



NATIONAL CONGRESS OF AMERICAN INDIANS

U.S. House of Representatives Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies

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On behalf of the National Congress of American Indians (NCAI), we thank you for holding this important hearing on the President's Fiscal Year (FY) 2016 Budget for Native American programs. As the most representative organization of American Indian and Alaska Native tribes, NCAI serves the broad interests of tribal governments across the nation. As Congress considers the FY 2016 budget and beyond, leaders of tribal nations call on decision-makers to ensure that the promises made to Indian Country are honored in the federal budget.

Effective tribal government, with all the necessary tools and resources to address the public service needs of their people, represents a key component for any balanced tribal nation. The leaders and citizens in Indian Country, living in cultures at once traditional and modern, carry the potential and insights to address the reverberations of historical trauma, the lingering effects of relocation, forced assimilation, broken treaties, and economic and political injustices generally. The trust relationship in the 21st Century must maintain the nation-to-nation treaty obligations, such as the provision of education, public safety, health care and more, while promoting tribal capacity and governance.

NCAI includes recommendations for Interior and Indian Health Service, but the FY 2016 Indian Country Budget Request includes many more recommendations. NCAI also supports the testimony of the National Indian Health Board, National Indian Child Welfare Association, National Indian Education Association, and American Indian Higher Education Consortium.

Department of the Interior: In preparation for the President's budget, the Interior Department consulted with tribes about programs in the budget, and some recommendations from Indian Country are included in the FY 2016 proposal. The budget proposes an overall increase of 12 percent for BIA over the FY 2015 enacted level, the largest increase in more than a decade (excluding Recovery Act funding). The FY 2016 budget for the Operation of Indian Programs (OIP) account is \$2.7 billion, an increase of \$231.4 million above the FY2015 level, an increase of about 9 percent. The FY 2016 budget request for Construction is \$189.0 million, an increase of \$60.1 million (or about 46.6 percent) above the FY2015 level. These increases are desperately needed throughout Indian Country and NCAI urges Congress to keep them in the FY 2016 appropriations bill.

Tribes at NCAI conferences continue to call the federal funding of treaty and trust obligations a *Quiet Crisis*.¹ The increase of 12 percent in BIA overall is higher than the overall percentage increase for the entire Interior budget, which would be nearly 8 percent over the FY2015 enacted level. For years, NCAI and tribal leaders at the Tribal Interior Budget Council (TIBC) have pointed out the disparity in support for

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the core tribal government funding that BIA provides relative to the other agencies in the Interior Department and federal government overall. This request is very encouraging to tribal leaders who have been struggling to meet urgent demands in their communities but with inadequate resources to do so.

Mandatory Contract Support Costs: The FY2016 budget includes a proposal to reclassify contract support costs as permanent funding beginning in FY 2017. NCAI and tribes have called for moving contract support costs to mandatory funding in [resolutions](#) across Indian Country and in NCAI's tribal budget requests. The FY 2016 request also will fully fund contract support costs, based on the most recent BIA and IHS analysis. If enacted, permanent funding for Contract Support Costs (CSC) will help stabilize this vital funding as called for in tribal consultation over many years. Consultation will be held on the proposal, but tribes are looking forward to the reclassification, if possible even in FY 2016. Although NCAI would prefer that all treaty obligations in the federal budget were classified as mandatory, the CSC proposal is a very strong expression of support for Indian Self-Determination and we hope Congress will support it.

One-Stop Tribal Support Center: The budget request acknowledges BIA's important role as a central Federal services provider and coordinator in proposing \$4 million to establish a One-Stop Tribal Support Center. The proposal would support tribes in accessing services across the Federal government. NCAI considers this an important proposal that could provide much needed technical support for tribal governments. The Office of Management and Budget (OMB) has released a Native American cross cut, which shows a large range of federal funds that are available to tribes. Tribal leaders have requested details on the type of federal resources, such as whether the funds are baseline recurring funding streams, competitive grants, tribal set-asides, or state pass through funds. While anticipating the outcome of DOI's tribal consultation and work through the White House Council on Native American Affairs to develop the center, NCAI considers the concept overall beneficial for Indian Country. While the goal of the center is to facilitate streamlined communication and information exchange to help tribes easily access federal programs and opportunities, emphasis should be made on stable base funding for tribal governments.

BIA Data Initiative: The President's budget includes \$12 million to improve Evidence and Evaluation to Support Indian Affairs Activities. The proposed funding will be used to improve federal data quality and availability, to work with the U.S. Census Bureau to address data gaps for Indian Country, and create a capability within DOI's Office of Policy Analysis to support effective, data-driven, tribal policy making and program implementation. The goals include improving program performance, delivering more effective services, and helping deliver results to Indian Country. NCAI agrees that tribal leaders and communities need access to quality data and information as they make decisions, and has supported tribally-driven efforts in the past, such as the Tribal Data Exchange. The proposal includes \$2 million for internal capacity building to study Indian Affairs policy, evaluate programs, and develop tribal datasets to support tribal decision-making. The proposal would offer staff to address statistical, economic, and evaluation issues. A second element of the proposal is \$9 million for agreements with the Census Bureau to improve tribal data and address data gaps. The work would be to develop, test, and implement additional tribal data collection, increase the sample sizes for data collections on Indian lands, and develop protocols and datasets to allow federal agencies to present a more accurate socioeconomic statistics for Indian Country. The third element is \$1 million for

outreach and consultation on data collection to address data and evidence gaps. Tribal leaders and decision-makers need the tools to define the contours of the modern Indian Country economy and whether the federal government is meeting its trust responsibility.

The data initiative could help BIA address NCAI's resolution ATL-14-084, "Recommendations for Addressing the State of Emergency in Federal Underfunding of the Trust Responsibility." Recommendations include: 1) all agencies must be required to regularly assess unmet obligations to tribes, comparing needs with available resources and identifying gaps in service delivery; 2) an assessment similar to the Indian Health Service's Federal Disparity Index should be replicated by other agencies, with the results used to prioritize spending and assess the status of programs; 3) a full-scale evaluation must analyze the spending patterns of every federal agency's funding of trust responsibilities; 4) OMB must develop government-wide standards for tracking spending on tribal programs.

Tiwahe: The FY16 budget would provide \$15 million to expand the Tiwahe Initiative, \$6 million more for Social Services (under BIA Human Services), \$4 million more for law enforcement for alternatives to incarceration and \$5 million more for aid to tribal family courts. NCAI strongly supported this initiative last year and urges Congress to continue funding for this initiative.

The Social Services Program provides a wide array of family support services filling many funding gaps for tribal programs and ensuring federal support for these programs. Importantly, the Social Services Program provides the only BIA and tribal-specific funding available for child protective services in Indian Country. It also funds BIA social workers at regional and agency offices and technical assistance to tribal social service programs. These funds are desperately needed. A recent assessment of BIA social services found that, in large part due to inadequate funding, tribes report frequent vacancies and staff turnover.ⁱⁱ Tribes commend the \$5 million FY15 increase and urge that the momentum be continued. Another \$6 million must be appropriated for this program.

NCAI also supports funding under the Indian Child Protection and Family Violence Prevention Act: \$10 million for the Indian Child Abuse Treatment Grant Program, \$30 million for the Indian Child Protection and Family Violence Prevention Grant Program, and \$3 million for the Indian Child Resource and Family Service Centers Program. Increased investments in ICWA funds and Welfare Assistance should also be included.

The \$5 million increase for tribal courts is also critical, which will complement the additional resources in Law Enforcement Special Initiatives, ensuring that the judicial branch of tribal public safety systems can effectively meet family and community needs under the Tiwahe initiative.

Education would see an increase of \$138.4 million for BIE activities and construction. Increases include: \$45.5 million for Elementary and Secondary Education; \$12.9 million to fully fund Tribal Grant Support Costs; \$10 million for the Education Program Enhancement program for incentive funding; \$20 million for BIE maintenance and operations; \$34.2 million for education information technology to enhance broadband and digital access; \$4.6 million for scholarship and adult education and an increase of \$250,000 for Special Higher Education Scholarships; \$2.6 million for Johnson O'Malley. Education Construction would receive a \$58.7 million increase,

for a total of \$133.2 million. The increase includes \$25.3 million for replacement school construction to complete construction on the final two schools on the 2004 replacement school priority list. Tribal leaders have strongly supported education in Indian Country, specifically scholarships and adult education as well as Johnson O'Malley.

BIA Natural Resources would receive an important increase of \$48 million over FY 2015 for sustainable resource management and preparing and responding to the impacts of climate change, such as drought, wildfires, changes to plants and animals important to subsistence and culture, rights protection, coastal erosion and rising sea levels.

Indian Health Service: The Indian Health Service budget (IHS) request for FY16 of \$5.1 billion in budget authority is an increase of \$460.6 million (9.9 percent) above the FY15 enacted level. Tribes have requested \$5.4 billion for the agency in budget formulation. While the IHS budget has made gains in the last several years, many of the increases funded contract support costs obligations, inflation and population growth. Moreover, the IHS Tribal Budget Formulation Workgroup estimates that a true Needs Based Budget for IHS would be \$28.7 billion.

Environmental Protection Agency (EPA): NCAI supports EPA's requested an increase of \$31 million for the Tribal General Assistance Program. This increase in base funding will increase the average size of grants made to eligible tribes and further EPA's partnership with tribes to address a wider set of program responsibilities. EPA acknowledges that tribal communities need assistance to address sanitation and drinking water infrastructure. To help address this situation, EPA is requesting a tribal funding floor of two percent, or \$30 million for the Clean Water State Revolving Fund (SRF) or \$20 million for the Drinking Water SRF, whichever is greater, of the funds appropriated in FY16. NCAI supports the efforts to address sanitation and drinking water infrastructure in Indian Country.

Conclusion: Many factors contribute to restoring wellness to Indian Country: developing sanitation systems,ⁱⁱⁱ increasing tribal self-determination and accountability, easing housing overcrowding,^{iv} addressing transportation needs, lowering poverty rates, eliminating food insecurity,^v and strengthened tribal child welfare programs,^{vi} for instance, all support health and wellness. Tribal nations and leaders often apply a holistic approach to healing, drawing on a sense of connectedness with culture, place and land. The federal government, in meeting its treaty and trust obligations, plays a key role in Indian Country. If Congress shrinks away from its commitments, the ensuing shortfalls lead to grave impacts to the harmony of tribal communities. But when the federal government honors its commitments based in the trust responsibility while promoting tribal self-determination, Native people and leaders can solve long-standing social and economic dilemmas.

ⁱ US Commission on Civil Rights. (2003). *A quiet crisis: Federal funding and unmet needs in Indian Country*.

ⁱⁱ Department of the Interior, Office of Inspector General. (2012). Management of social services in BIA: Opportunity for action (Report No. WR-EV-BIA-0001-2012). (pp. 5-6)

ⁱⁱⁱ Indian Health Service. (2000). The Sanitation Facilities Construction Program of the Indian Health Service, PL 86-121 Report for 2000

^{iv} U.S. Centers for Disease Control. (2008) National Hospital Ambulatory Medical Care Survey: 2006 Emergency Department Summary. Retrieved from <http://www.cdc.gov/nchs/data/nhsr/nhsr007.pdf>

^v Cook, J. T., Frank, D. A., Levenson, S. M., Neault, N. B., Heeren, T. C., Black, M. M., Berkowitz, C. Casey, P. H., Meyers, A. F., Cutts, D. B., & Chilton, M. (2006). Child Food Insecurity Increases Risks Posed by Household Food Insecurity to Young Children's Health. American Society for Nutrition

^{vi} U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2014). Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending violence so children can thrive (p. 51).