in rural communities, and the regional focus and the mission of this program, the tribal funding under this program must be maintained at a level of \$1 million or more. Alternatively, funding for the Rural Business Enterprise Grant program could be increased to \$4.8 million with a \$1 million set-aside for tribal communities.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

Foreign Agriculture Service, Market Access Program

- *Maintain a minimum of \$200 million in funding for the Market Access Program, with a minimum of \$1.25 million in funding for American Indian and Alaska Native agriculture and ranching support.*

Under the Market Access Program (MAP), Commodity Credit Corporation (CCC) funds are used to support the cost of overseas marketing and promotional activities for tribal, state, regional, and non-profit organizations, cooperatives, and small businesses on a cost-share basis. The Food, Conservation, and Energy Act of 2008 set mandatory funding for the MAP at \$200 million annually through Fiscal Year 2012. For FY 2014, it is imperative that the MAP be reauthorized and funding remain level or exceed prior funding to support the Administration's export goals, as well as the export of US agricultural products. Equally important to Indian Country is continuing the financial support provided by the MAP program to tribal agriculture via the Intertribal Agriculture Council (a participant in the MAP program) to support the increasingly successful Native export activities and ensure continued successes in exporting—and the related growth in jobs for American Indian and Alaska Native agriculture.

DEPARTMENT OF COMMERCE

Commerce, Justice, Science Appropriations Bill

Minority Business Development Agency (MBDA)

- Provide \$30 million for the Minority Business Development Agency.

When created by Executive Order in 1971, the Minority Business Development Agency (MBDA) was established with the key mission of supporting minority business development centers and received substantial funding (about \$63 million). Over the years, MBDA's funding has shrunk by over 50 percent to \$30.3 million for FY 2012 and \$28.6 million requested for FY 2013. MBDA recently revamped its cooperative assistance grants to Minority Business Centers (MBCs), eliminating the specific Native American Business Enterprise Centers. 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 and entrepreneurs, and tribal enterprises.

With an increased level of funding, MBDA could sustain and expand support for these centers which provide important assistance for businesses to grow and contribute to our nation's overall economic recovery. 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 piecemeal and very limited. To ensure the ONAA receives adequate support to serve its essential mission, there should be independent funding made available through Commerce's Departmental Management budget to enable the ONAA to implement Indian policy initiatives and to expand Native American business development initiatives both domestically and internationally, especially given the reduced focus of MBDA's MBCs on specific Native American business assistance. 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 and to fulfill the Secretary's duties prescribed by the 2000 Act that cannot be achieved adequately with 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 could 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.*

Funding for Native outreach in the Small Business Administration is too low, especially when compared to other SBA program investments and in light of the entrepreneurial potential in Indian Country that could benefit tribal and regional economies and help fuel our national recovery. Outreach by the Office of Native American Affairs (ONAA) has been increasing with ongoing initiatives in business development and tribal and business executive training. Funding this office at \$1.25 million is important as ONAA continues its efforts to increase SBA's impact in Native communities. At this level, ONAA may continue to provide assistance to Native communities through training programs such as the Emerging Leaders Program (10 Native communities were selected as training sites in 2012 and over 150 Native American small business owners participated), 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 its support in SBA lending to Native American-owned small businesses to a level of \$90 million in FY 2012. Furthermore, 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 needed capital, build capacity, generate increased revenues, create more jobs, create tribal business ordinances, and strengthen the economic security of Native communities suffering from decades-long economic hardship. At a time of economic recovery and 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 help strengthen national prosperity.

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. 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 augmenting its DLA funds with other outside 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, winning government contracts, and complying with myriad government procurement and other regulatory requirements. With contractors struggling due to the impact of the recession, Congress has consistently supported funding increases for the PTAP—up to \$34.3 million for FY 2012, with \$3.6 million set-aside for six AIPTACs operated by Native American organizations. Minimum PTAP FY 2014 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.

Authorized by 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 DOD to make these 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 outstripped the funding made available to pay requests by contractors that must submit documentation to substantiate their use of Native subcontractors and suppliers. The backlog of IIP requests that have already been approved for payment continues to grow, fully justifying the need for at least the same level of funding 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 only 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 begin to improve, the OIEED can readily assist Native borrowers seeking guarantees for loans 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. One BIA-certified lender alone received Native business borrowers' requests that could have exhausted the FY 2011 limit of \$82.74 million in loans subject to guarantee. For FY 2012, the program received \$7.114 million for its credit subsidy to leverage for use in guaranteeing about \$73.4 million in loan principal. For FY 2013, the House recommendation was \$10 million for the credit subsidy to support total loan principal of \$157,937,648—a more appropriate level given high demand for financing in Indian Country. Recognizing that financial security and prosperity are impossible to achieve without sufficient access to capital, Congress should authorize a substantial increase in the aggregate limit on Indian loan and surety bond guarantees for FY 2014.

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) has launched many creative and successful initiatives to 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 receives about \$21 million annually, but very little of its budget is available specifically for economic development support. For FY 2013, OIEED-related budget requests included \$2.3 million for economic development, \$11 million for job placement services (funding that flows directly to tribes through the Division of Workforce Development), and \$18.4 million for minerals and mining. 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. Key to the OIEED's effectiveness is its direct report to and collaborative working relationship with the Office of the Secretary. That structure should be maintained, even if the Division of Workforce Development is moved to Indian Services within the BIA.

In addition to continuing OIEED's successful activities, tribes are requesting more funding to enable it 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 to finance more business operations and expansions, provide standby letters of credit that could encourage sureties to provide needed surety bonding, and finance start-up energy and economic development projects;
- 3) expand use of the Section 477 program and other job training initiatives and provide more technical assistance (including hosting workshops, developing best practices guides and otherwise providing guidance on preparing business plans, repairing credit records, and completing loan applications);
- and 4) in light of the passage of the HEARTH Act in 2012, launch a new initiative to develop a model tribal environmental code that tribes can consider, adapt to their own circumstances, and implement along with new tribal ordinances governing the leasing of their tribal lands for energy and economic development projects and other purposes. Also, with additional funding, OIEED could establish the grant program authorized under Title V of the Energy Policy Act of 2005 that has never been funded and that would provide important funding to develop tribal capacity in managerial and technical capabilities, to develop energy resource integration projects, and to 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.

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 was not funded in FY 2012. With the recognition 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 restoring 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 has expanded 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. Native CDFIs offer a broad range of loan products and development services. 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.

Each year the CDFI Fund has been operating, it has received more applications from existing Native CDFIs to expand their lending capacity and from new applicants for technical assistance to start up new Native CDFIs. In FY 2012, the NACA Program received 71 applications for funding, totaling \$23 million in requests. With 73 certified Native CDFIs and an equal amount in the certification pipeline, it is expected that the demand for support under the NACA Program will increase. Increased 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's Funds 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.

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. YouthBuild provides services to approximately 7,000 youth annually by re-engaging them in innovative alternative education programs that provide individualized instruction as they work towards earning either a GED or high school diploma, as well as fosters work skills so that youth can be competitive candidates in the job market. Youth 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. Additionally, in 2011, due to a 28 percent cut in YouthBuild appropriations, over 18,000 applicants to YouthBuild programs were turned away.⁴¹

The YouthBuild program recruits youth that have been adjudicated, aged out of foster care, dropped out of high school, and others at risk of not having access to workforce training. In 2010, 4,252 youth participated in the program and had a completion rate of 78 percent. According to YouthBuild, 60 percent of those that completed the program were placed in jobs or further education.⁴² There are a number of tribal YouthBuild programs in several states, and at least four percent of YouthBuild participants are Native. Given the recent reduction in tribal YouthBuild programs, significant unemployment and housing challenges in Indian Country, and the growing Native youth population, it is essential 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 people and other groups requires a concentrated effort that provides specific assistance to enhance education and employment opportunities, to create pathways to careers and skilled employment, and to secure a place for Native people within 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 via a network of 178 grantees through the Comprehensive Service Program (Adult) and Supplemental Youth Service Program (Youth) and the Indian Employment and Training and Related Services Demonstration Act of 1992, Public Law 102-477.

Because the WIA Section 166 program is 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 be maintained for this program. For Native citizens living on remote reservations or in Alaska Native villages, it can be difficult to access the state and local workforce systems. In these areas, the WIA Section 166 program is the sole employment and training provider.

Since 2003, the Workforce Investment Act (the Act) has been up for reauthorization; and over this ten-year period, the Act has not accounted for the population growth of tribal communities, nor the economic environment that has drastically changed. The Act authorizes the INAP to be funded at “not less than \$55 million,” but Section 166 is currently funded at approximately \$47 million. 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, few tribes are able to benefit from the support and training activities for employment opportunities in Indian Country.

DEPARTMENT OF COMMERCE


Commerce, Justice, Science Appropriations Bill

Census Bureau

- *Continue support for the Census Bureau, the American Community Survey, 2020 Census planning and other federal statistical programs that tribal leaders and advocates use to understand the social and economic health of their communities.*

Effective policymaking to address the challenges of improving the socioeconomic status and well-being of American Indian and Alaska Native people depends on accurate and reliable data. Policymakers at the tribal, federal, and state levels depend on the Census Bureau’s data, including the ACS, to develop policy that effectively meets the needs of Native people. Fulfilling the federal government’s trust responsibility to American Indian and Alaska Native tribes requires accurate data on tribal needs and resources.

Analysis of American Indian and Alaska Native communities all rely heavily on data from the US Census Bureau, including the American Community Survey (ACS), Current Population Survey, and other surveys. The continuation of funding for the ACS and 2020 Census planning will be critical to the sustained progress of Indian Country and all Native people in the United States. Census data has been decisive in guiding the development of effective federal policy that promotes economic development in Indian Country. Before the recession in 2007, tribes had made tremendous progress under the policy of Indian self-determination in reversing decades of poverty and unemployment. Census data was important for documenting the success of investing in tribal self-governance. As tribes partner with the federal government, state governments, and other allies to address the challenges around improving the status and wellbeing of Native people, accurate and reliable data is paramount.



Tribal communities still lag behind the rest of the United States in access to radio, wireless, and broadband services. This disparity underscores the critical opportunity to ensure the advancement of telecommunications access throughout Indian Country. Photo credit: Patrick Michael McLeod

Telecommunications

Engagement and coordination with tribal nations is essential during the ongoing national transition from analog to digital communications. To ensure that American Indian tribes and Alaska Native villages are included in this digital transition, it is essential that programs offering financial assistance to establish, maintain, and upgrade telecommunications systems are accessible to tribes and adequately funded. As stated in the Public Broadcasting Act of 1967, “It is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make public telecommunications services available to all citizens of the United States.” Tribes are a critical part of local and regional economies and must be included in strategic efforts to keep pace with technological advancement and strengthen telecommunications infrastructure.

Key Recommendations

CORPORATION FOR PUBLIC BROADCASTING

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.*

For more than 30 years, decisions on the amount of federal support for public broadcasting have been made two years ahead of the fiscal year in which the funding is allocated. In other words, Congress approves the FY 2015 funding level for Corporation for Public Broadcasting (CPB) during the FY 2013 appropriations process.

Thus, where the overall budget for the CPB in FY 2014 was \$445 million, Indian Country requests an advance appropriation of \$5 million to fund American Indian and Alaska Native radio stations for FY 2015.

Since 2011, the Native radio system has grown from 33 stations to 53 stations to provide service to more of Indian Country. CPB funding supports 30 of the 53 Native radio stations, which collectively reach more than eight percent of the American Indian and Alaska Native population with free radio programming. These stations are funded through a variety of sources, including: individual donors, local businesses, CPB, tribal governments, and grants. Native-owned and operated radio stations are a model of local community service radio, serve as the primary and most consistent sole service providers of public safety information and cultural and linguistic preservation, and stand as an invaluable outlet for local news in tribal communities. Native radio stations employ at least 1,000 broadcasters, engineers, station staff, consultants, and others local community members.

Additionally, the Public Broadcasting Act directs CPB to utilize six percent of the appropriation for “projects and activities that will enhance public broadcasting.” This funding supports the research, planning, professional development, and industry consultations that guide CPB’s decision-making in other budget categories. Native Public Media and Koahnic Broadcast Corporation provide valued services to develop and maintain the Native radio system and are funded from the six percent allocation (currently amounting to \$1 million over two years). Native Public Media has assisted in filing for 51 new stations and secured construction permits for 38 of these new stations. Native Public Media also provides education and training for tribal broadcasters in digital literacy, journalism, and community-based strategies that will broaden the impact of the Native radio system in unserved tribal communities across the United States. Koahnic Broadcast Corporation produces Native programming and content for radio broadcast and oversees Native Voice One—the distribution mechanism that utilizes satellite technology to deliver programming and content to Native radio stations and other affiliates across the United States.

DEPARTMENT OF COMMERCE

Commerce, Justice, Science Appropriations Bill

Public Telecommunications Facilities Program

- *Reinstate a \$4 million appropriation for construction of American Indian and Alaska Native radio stations through the Federal Communications Commission’s (FCC) Public Telecommunications Facilities Program.*

Congress eliminated funding for the Public Telecommunications and Facilities Program (PTFP) for FY 2011, which was the only source of federal support for infrastructure needs required to maintain and expand the nation’s public radio system. This program was vital to Indian Country as PTFP covered costs associated with public radio equipment and construction of new stations to provide services to underserved communities. The program also maintained an emergency fund for the replacement of radio equipment due to natural disasters and terrorist attacks. Contrary to some assertions that the now-defunct PTFP program served only to assist with the digital TV transition, the PTFP also served an essential function for communities new to telecommunications by providing the only source of funding for communities looking to initiate first-time public broadcasting service. Also, as deployment of FirstNet (the First Responder Network Authority) begins in the coming years, these funds will be needed to bring communications towers into compliance for the new nationwide public safety broadband network. Towers that may be considered for use in FirstNet will need to be retrofitted to adhere to new technical standards and undergo environmental review assessments to become compliant. PTFP funds would facilitate FirstNet deployment in tribes and provide other much needed telecommunications support if reinstated.

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Financial Services Appropriations Bill

Office of Native Affairs and Policy

- *Provide a permanent fixed annual budget of \$2 million to fund the FCC's Office of Native Affairs and Policy.*

The FCC's Office of Native Affairs and Policy (FCC-ONAP) was created in 2010. However, Congress has yet to provide a dedicated annual budget for this important office. FCC-ONAP has instead been reliant on a continuing resolution, which has hindered its ability to fully engage with tribal governments through consultations and to adequately staff its office. Tribal nations face a persistent and pervasive digital divide that creates inequities in accessing information, managing data, and participating in strategic planning efforts that require a robust telecommunications infrastructure. During the critical development phase of 21st century broadband infrastructure, a dedicated annual budget is vital to facilitate meaningful and productive consultations with tribal governments.

While the FCC-ONAP received an increase in its travel budget for consultation and training with tribal governments in FY 2012, a dedicated budget is still needed to conduct full outreach to Indian Country. FCC-ONAP is responsible for and actively engaged in new rulemaking aimed at closing the digital divide and providing regulatory oversight. Tribal engagement and consultation efforts developed by FCC-ONAP have generated policies that specifically address the telecommunications needs of tribal nations – such as those in the National Broadband Plan, the Connect America Fund, and the Tribal Mobility Fund – have produced reforms to the Lifeline and Link Up Programs and to other universal service reforms and further rulemakings that serve tribal communities as well as many others. Throughout 2012 FCC-ONAP also conducted numerous regional trainings and outreach efforts, reminiscent of the FCC Indian Telecommunications Initiatives, but these regional trainings were conducted through one-time funds (as opposed to a continuous appropriation).

As newly-promulgated regulations are implemented and further rulemakings considered, it will be important for the FCC to seek ongoing guidance from the FCC-ONAP to ensure tribal needs are addressed. Meaningful rights and responsibilities have been created in the rulemaking process to bridge the digital divide in Indian Country, but without adequate resources and funding FCC-ONAP will not be able to assist tribes in these efforts.



A Leech Lake Band of Ojibwe youth tends to a rice crop on the Leech Lake Reservation in Minnesota on Aug. 27, 2012. The tribe relies on water to preserve their culture, agriculture and overall quality of life. The USDA's Federal Recognized Tribes Extension Program (FRTEP) is an outreach effort to homeowners to educate them on the importance of how having the sanitation department pump their septic systems can protect the health and contribute to the safety of places like this one. Photo credit: US Department of Agriculture

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 that sold \$3.26 billion of agricultural products, including \$1.46 billion of crops and \$1.71 billion of livestock and poultry.⁴³ 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.”⁴⁴ 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,⁴⁵ 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.

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.”

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 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, 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 Indian and Alaska 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.

In 2012, the OTR assumed additional 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, across 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 2014.

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

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 (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. RD manages programs across three mission areas—the Rural Business and Cooperative Programs (see Economic Development section), 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. Rural Development has an existing portfolio of more than \$165 billion in loans and loan guarantees. These programs are designed to improve the economic stability of rural communities, businesses, residents, farmers, and ranchers, and to improve the quality of life in rural America.

- *As part of the request to provide a minimum of \$2.5 billion to USDA Rural Development, provide a minimum of \$560 million in program funding plus a minimum of \$9 billion in loan authority for the Rural Utilities Service (RUS) programs, with at least \$120 million designated for American Indian and Alaska Native loans and grants as part of RUS.*

In FY 2012, the Rural Utilities Service (RUS) programs financed more than \$116 million in economic support to American Indian and Alaska Native enterprises and communities through grants and loans to support electrical, telecommunications, high energy costs, telemedicine, broadband, and water/waste infrastructure projects. Lack of available capital and lower rates of return for utilities looking to operate in rural areas have led to historic underfunding and lack of utility support for infrastructure in Indian Country. The services provided and supported through RUS loans, loan guarantees, and grants serve to improve the economic stability of rural communities, businesses, residents, farmers, and ranchers; to create jobs; to encourage economic development; and to improve the quality of life in rural America.

In 2012, RD began implementing changes 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.

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, WEP provided tribal-specific grants and loans of \$51 million for tribes in the lower 48 states and \$84 million for Alaska Native villages.

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.⁴⁶ 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. A cut in this budget may make it worse, exposing Native peoples and youth to unhealthy water and its resultant detrimental impacts to human health, economic development, and community morale.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

Rural Development, Rural Housing and Community Facilities Programs

- *Under the request to provide a minimum of \$2.5 billion for USDA Rural Development, provide a minimum of \$1.113 billion in program funding plus a minimum of \$27 billion in loan authority for the Rural Housing and Community Facilities Programs, with at least \$65 million designated for American Indian and Alaska Native loans and grants.*

In FY 2012, the Rural Housing Service (RHS) programs financed more than \$63 million in economic support to American Indian and Alaska Native enterprises and communities as well as tribal colleges. More than 350 loans and grants were financed under the Single Family Housing programs along with over 190 loans and grants under the Very Low-Income Repair program. Tribal colleges received more than \$3.7 million for 23 grants under the Tribal College Community Facilities Initiative, and tribal communities received more than \$13 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.⁴⁷*

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 unprecedented 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. Indian Country 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. Tribes were encouraged by the Administration's FY 2013 budget request that would have reinstated WHIP funding to 86 percent of the funding available in FY 2011 and seek to have full funding restored.

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 with 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 an FRTEP agent to liaise with other USDA 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 plus \$5 million to develop a traditional foods market.*

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. The \$5 million increase should be used to develop 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.



*Securing the future for the next generation of tribal citizens also means protecting the water, land, and environmental quality of local communities.
Photo credit: Northwest Indian Fisheries Commission*

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, nearly 40 years later, only 40 tribes have Environmental Protection Agency (EPA) -approved water quality standards, which are a cornerstone of the Clean Water Act. 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, Indian Country requests that EPA tribal programs at least receive amounts 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 \$96 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 inadequate safe drinking water and basic sanitation, 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 a very pressing need to establish climate change adaptation plans. A \$175,000 per tribe distribution (totaling approximately \$98 million) reflects an equitable adjustment. Tribes request \$96 million for GAP funding in FY 2014.

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

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. As noted previously, 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.⁴⁸ 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 unmet need is over \$2 billion. An IHS report to the Office of Management and Budget noted that \$67.2 million per year is needed until the year 2018 to reduce the number of tribal homes lacking access 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.

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, including 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 (CWA) Section 106 grants are critical 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. Since 1998, the number of eligible tribes to receive CWA Section 106 funding increased from 141 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). 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 5 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 hinder the effectiveness of tribal water programs.

**Figure 5: Tribal Program Clean Water Act Section 106
National Allocation vs. Tribal National Allocation**



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 \$26 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 nonpoint source control programs that address critical water quality concerns identified in the 106 program and other monitoring programs. As mentioned above, 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 collaboration across jurisdictions will be required. 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 with states.

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Exchange Network

- *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 submission of data efficiently. 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 the 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 (EIEN).

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 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 tribes, states, 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 2014 at the FY 2010 enacted level.



Tribal fishermen unload Chinook salmon on Chambers Bay in Washington. The fishery on the bay is managed jointly by the Puyallup, Nisqually, and Squaxin Island tribes. Photo credit: Northwest Indian Fisheries Commission

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 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. 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.

Federal support for tribal natural resource efforts has not matched the tribal efforts, nor captured the value of tribal ecological knowledge and natural resources for tribal peoples and for the nation.

Thus, 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 incrementally over decades, more precipitously than 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 2014 under the Budget Control Act of 2011 would eliminate jobs, stymie economic activity at a critical time for tribes, and curtail combined tribal, federal, state, and community collaboration, as well as the valuable perspective in natural resource management that tribes contribute to the national natural resources and the economy. The most supportive role for the federal government is as a resource-provider and enabler—facilitating independent decision-making and true self-governance for tribal nations. When tribes are free to make decisions, 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 enacted in FY 2012 to \$49.5 million in FY 2014 is a wise investment that 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 \$8.75 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 issues and remoteness, 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 resource 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 CLC Initiative is clear from the FY 2012 budget in which DOI received \$175 million to fund the Initiative, but BIA received only \$200,000. Since the inception of the CLC Initiative in 2009, the BIA and tribes have only received a total of approximately \$619,000—less than half of one percent of funding from the CLC Initiative. Tribes request \$8.75 million of the Initiative's FY 2014 budget 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. This funding level was justified in a report submitted to the House Interior Appropriations Subcommittee in May of 2011.⁴⁹

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, thereby reflecting 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 to settle claims if possible, or alternatively to litigate claims. The primary priority of the program is to provide all necessary documentation and other material that may be deemed necessary by a court to further the United States water claims on behalf of a tribe. Access to quality water and the exercise of water rights continue to present significant health, cultural, economic development, farming and ranching, and governance issues 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 in its region as a result of climate change.⁵⁰ 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 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 so that 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 supporting 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. If base funding for these programs were reduced by nine percent due to sequestration or other budget cuts, at least 50 critical management jobs would be lost, along with hundreds of resource-harvesting jobs, economic support for tribes and rural communities, and millions of dollars in economic benefits associated with tourism and outdoor recreation.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Tribal Management and Development Program

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

From FY 2002 to FY 2012, funding for the Tribal Management and Development (TMD) Program 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. Congress restored funding for these programs in FY 2010, and the BIA restored them to the budget request structure in FY 2011. This funding needs to continue in FY 2014. These investments will substantially strengthen tribal conservation successes and meet the federal government's trust responsibility. Of the \$20 million requested, \$5 million is for Conservation Law Enforcement Officers. 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 Management and Development Program in the FY 2013 budget process.

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 \$6 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, funding levels of \$3 million for Fish Hatchery Operations and \$6 million for Fish Hatchery Maintenance in FY 2014 at 83 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, and help satisfy 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 supplement 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 2014 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 2014. 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.

The 2012 enacted level for grants to help conserve and recover imperiled fish and wildlife, included \$4.275 million to be awarded competitively to the 566 federally recognized tribal nations. Unfortunately, the House Appropriations Committee would have reduced that capability for FY 2013 to \$2.134 million with the bulk of the total program funding of \$30.662 million available primarily to states. On average, tribes have received only \$6 million per year despite having the capacity (and need) to utilize far more funding. This is the only program that expressly allows tribes to address climate change impacts on their natural resources, and it will be a key program in the coming decades as tribes and the nation address climate change influences on natural resources. Given past underfunding of this initiative, tribes request an increased appropriation to \$8 million.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

Commerce, Justice, Science Appropriations Bill

Pacific Coastal Salmon Recovery Fund

- 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 its dramatic depletion 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—continuing to fail to provide 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. Furthermore, tribes are statutorily barred from accessing other federal forestry programs, such as the Forest Service Cooperative Forestry Assistance Act, and from using federal funds to service tribal forest lands.

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 \$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 four hundred 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 \$1.54 million increase to \$5 million in BIA's Invasive Species Program for FY 2014 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 showed its support to increase funding for this program by \$500,000 for FY 2013.



Ho-Chunk, Inc., located on the Winnebago Reservation in Nebraska, has installed solar systems, replacing 40 percent of their facilities' energy use, along with residential wind turbines for homes throughout the Ho-Chunk Village.

Energy

Collectively, tribal lands contain vast amounts of natural resources, including gold, copper, uranium ore, coal, natural gas, oil, geothermal energy, and oil shale. However, doing business on or near tribal lands presents many unique issues and challenges. Mineral interests in tribal lands are generally held in trust by the United States government for a particular tribe. Laws and regulations require tribal consultation in numerous instances if development or disturbances occur on federal lands and affect tribal interests. Therefore, mining and mineral transactions on or near tribal lands often require coordination and negotiation between the developer, the tribal government, and the federal government via the US Department of the Interior, the Bureau of Indian Affairs, and other relevant federal agencies. Additionally, transactions on or near tribal lands often present sovereignty issues, tribal taxation issues, and tribal employment rights issues. Although several tribes already have sufficient expertise to oversee mining and oil and gas production on their lands, most remain reliant on the federal government for a range of support. Despite recent legislation offering tribes greater decision-making authority over natural resources, barriers to tribal economic development – including minerals development – remain formidable.

To understand the need for a focus on tribal energy, it is helpful to focus on the capacity of tribal energy. A recently released updated analysis from Department of Energy (DOE) estimates that tribal lands contain substantial generating capacity potential from renewable resources with over 6.6 million megawatts (MW) of tribal capacity potential, or over 16 billion megawatt-hours (MWh) of estimated potential, from solar, wind, biomass, geothermal, and small/low power hydro technologies. Although tribal lands contain a vast amount of the nation's conventional and renewable energy resources, tribal governments face an array of challenges in the development of these resources. Further development of tribal energy would contribute significantly to national energy independence, clean energy, economic development, and job creation. On the renewable energy front, tribal wind could provide 14 percent of the nation's electric needs and tribal solar could supply twice the nation's demand for electricity.

Despite this substantial potential, only one commercial-scale renewable energy project operates in Indian Country. Similarly, in the conventional energy arena, 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. Yet, total existing tribal energy production represents less than five percent of current national production.

Tribal oil and gas production has increased in the last few years, but development is stunted due to bureaucratic and financial barriers. For example, oil and gas producers must pay a \$6,500 application fee for a permit to drill on tribal lands, while in some states these permits cost as little as \$25. Both the Senate and the House brought forth legislation in the 112th Congress that would remove some of these obstacles and provide low-cost and no-cost solutions to tribally-driven energy development.

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. Through Recovery Act funding of the Energy Efficiency Conservation Block Grant (EECBG) program, many tribes were able to establish – for the first time – the capacity to consider energy and energy efficiency projects. The Department of the Interior (DOI) and DOE are well positioned to provide these services and the support that tribal nations need. DOE's new Office of Indian Energy Policy and Programs (IE) is beginning to mobilize the Department's current network of technical assistance personnel to provide to tribes the service that the Department has provided to states for decades. IE has also initiated a demonstration project to channel DOE's technical assistance to help grow the number of commercial-scale tribal renewable energy projects from one to five. These are building blocks necessary to provide tribes with equal opportunities to effectively access their energy resources.

DEPARTMENT OF ENERGY

Energy and Water Development Appropriations Bill

Office of Indian Energy Policy and Programs

- Provide \$20 million for DOE Office of Indian Energy programs.

Since January 2011, the Office of Indian Energy Policy and Programs (IE) has established new programs and aligned efforts across DOE in close consultation with tribal nations and in response to priorities identified by tribes and the new DOE Indian Energy Working Group. New programs to identify and address the technical and capacity hurdles that tribes experience range from transmission interconnection analysis and assistance to training programs for tribes on the complexities of developing and financing energy projects. By providing the maximum statutory amount under the Energy Policy Act (\$20 million) and clarifying that all DOE tribal energy programs and grant programs be coordinated and managed by IE in line with this authority, tribes will have increased and better coordinated implementation of DOE programs and funding for technical and financial assistance, energy efficiency for homes, solar panels for tribal government buildings, and increased transmission studies and electrification efforts. Full funding would also serve to address the most significant tribal needs that might not be met by other federal programs (such as EECBG) due to federal budget cuts. Through IE, tribes have access to key programs that empower tribes to stabilize energy costs, enhance energy security, strengthen tribal energy infrastructure, and promote tribal self-determination.

DEPARTMENT OF ENERGY

Energy and Water Development Appropriations Bill

Office of Indian Energy Policy and Programs

- 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 tribal lands, 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 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)

- Maintain full funding levels for LIHEAP (\$4.5 billion) with \$51 million to tribes.

LIHEAP prevents families from having to make the choice between food and heat. With high unemployment and barriers to economic development, much of Indian Country cannot afford to pay for the rising costs of heat and power. For example, Alaska Native villages have experienced a substantial increase in energy costs, with fuel prices recently reaching \$9 per gallon. In FY 2011, LIHEAP was appropriated \$4.7 billion total, with \$51 million allocated to tribes and tribal organizations. Full funding of LIHEAP is crucial to address the extreme need for heating assistance in Indian Country.



*Housing units located on the Swinomish Reservation are owned and operated by the Swinomish Indian Tribal Community Housing Authority.
Photo credit: Keith Brofsky*

Housing

Housing continues to be a critical infrastructure need for tribal governments. While significant strides have been made in recent years, Native communities still face some of the most substandard and overcrowded housing conditions.

The Native American Housing Assistance and Self-Determination Act of 2008 (NAHASDA) expires in September 2013. This legislation authorizes tribal governments to develop, construct, and maintain housing for its members, and has transformed how federal housing assistance is made available to Native communities. The NAHASDA consolidates existing housing funds into a single block grant – the Indian Housing Block Grant – and ensures tribes are centrally involved in designing and implementing tribal housing and other community development infrastructure programs. The NAHASDA has resulted in the construction of tens of thousands of housing units and has increased tribal capacity to address related infrastructure and economic development challenges.

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

Key Recommendations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

- Fund the Indian Housing Block Grant (IHBG) at not less than \$650 million.

IHBG funding is important for housing development, construction, infrastructure, maintenance, and repair in Native communities. These funds also assist tribal governments and tribally designated housing entities (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 at not less than \$60 million.

These funds are dedicated to improving not only housing but the overall economic and community development foundation of tribal communities. The ICDBG funds are essential to tribal economies and community development efforts, such as a variety of commercial, industrial, and agricultural projects.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

- Fund Title VI at \$2 million.

NAHASDA contains Title VI, which assists Indian Housing Block Grant recipients (borrowers) who want to finance eligible affordable housing activities, but are unable to secure financing without 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. Tribal nations have participated in this program with extremely low default rates. Using Section 184, 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.

Enactment and implementation of regulations under the Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act will enable tribes to lease restricted lands for residential housing. It is anticipated that the HEARTH Act will spur homeownership on tribal lands for middle class tribal communities.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

- *Fund NAHASDA's Training and Technical Assistance at \$2 million.*

The training and technical assistance to be provided by a national organization representing Native American housing interests is a critical resource for tribes and TDHEs, which rely on this training and technical assistance to train housing employees and effectively implement their housing programs. Training and technical assistance 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 (NHHBG) at \$20 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 who are eligible to reside on Hawaiian Home Lands. The Department of Hawaiian Home Lands, the sole recipient of NHHBG funds, will focus the funds on increasing the supply of affordable housing units or rehabilitating existing units to relieve some of the overcrowding pressures and substandard living environments experienced in many low-income Native Hawaiian households.



Interstate 84 cuts across the Umatilla Indian Reservation. The over 160,000 miles of roads in Indian Country comprise the most underdeveloped roadway network in the nation, yet are the primary transportation system for residents of and visitors to American Indian and Alaska Native communities. Photo credit: Ellen McFadden

Transportation

Surface transportation in Indian Country includes thousands of miles of roads, bridges, and highways, connecting and serving both tribal and non-tribal communities. As such, transportation infrastructure development is critical to economic development, creating jobs, and improving living conditions for Native individuals and families, as well as the millions of Americans who travel through our communities every day. Construction of transportation systems that allow for safe travel and promote economic expansion will help strengthen tribal nations, while making valuable contributions to surrounding communities and the nation as a whole.

In order for tribal nations to prosper, tribes must invest in transportation infrastructure, which is a critical component of fostering economic development, contributing to community health and wellness, (e.g., ensuring tribal members can travel safely to participate in cultural ceremonies and to access health care facilities), ensuring delivery of tribal government services to tribal citizens, and connecting tribal communities with surrounding communities.

Key Recommendations

DEPARTMENT OF TRANSPORTATION

Transportation, HUD Appropriations Bill

Tribal Transportation Program

- *Provide \$450 million for the Department of Transportation's Tribal Transportation Program.*

In July 2012, the Moving Ahead for Progress in the 21st Century (MAP-21) legislation was enacted into law, authorizing current transportation programs for two additional fiscal years. MAP-21 reorganized transportation programs for tribal governments in two major ways. First, MAP-21 consolidated the previous Indian Reservation Programs into the newly established Tribal Transportation Program. The newly named Tribal Transportation Program oversees the over 160,000 miles of roads in Indian Country, which are owned by tribes, the BIA, states, and counties. Though these roadways serve as the primary transportation thoroughfare for residents of and visitors to Native communities, tribal roads comprise some of the most underdeveloped roadway network in the nation.

MAP-21 brought major restructuring of transportation programs for tribal governments, which could lead to needed reforms and improvements in sustaining a robust tribal transportation system. But these reforms must be adequately funded—especially as the link between a community's transportation system and its wellness is clear. Tribal roads and bridges are often in such disrepair that children are prevented from attending school, sick and injured people are prevented from reaching hospitals, and emergency responders are delayed in providing timely assistance to people in need. This is not something that other isolated localities are facing, but the strength of tribal road systems is a matter of national concern and must be a priority.

We know that due to unsafe and often inaccessible roads, bridges, and ferries, American Indian and Alaska Native peoples suffer preventable injuries and death by driving and walking along Indian Country roadways at rates far above the national average.⁵¹ Over the past 25 years, 5,962 fatal motor vehicle crashes occurred on 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 reservations increased 52.5 percent.⁵² Adult motor vehicle-related death rates for American Indians and Alaska Natives are more than twice that of non-Natives.⁵³ In other words, the poor condition of roads, bridges, and transit systems jeopardizes the health, safety, security, and economic well-being of tribal citizens and the traveling public. Thus, funding to improve tribal transportation and roadway systems can contribute directly to improved socioeconomic conditions in American Indian and Alaska Native communities.

DEPARTMENT OF TRANSPORTATION

Transportation, HUD Appropriations Bill

Tribal Technical Assistance Programs (TTAPs)

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

The TTAPs are the only programs that provide technical assistance and training for tribal governments to train and certify 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 566 federally recognized tribal governments, and each TTAP receives \$140,000 annually (for a total of \$980,000). An increase to \$1 million to fund TTAP would enhance the technical training and assistance 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.

MAP-21 established a formula-based distribution of the Public Transportation on Indian Reservation funding. In determining funding amounts, the formula considers vehicle revenue miles and the number of low-income individuals residing on tribal lands. In the previous transportation authorization, the Tribal Transit Program provides transit funding through a national competitive grant process to federally recognized tribes. The Tribal Transit Program funding level began at \$8 million for FY 2006 and increased to \$15 million for FY 2010. Since the initiation of the Tribal Transit Program, the Federal Transit Administration has awarded approximately 236 grants to tribes totaling \$60 million. However, the total amount requested by tribes who have applied for the Tribal Transit program is approximately \$189 million. The awarded funding has been a positive first step in addressing the immense need for public transportation in Indian Country. However, the overall need still remains unmet.


DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Roads Maintenance

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

In 2003, the BIA formally acknowledged that at least \$150 million per year was needed to maintain BIA-owned roads and bridges to an adequate standard, and \$50 million per year was needed for bridge rehabilitation and replacement.⁵⁴ Costs to maintain these roads have risen sharply in the past five years due to high inflation costs for construction. Yet between FY 2010 and FY 2011, only \$26.5 million was appropriated for roads maintenance at BIA. It is essential that \$30 million be appropriated for the BIA Road Maintenance program in FY 2014 to begin to address this significant gap.



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

Cultural preservation has always been an important aspect of Native culture and lifeways. However, it is only in the past 20 years that the federal government acknowledged Native peoples' rightful role as stewards of historic and sacred places throughout the country. As sovereign nations, tribes work to maintain historic and cultural preservation, and these efforts stand as an act of self-governance and 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 work that would lead to cleared determinations of culturally-unidentifiable remains.

Section 10 of NAGPRA authorizes the Secretary of the Interior to award grants to museums, tribes, and Native Hawaiian organizations to assist in the repatriation of Native American human remains and cultural items. Over the past few years, the National Park Service NAGPRA program has used a high percentage of funds from the Section 10 grant program to cover their administrative costs, which has resulted in fewer dollars for tribes. Tribes should also receive priority in Section 10 grant awards, and a separate line item should be created to fund work with culturally-unidentifiable remains.

- 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 made about museums failing to comply with NAGPRA has grown exponentially in the past few years, and the Department of the Interior is unable to respond to tribes in a timely manner. Dedicated funding for investigations of tribal complaints is essential for the spirit of NAGPRA to be fully implemented.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Tribal Historic Preservation Officer Program

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

In 1992, amendments to the federal National Historic Preservation Act (NHPA) created the Tribal Historic Preservation Officer (THPO) program that is operated by the National Park Service and funded by the Historic Preservation Fund. At least 136 tribes will be operating THPO programs in FY 2013. Among other duties, THPOs record and preserve unique cultures by capturing oral histories, preserving and rejuvenating 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 NHPA – which requires government-to-government consultation regarding sacred places and objects – that is greatly underfunded, even in light of the currently grim fiscal environment.

Endnotes

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Columbia River Inter-Tribal Fish Commission
Council of Energy Resource Tribes
Environmental Protection Agency National Tribal Operations Committee
Exchange Network Tribal Governance Group
Indian Health Service Tribal Self-Governance Advisory Committee
Intertribal Agriculture Council
Intertribal Timber Council
National American Indian Court Judges Association
National American Indian Housing Council
National Association of Indian Legal Services
National Association of Tribal Historic Preservation Officers
National Center for American Indian Enterprise Development
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National Indian Health Service Tribal Budget Formulation Workgroup
National Indian Education Association
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National Tribal Contract Support Costs Coalition
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About the cover: The seal developed for the Indian Country Budget Request document represents the nation-to-nation relationship between tribes and the United States government. The twelve stars symbolize the twelve areas represented by the National Congress of American Indians. The image of the US Capitol is a reminder of the federal governments' trust responsibility. Finally the feather invokes the cultural values of Native people, tribal governments, and the written laws that affirm tribal sovereignty.



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