

**UPHOLDING THE PROMISES,
RESPECTING TRIBAL
GOVERNANCE: FOR THE
GOOD OF THE PEOPLE**





National
Congress of
American
Indians



About this publication: The Indian Country Budget Request Report is published annually by the National Congress of American Indians as part of its mission to serve as a forum for unified policy development among tribal governments in order to: (1) Protect and advance tribal governance and treaty rights; (2) Promote economic development and health and welfare in American Indian and Alaska Native communities; and (3) Educate the public toward a better understanding of American Indian and Alaska Native tribes. The Fiscal Year 2017 report is the twelfth annual Indian Country budget request issued by the National Congress of American Indians.

About the seal: The seal developed for the Indian Country Budget Request Report 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.

About the cover: The cover design for this year's publication is an inukshuk, which is typically a stone pathway marker used by Indigenous peoples of the North American Arctic region. The inukshuk selected for the cover features two stone columns that represent the US government and sovereign tribal nations. The two columns come together to symbolize how each side provides a critical foundation to support the needs of Indian people. The design underscores the need for trust, coordination, and parity between federal and tribal governments as we look to learn from the past, build on successes, and provide a bright future for our youth.

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FISCAL YEAR 2017 INDIAN COUNTRY BUDGET REQUEST: UPHOLDING THE PROMISES, RESPECTING TRIBAL GOVERNANCE: FOR THE GOOD OF THE PEOPLE

EXECUTIVE SUMMARY

A central role of tribal governments is to protect their citizens and facilitate the recovery of their people following the accumulation of trauma and the very recent federal termination policies. While tribes are very diverse, a widespread custom exists across many tribal cultures of naming themselves with a word meaning “the people” or “the human beings.” Athabascans call themselves Dena, or “the people.” The hunting and gathering societies of the Inupiaq and the St. Lawrence Island Yupik call themselves the “real people.” The Nez Perce call themselves Nimipu, “the people.” Some of us are connected to each other through our tribal cultures, clan systems, and origin stories, which we remember to understand who we are today. Our stories and governments sustain our families, communities, and people. Our tribes’ histories, however, are also a part of America’s story: treaties and agreements bind us together, even if the promises have not always been remembered or honored.

While each tribe has a unique chronicle, non-Native expansion westward is also largely the story of American Indian and Alaska Native displacement. In the course of American history, Indian tribes lost millions of acres of land through treaties and agreements, causing devastating losses through displacement and disruption of culture and religion. Tribal nations, however, continue to remember their treaties and agreements that made the United States what it is today.

Tribes are assuming greater levels of government responsibility to meet their citizens’ needs in culturally appropriate ways, but receive exceptionally inadequate federal funding for roads, schools, police and government services promised by treaty and the federal trust responsibility. A growing body of literature indicates that sound governance institutions are critical to improved tribal economies, and a lack of federal funding of trust and treaty obligations undermines the progress made in the Indian Self-Determination era. Tribes’ abilities to govern effectively remain a defining challenge for the revitalization of Indian Country. Effective tribal governments that can meet the essential needs of their citizens require the fulfillment of the trust and treaty obligation to tribes along with respect for tribal governments.

This NCAI FY 2017 Indian Country Budget Request developed in coordination with national tribal organizations and tribal partners offers recommendations for ways the federal government, partnering with tribes, should meet the educational needs of a young Indian population through Bureau of Indian Education schools, tribal schools, and the public schools on and near tribal lands; provide adequate health care via the Indian Health Service, for both direct and self-governance tribes; ensure responsible resource development for the future; provide safe and secure tribal communities; and supply the long-term investments in tribal public infrastructure and services required to ensure every American Indian and Alaska Native enjoys a decent quality of life and has an opportunity to succeed.

SUPPORT FOR TRIBAL GOVERNMENTS

(more information on page 27)

Ensuring tribes have the tools for effective governance is critical to fulfilling the promise of the Indian Self-Determination and Education Assistance Act. Two key tools are contract support costs and tribal base funding. To build a more prosperous American future, Congress should continue to fully fund contract support and support tribal base funding to allow tribes to exercise their inherent right to self-government.

Support for Tribal Governments

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
DOI	Interior, Environment	BIA and IHS Contract Support Costs	Provide full funding.
DOI	Interior, Environment	Fixed Costs and Tribal Pay Costs	Provide full funding.
DOI	Interior, Environment	BIA Funding to Tribal Governments	Provide increases via tribal base funding instead of through grants.
Government-wide			Extend the Promise Zone priority consideration to all Federal competitive grant programs in all Federal agencies and to all Federal procurement opportunities.

PUBLIC SAFETY & JUSTICE

(more information on page 30)

The public safety problems that continue to plague tribal communities are the result of decades of gross underfunding for tribal criminal justice systems; a uniquely complex jurisdictional scheme; and the historic failure by the federal government to fulfill its public safety obligations on American Indian and Alaska Native lands. Residents and visitors on tribal lands deserve the safety and security that is taken for granted outside of Indian Country. Congress has taken historic steps in recent years with the passage of the Tribal Law and Order Act in 2010 and the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) to begin to address some of the structural barriers to public safety in tribal communities. For the promise of these laws to be fully realized, however, they must be fully implemented. Implementation cannot occur without sufficient resources for tribal justice systems. Increased and targeted funding in the following program areas will have a significant impact on safety in tribal communities for tribal citizens, residents, and visitors to tribal lands. Highly-functioning criminal justice systems and basic, on-the-ground police protection are fundamental priorities of any government; tribal governments are no different.

Public Safety & Justice

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
DOI, DOJ, HHS	Interior, Environment; Commerce, Justice, Science; and Labor, HHS	Tribal Law & Order Act	Provide full funding.
DOI	Interior, Environment	Base funding for tribal courts and the Indian Tribal Justice Act	\$82,000,000
DOI	Interior, Environment	BIA Law Enforcement	\$528,000,000
DOJ	Commerce, Justice, Science	Tribal Grants	Utilize DOJ appropriations as base funding with tribes setting own priorities.
DOJ	Commerce, Justice, Science	Tribal Set-Aside from Office of Justice Programs	Create a 10 percent tribal set-aside for all discretionary Office of Justice Programs (OJP) programs.
DOJ	Commerce, Justice, Science	Tribal Set-Aside from Crime Victims Fund	Create a 10 percent set-aside for tribal governments.
DOJ	Commerce, Justice, Science	Title II Delinquency Prevention Block Grants	Create a 10 percent set-aside for tribal governments.
DOJ	Commerce, Justice, Science	Title V Incentive Grants for Local Delinquency Prevention Programs	Create a 10 percent set-aside for tribal governments.
DOJ	Commerce, Justice, Science	Tribal Youth Program under the Juvenile Accountability Block Grants program	\$25,000,000
DOJ	Commerce, Justice, Science	Research, Evaluation, Technical Assistance, and Training, Part D of JJDP	Increase funding and establish a tribal set-aside.
DOJ	Commerce, Justice, Science	Tribal Civil and Criminal Legal Assistance, Training and Technical Assistance (TCCLA) Grant Program	\$3,000,000
DOJ	Commerce, Justice, Science	Community Oriented Policing Services (COPS) Tribal Law Enforcement	\$52,000,000
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 37)

Department of Homeland Security outreach and communication has vastly improved due to the consistent presence of tribal affairs points of contact. Funding has stagnated at a critical level for the past 10 years, which places Indian Country and the totality of the United States at risk until tribes achieve greater capacity equal to the states for homeland security and emergency management purposes. Congress and the Administration have a trust obligation to assist tribal governments to protect all citizens, Native and non-Native, within their jurisdictions. Tribal officials accept their responsibilities to do the best they can

with underfunded homeland security budgets, or no budgets whatsoever. Until parity occurs, tribal communities will be unable to participate in the national homeland security strategies and will continue to be a weak link in protecting vital infrastructure from domestic and international terrorist attacks, and related threats.

Homeland Security & Emergency Management

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
DHS	Homeland Security	Tribal Homeland Security Grant Program	\$20,000,000
DHS	Homeland Security	Western Hemisphere Travel Initiative, Tribal IDs	\$10,000,000
DHS	Homeland Security	Western Hemisphere Travel Initiative	Provide technical assistance and materials for tribes to produce tribal IDs.
DHS-FEMA	Homeland Security	Creation of National Tribal Advisory Council	\$500,000
DHS-FEMA	Homeland Security	Emergency Management Institute Tribal Course Delivery	\$1,000,000

EDUCATION

(more information on page 39)

Ensuring equal educational opportunities is not simply a matter of fairness, but even more importantly in today's challenging economic climate, it is an essential strategy for creating jobs and securing the nation's future prosperity—particularly in tribal communities. An educated citizenry serves as a catalyst to boost tribal economic productivity and growth through a more highly-skilled workforce, which can attract new businesses, reduce unemployment, stimulate reservation economies through direct spending, and foster a greater entrepreneurial spirit for all tribal members to become more self-sufficient. Education also 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.

Under sequestration, critical education programs have been reduced curtailing their efficiency and effectiveness. The across-the-board reductions disproportionately affect Native youth and leave America's most vulnerable populations and students behind, representing a blatant abandonment of the federal trust responsibility for educating Native students. To address this urgent situation and give tribal nations the vital foundation for economic success, the federal government must live up to its trust responsibility by providing adequate support for Native education. The requests below detail the minimum funding needed to sustain a system that is currently struggling and underfunded. NCAI has provided these FY 2017 budget requests to illustrate the budgetary need for effectively serving Native students and strengthening tribal self-determination in education.

Education

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
ED	Labor-HHS-Education	Title I, Part A (Local Education Agency Grants)	\$25,000,000,000
ED	Labor-HHS-Education	Title VII funding, ESSA (Impact Aid Funding)	\$2,000,000,000
ED	Labor-HHS-Education	Title VI funding, Every Student Succeeds Act (ESSA) (culturally-based education)	\$198,000,000
ED	Labor-HHS-Education	Title VI, Part A, Subpart 3, ESSA (Language Immersion Programs)	\$6,000,000
ED	Labor-HHS-Education	Native Hawaiian Education Program, Title VI, Part B	\$35,000,000
ED	Labor-HHS-Education	Alaska Native Education Equity Assistance Program, Title VI, Part C	\$35,000,000
ED	Labor-HHS-Education	Title III-A grants under the Higher Education Act for Tribal Colleges and Universities (Discretionary)	\$30,000,000
ED	Labor-HHS-Education	Title III-A grants under the Higher Education Act for Tribal Colleges and Universities (Mandatory)	\$30,000,000
ED	Labor-HHS-Education	Tribal Colleges and Universities: Adult/Basic Education	\$8,000,000
ED	Labor-HHS-Education	Tribally Controlled Post-Secondary Career and Technical Institutions	\$10,000,000
ED	Labor-HHS-Education	Native American-Serving, non-Tribal Institutions (Higher Education Act, Title III-F)	\$10,000,000
ED	Labor-HHS-Education	Tribal Education Departments (Dept. of Ed)	\$5,000,000
DOI	Interior, Environment	Tribal Education Departments (DOI)	\$5,000,000
DOI	Interior, Environment	Construction/Repair of Bureau of Indian Education (BIE) Schools	\$263,400,000
DOI	Interior, Environment	Johnson O'Malley	\$42,000,000
DOI	Interior, Environment	Student Transportation	\$73,000,000
DOI	Interior, Environment	Tribal Grant Support Costs (Administrative Cost Grants)	\$78,000,000
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	Education Management: Education IT	\$41,000,000
DOI	Interior, Environment	BIE Immersion Demonstration Grants	\$5,000,000
DOI	Interior, Environment	Juvenile Detention Education	\$620,000
DOI	Interior, Environment	Tribal Colleges and Universities' Institutional Operations, Titles I, II, and III of the Tribally Controlled Colleges and Universities Assistance Act	\$89,220,000

Education

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
DOI	Interior, Environment	Institute of American Indian Arts and Center for Lifelong Education & Museum (AIANNH Culture and Art Development Act)	\$9,800,000
DOI	Interior, Environment	Haskell Indian Nations University & Southwestern Indian Polytechnic Institute (Snyder Act)	\$22,900,000
DOI	Interior, Environment	Forward Fund Five Tribal Colleges and Universities	\$21,500,000
USDA	Agriculture	1994 Institutions Extension Program (NIFA)	\$15,000,000
USDA	Agriculture	1994 Institutions Research Program	\$7,500,000
USDA	Agriculture	1994 Institutions Educational Equity Grants	\$7,500,000
USDA	Agriculture	Native American Endowment Account (Corpus Payment)	\$136,000,000
USDA	Agriculture	Tribal Colleges and Universities Essential Community Facilities Program	\$10,000,000
HUD	Transportation, Housing and Urban Development	HUD-University Partnership Program for Tribal Colleges and Universities	\$5,500,000
DHHS	Labor-HHS-Education	Indian Head Start	Provide full funding.
DHHS	Labor-HHS-Education	Native Languages Preservation, with Esther Martinez Program (EMP)	\$12,000,000 for NLP, with \$5,000,000 for EMP.
NSF	Commerce, Justice, and Science	Education and Human Resources Funding for Tribal Colleges and Universities	\$15,000,000

HEALTH CARE

(more information on page 51)

The survival and prosperity of tribal communities depends on the safety, health, and wellness of our citizens. American Indians/Alaska Natives (AI/AN) have long experienced significant health disparities when compared with other Americans. Shorter life expectancy and the disease burdens carried by AI/AN exist because of inadequate education and outreach, disproportionate poverty, discrimination in the delivery of health services, and cultural considerations.

The Indian Health Service (IHS) has been and continues to be a critical institution in securing the health and wellness of tribal communities. According to IHS data from 2007-2009, AI/AN people's life expectancy is 4.0 years less than other Americans, and AI/AN people die at higher rates than other Americans from alcoholism (520 percent higher), chronic liver disease and cirrhosis (368 percent higher) diabetes (177 percent higher), unintentional injuries (141 percent higher), homicide (86 percent higher), and suicide (60 percent higher). Additionally, the two leading causes of death for AI/AN people from 2007-2009 were heart disease and cancer. Clearly, these data indicate the need for a better funded and more efficient Indian health care delivery system.

The federal budget for Indian health care is not just a fiscal agreement between sovereign nations. The annual budget request reflects the extent to which the United States chooses to honor its promises of justice, health, and prosperity to Indian people. The federal trust responsibility mandates the delivery of adequate healthcare to Native people. The trust responsibility is based on treaties, statutes, Executive Orders, and legal precedence that recognize the federal government’s obligations to tribal governments. Congress, the Administration, and the Courts must carry out the trust responsibility in a way that ensures that Native people have access to adequate health care and ensures that tribal governments are able to meet the health care needs of their citizens.

For the government to fully fulfill the trust relationship to tribal governments, it would require full funding of the IHS at \$29.96 billion. Developing and implementing a plan to bring appropriations to the level required for Native people to achieve parity with other Americans 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 representing the 12 IHS Areas and the Agency-wide goals expressed by IHS.

Health Care

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
DHHS	Interior Environment	Total FY 2017 Indian Health Service Funding	\$6,225,642,000 <i>Services: \$5,422,971,000</i> <i>Facilities: \$802,671,000</i>
DHHS	Interior, Environment	Indian Health Service funding increase over FY 2016 budget request level to maintain current services	\$482,440,000
DHHS	Interior, Environment	Indian Health Service funding increase over FY 2016 budget request level to increase program services and facilities	\$640,216,7000 <i>Services: \$591,702,700</i> <i>Facilities: \$48,514,000</i>
DHHS	Labor-HHS-Education	On the TRAIL 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 60)

Tribal child welfare programs are comprised of a number of “discrete, yet interconnected” functions that include child abuse prevention, child protection, in-home services, case management, foster care, placement home recruitment, kinship care, permanent placement, court hearings, ICWA coordination and collaboration, and referrals to other services. Tribal child welfare programs work tirelessly to successfully serve children and families through holistic, strengths-based, culturally appropriate, and family-centered services throughout these various endeavors. In providing these services, a great number of tribes work simultaneously, in numerous jurisdictions across the country, to defend tribal and family rights threatened by state and private child welfare agencies and court systems.

Congress has unequivocally recognized that there is nothing “more vital to the continued existence and integrity of Indian tribes than their children.”¹ Therefore, Congress must promulgate a budget that empowers tribes to provide programs and services necessary to safeguard their children and strengthen their families. The recommendations below suggest funding increases that would provide tribes with sufficient child welfare funding and avoid unnecessary delays in being able to heal children and families.

Child Welfare

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
DOI	Interior, Environment	BIA Indian Child Protection and Family Violence Prevention Act	\$43,000,000
DOI	Interior, Environment	BIA Welfare Assistance	\$80,000,000
DOI	Interior, Environment	Indian Child Welfare Act On or Near Reservation Program	\$17,000,000
DOI	Interior, Environment	Self-Governance and Consolidated Tribal Government Program (CTPG)	\$18,000,000
DOI	Interior, Environment	Off-Reservation Indian Child Welfare Act Program	\$5,000,000
DOI	Interior, Environment	BIA Social Services Program	\$50,000,000
DHHS	Labor-HHS-Education	Promoting Safe and Stable Families, Title IV-B, Subpart 2 Discretionary (three percent tribal allocation reserved from this amount)	\$90,000,000
DHHS	Labor-HHS-Education	Child Abuse Discretionary Activities (tribes and states eligible to compete for these grant funds)	\$35,000,000
DHHS	Labor-HHS-Education	Community-Based Child Abuse Prevention (one percent tribal allocation reserved from this amount)	\$60,000,000
DHHS	Labor-HHS-Education	Child Welfare Services, Title IV-B, Subpart 1 (tribal allocation reserved from this amount)	\$280,000,000
DHHS	Labor-HHS-Education	Title IV-E Foster Care/Adoption Startup Funds (mandatory)	\$27,000,000
DHHS	Labor-HHS-Education	SAMHSA Programs of Regional and National Significance, Child and Family Programs	\$6,000,000 reserved for tribal and urban Circles of Care grants.
DHHS	Labor-HHS-Education	SAMHSA Garrett Lee Smith Grants, State/Tribal Youth Suicide Prevention and Early Intervention Grant	\$40,500,000
DHHS	Labor-HHS-Education	SAMHSA Garrett Lee Smith Grants, Campus Suicide Prevention Program	\$9,000,000
DHHS	Labor-HHS-Education	SAMHSA American Indian and Alaska Native Suicide Prevention	\$3,200,000
DHHS	Labor-HHS-Education	SAMHSA Tribal Behavioral Health Program	\$50,000,000
DHHS	Labor-HHS-Education	Children’s Mental Health Services Program (tribes and states eligible to compete for these grant funds)	\$117,000,000

DISABILITIES

(more information on page 74)

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 population in the nation. Of those Native adults with a disability, 51 percent reported having fair or poor health. Despite this need, tribes have had limited access to funding for vocational rehabilitation and job training when 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.

Disabilities

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 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 75)

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. Grants to tribes have historically been insufficiently funded to meet existing needs of elders in tribal communities. Tribal governments have not had the same access as states to the programs available to meet the needs of their elder populations. In addition, state programs seldom serve Native elders due to cultural and geographic barriers. Immediate action needs to be taken in order to remedy these disparities and ensure that Native elders are well cared for.

Elders

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 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-Subtitle B), Protection of Vulnerable Older Americans	Create a one percent tribal set-aside and recommend tribes and tribal organizations be eligible for the Elder Justice Initiative.
DHHS	Labor-HHS-Education	Older Americans Act (Title V), Senior Community Service Employment Program	\$434,371,000

ECONOMIC & WORKFORCE DEVELOPMENT

(more information on page 77)

Increasing economic opportunities for Indian Country requires a comprehensive, multi-agency approach. Many parts of Indian Country continue to experience high rates of unemployment and poverty due to shortfalls in federal oversight and barriers to private and philanthropic investment. The lack of appropriate federal funding coupled with regulatory barriers has hindered the ability of many tribes to access capital resources and workforce training programs. Honoring the federal government's trust responsibility by addressing key economic needs will further the economic drive of Indian Country through increased business and workforce development opportunities. These FY 2017 budget requests highlight appropriations that are essential to promote tribal self-determination to economic prosperity and advance the economic security of tribal nations.

Economic & Workforce Development

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
Commerce	Commerce, Justice, Science	Minority Business Development Agency	\$35,000,000 and a set-aside to re-establish NABEC within MBDA.
Commerce	Commerce, Justice, Science	Office of Native American Affairs	\$1,250,000
SBA	Financial Services	Office of Native American Affairs	\$2,000,000
DOD	Defense	American Indian Procurement Technical Assistance Program	\$3,600,000
DOD	Defense	Indian Incentive Payment Program	\$18,000,000
Treasury	Financial Services	Community Development Financial Institutions Fund	\$20,000,000 and continue to waive non-federal match requirement for NACA financial assistance program.
Treasury	Financial Services	Community Development Financial Institutions Fund, New Markets Tax Credit Program	Provide a five percent set-aside and revise 'service area' to include Indian Country.
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
DOL	Labor-HHS-Education	YouthBuild Program	Restore funding to \$84,500,000.
DOL	Labor-HHS-Education	Employment and Training Administration, Indian and Native American Program (INAP)	\$60,500,000
DOL	Labor-HHS-Education	Native American Employment and Training Council	\$125,000 from non-INAP resources.

TELECOMMUNICATIONS

(more information on page 84)

In February 2015, the Federal Communications Commission adopted a new speed benchmark for broadband. Based on this new standard, 63 percent of tribal lands across the country lack access to the high-speed broadband services needed to support economic development, tribal governance, healthcare, education, and public safety. While USDA Rural Utilities Service programs provide vital capital resources for broadband projects, certain regulatory mechanisms have hindered the deployment, maintenance, and affordability of broadband and radio services throughout Indian Country. Policies and investments focused on the deployment and adoption of these new technologies will provide renewed opportunities for tribes to exercise self-determination and nation building. Funding for federal commitments to consult with tribal nations, and access to public media systems continue to be essential functions for bridging the Digital Divide in Indian Country.

Telecommunications

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
FCC	Financial Services	Office of Native Affairs and Policy	Provide fixed annual budget of \$500,000.
CPB	Labor-HHS-Education	American Indian and Alaska Native Radio Station grants	\$5,000,000
CPB	Labor-HHS-Education	Native Public Media and Koahnic Broadcast Corporation	\$1,000,000

AGRICULTURE & RURAL DEVELOPMENT

(more information on page 86)

Agriculture is a major economic, employment, and nutrition sector in Indian Country. In 2012, there were at least 56,092 American Indian-operated farms and ranches on more than 57 million acres of land. These farms and ranches sold \$3.3 billion of agricultural products, including more than \$1.4 billion of crops and \$1.8 billion of livestock and poultry. As a result of the huge agricultural footprint across Indian Country and the fact that more than 35 percent of American Indian and Alaska Native peoples live in rural communities, tribal governments and farmers look to active partnerships throughout the US Department of Agriculture to sustain and advance common interests across the broad array of services that this federal agency provides to tribal governments.

Agriculture & Rural Development

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
USDA	Agriculture	Office of Tribal Relations	\$1,500,000
USDA	Agriculture	Rural Development 502 Direct Loan Program	\$20,000,000 tribal set-aside
USDA	Agriculture	Rural Development	\$2,500,000,000
USDA	Agriculture	Rural Utilities Service	\$9,000,000,000
USDA	Agriculture	Rural Housing and Community Facilities Programs	\$28,000,000,000

Agriculture & Rural Development

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
USDA	Agriculture	Natural Resources Conservation Service (NRCS), Environmental Quality Incentives Program	\$1,600,000,000
USDA	Agriculture	NRCS, Conservation Stewardship Program	\$1,449,000,000
USDA	Agriculture	Federally Recognized Tribal Extension Program	\$5,000,000
USDA	Agriculture	Food Distribution Program on Indian Reservations	\$115,000,000
USDA	Agriculture	Food Distribution Program on Indian Reservations, traditional foods market development	\$5,000,000

ENVIRONMENTAL PROTECTION*(more information on page 92)*

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

Environmental Protection

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
EPA	Interior, Environment	Indian Environmental General Assistance Program	\$75,000,000
EPA	Interior, Environment	Safe Drinking Water State Revolving Funds	Provide five percent tribal set-aside.
EPA	Interior, Environment	Clean Water Act State Revolving Fund, tribal set-aside	Provide \$46,500,000 tribal set-aside and permanently lift the funding cap on tribal set-aside for wastewater facilities.
EPA	Interior, Environment	Tribal Water Pollution Control, Clean Water Act Section 106	Increase the tribal allocation to 20 percent.
EPA	Interior, Environment	Nonpoint Source Pollutant Control, Clean Water Act Section 319	Eliminate cap on tribal funding and provide \$13,000,000.
EPA	Interior, Environment	Exchange Network	Provide 10 percent set-aside for tribes.
EPA	Interior, Environment	Great Lakes Restoration Initiative, tribal allocation	\$3,000,000

NATURAL RESOURCES

(more information on page 98)

Tribes' cultures, traditions, lifestyles, communities, foods, and economies all depend upon many natural resources, and yet so many critical natural resources are disappearing faster than we can restore them. Given the state of the economy and national priorities, coupled with the increasing negative impacts of climate change, 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. 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. Tribes, as proven effective managers of their own resources, must be provided with the appropriate funding and support as required by the treaty and trust responsibilities of the federal government. Federal support for tribal natural resource efforts, however, continues to not match the tribal efforts, nor capture the value of tribal ecological knowledge and natural resources for tribal peoples and for the nation.

For tribes to fully utilize their natural resources and to establish and maintain natural resource management programs, funding for Bureau of Indian Affairs (BIA) natural resource programs must increase. BIA programs often provide the only source of funding to protect tribal lands. Many of the BIA Trust natural resources programs discussed in this section experienced substantial cuts over the past decade. The most supportive role for the federal government is as a resource-provider—facilitating independent decision-making and true self-governance for tribal nations.

Natural Resources

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
DOI	Interior, Environment	BIA Rights Protection Implementation	\$52,000,000
DOI	Interior, Environment	Cooperative Landscape Conservation Initiative	\$30,000,000
DOI	Interior, Environment	BIA Water Management, Planning, and Pre-Development Program	\$10,500,000
DOI	Interior, Environment	BIA Water Rights Negotiation/Litigation program	\$10,923,000
DOI	Interior, Environment	BIA Endangered Species Program	\$3,000,000
DOI	Interior, Environment	BIA Tribal Management and Development Programs	\$20,000,000
DOI	Interior, Environment	BIA Wildlife and Parks Tribal Priority Allocations - Fish Hatchery Operations	\$3,350,000
DOI	Interior, Environment	BIA Wildlife and Parks Tribal Priority Allocations - Fish Hatchery Maintenance	\$6,582,000
DOI	Interior, Environment	BIA Wildlife and Parks Tribal Priority Allocation	\$10,000,000
DOI	Interior, Environment	BIA Natural Resources Tribal Priority Allocations	\$10,000,000
DOI	Interior, Environment	BIA Invasive Species Program	\$10,000,000
DOI	Interior, Environment	Fish and Wildlife's Tribal Wildlife Grants Program	\$8,000,000

Natural Resources

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
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 Aid to Tribal Government	Increase by \$50,000,000.
DOI	Interior, Environment	BIA Forestry Tribal Priority Allocations and Forestry Projects	\$75,000,000
DOI	Interior, Environment	BIA Forestry Projects (post-fire recovery and rehabilitation activities on trust land)	Increase by \$20,000,000.
DOI	Interior, Environment	BIA Forestry Projects (Workforce Development program)	Increase by \$12,700,000
DOI	Interior, Environment	Office of Wildland Fire Management Preparedness	\$400,000,000; prioritize wildland fire suppression; and maintain separate funding for tribal CSC.
DOI	Interior, Environment	Office of Wildland Fire Fuels Management	\$206,000,000; allow use of RTRL funds on tribal lands.
DOI	Interior, Environment	Office of Wildland Fire Fuels Management	Support continuation of Resilient Landscape initiative and Disaster Fire Funding legislation.
USDA	Interior, Environment	US Forest Service	Encourage support for expanded Anchor Forest initiatives.
USD	Interior, Environment	US Forest Service	Make USFS implementation of the TFPA a priority.

ENERGY

(more information on page 108)

Tribal energy resources are vast, largely untapped, and critical to America's efforts to achieve energy security and independence, reduce greenhouse gases, and promote economic development. Energy development is integral to tribal efforts to generate jobs and to improve tribal members' standard of living. The Department of the Interior estimates that undeveloped traditional energy reserves on Indian lands could generate up to \$1 trillion for tribes and surrounding communities. Further, the Department of Energy found that wind power from tribal lands could satisfy 32 percent of total US electricity demand, and tribal solar resources could generate twice the total amount of energy needed to power the country.

Even with this substantial potential, there are only two commercial-scale renewable energy projects operating in Indian Country. In the conventional energy field, tribes boast nearly a quarter of the nation's on-shore oil and gas reserves and developable resources and one-third of the nation's western low-sulfur coal. Nevertheless, Indian tribes and communities face not only many of the same challenges in developing their energy resources and infrastructure that state and local governments and non-Indian communities face but also additional challenges—including special laws, regulations, and policies that are

completely unique to Indian Country and often to a specific tribe, as well as grossly inadequate physical infrastructure, limited access to capital, and high workforce training and development needs. This FY 2017 budget request identifies authorized energy programs that have never been funded but, if adequately funded, would provide innovative, important new tools to spur new investment in tribal energy development and meet critical analysis and planning, capacity building, and resource management needs. Further development of tribal energy would contribute significantly to national energy security, clean energy development to reduce greenhouse gas emissions; as well as tribal economic development and job creation.

Energy

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
DOE	Energy and Water	Office of Indian Energy Policy and Programs	\$20,000,000
DOE	Energy and Water	Tribal Loan Guarantee Program	\$11,000,000
DOE	Energy and Water	Office of Indian Energy Policy and Programs Loan Authorization	\$2,000,000,000
DOI	Interior, Environment	Office of Indian Energy and Economic Development, energy capacity building through development grants	\$5,000,000
DHHS	Labor-HHS-Education	Low-Income Home Energy Assistance Program, (Tribes)	\$51,000,000

HOUSING

(more information on page 111)

The foundation of healthy tribal communities is access to safe, culturally relevant and quality affordable housing. Tribes have made great strides toward improving housing conditions in their communities through the Native American Housing Assistance and Self-Determination Act (NAHASDA), this authorization addresses the need for housing for low-income Indian people persists. Native Americans still face some of the worst housing and living conditions in the United States.

Tribal programs under the Native American Housing and Self-Determination Act have been successful in allowing tribes the self-determination necessary to provide effective programs for tribal citizens. NAHASDA effectively replaced the various Indian housing programs under the 1937 Housing Act and consolidated federal housing funds through direct block grants to the tribes and their TDHEs. Tribes are now exercising their right of self-determination to design and implement their own housing and other community development infrastructure programs. NAHASDA has resulted in tens of thousands more housing units being constructed, as well as increased tribal capacity to address related infrastructure and economic development challenges. Since the enactment of NAHASDA in 1996, tribal housing programs have been making great strides for housing and community development by using sustainable building practices and leveraging their NAHASDA and other federal funding. Today there are close to 500 Tribally Designated Housing Entities (TDHEs) in Indian Country. The NAHASDA authorizes several programs and activities that are in need of additional funding, they include the Indian Housing Block Grant; Indian Community Development Block Grant; Sections 184 and 184A Guaranteed Loan Program; Title VI Guaranteed Loan Program; and NAHASDA's Training and Technical Assistance Funding.

Housing

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
HUD	Transportation, HUD	Indian Housing Block Grant	\$700,000,000
HUD	Transportation, HUD	Indian Community Development Block Grant	\$70,000,000
HUD	Transportation, HUD	Title VI Loan Guarantee	\$2,000,000
HUD	Transportation, HUD	Section 184 Loan Guarantee Program	\$10,000,000
HUD	Transportation, HUD	Tribal HUD-Veterans Affairs Supportive Housing Program	\$4,000,000
HUD	Transportation, HUD	NAHASDA's Training and Technical Assistance	\$4,800,000
HUD	Transportation, HUD	Native Hawaiian Housing Block Grant	\$12,000,000
HUD	Transportation, HUD	Section 184A Loan Guarantee	\$500,000

TRANSPORTATION*(more information on page 114)*

Tribal transportation infrastructure is a key component for tribal governments to bolster their economies. Transportation programs are critical to ensure tribal governments can provide for economic development and social well-being of their tribal citizens and to ensure the safety of non-tribal citizens who travel on tribal roads.

Surface transportation in Indian Country involves hundreds of thousands of miles of roads and highways, and hundreds of bridges. According to the latest National Tribal Transportation Facility Inventory (NTTFI), there are approximately 160,000 miles of roads and trails in Indian Country owned and maintained by tribes, the Bureau of Indian Affairs (BIA), states and counties. Of those, Indian tribes own and maintain 13,650 miles of roads and trails, of which only 1,000 (or 7.3 percent) are paved, with another 12,650 miles consisting of gravel, earth, or primitive materials. Of the 29,400 miles owned and maintained by the Bureau of Indian Affairs, 75 percent are graveled, earth, or primitive. When combined, the roads owned and maintained by Indian tribes and the BIA are among the most underdeveloped and unsafe road networks in the nation, even though they are the primary means of access to American Indian and Alaska Native communities by Native and non-Native residents and visitors alike.

Transportation

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
DOT	Transportation, HUD	Tribal Transportation Program	\$475,000,000
DOT	Transportation, HUD	Tribal Technical Assistance Programs	\$1,500,000
DOT	Transportation, HUD	Tribal Transit Program	\$35,000,000
DOT	Transportation, HUD	Tribal High Priority Projects Program	\$30,000,000
DOI	Interior, Environment	BIA Roads Maintenance	\$40,000,000

HISTORIC & CULTURAL PRESERVATION

(more information on page 117)

The protection of Native cultures spans across complex statutory and regulatory aspects of the federal government. Success in navigating these complex structures has resulted in the repatriation of cultural items, guidance regarding tribal member possession of eagle feathers, and protection of, and increased tribal access to sacred places for religious and spiritual purposes. Federal funding to support the repatriation of sacred objects and ancestors, for the preservation of cultures, and for the protection of sacred and historical places continue to remain a paramount priority for tribes.

Historic & Cultural Preservation

AGENCY	APPROPRIATIONS BILL	PROGRAM	NCAI FY 2017 REQUEST
DOI	Interior, Environment	Tribal Historic Preservation Officer Program	\$15,000,000
DOI	Interior, Environment	Native American Graves Protection and Repatriation Act (NAGPRA)	\$4,000,000
DOI	Interior, Environment	Investigations into Failure to Comply with NAGPRA	Provide a 10 percent increase for investigations into failure of institutions to comply with NAGPRA, and create a line-item for investigations of complaints made by tribes.
DOI	Interior, Environment	National Study on the Sale and Trafficking of AIANNH objects and human remains	\$1,000,000

A photograph of a stack of several large, dark, irregularly shaped stones balanced on top of each other. The stack is positioned on a grassy hillside. The background is a clear, bright blue sky. The entire image has a teal color overlay.

FISCAL YEAR 2017 INDIAN COUNTRY
BUDGET REQUESTS



UPHOLDING THE PROMISES, RESPECTING TRIBAL GOVERNANCE: FOR THE GOOD OF THE PEOPLE

INTRODUCTION

From the Haudenosaunee bound together by the Iroquois confederacy, to the large land based tribes in the Great Plains and West, to the traditional tribal village councils in the Arctic, Indian tribes possess inherent powers of government, which tribes exercise today to protect their people, their lands, and their cultures. Tribal governments possess powers to determine their forms of government, define membership, and make and enforce laws through police and tribal courts. Respect for tribal governance and the honoring of promises made through treaties and agreements with tribes are essential to the well-being of Native people throughout Indian Country.

FOR THE GOOD OF THE PEOPLE

A central role of tribal governments is to protect their citizens and facilitate the recovery of their people following the accumulation of trauma and the very recent federal termination policies. While tribes are very diverse, a widespread custom exists across many tribal cultures of naming themselves with a word meaning “the people” or “the human beings.” Athabascans call themselves Dena, or “the people.” The hunting and gathering societies of the Inupiaq and the St. Lawrence Island Yupik call themselves the “real people.” The Nez Perce call themselves Nimipu, “the people.” Some of us are connected to each other through our tribal cultures, clan systems, and origin stories, which we remember to understand who we are today. Our stories and governments sustain our families, communities, and people. Our tribes’ histories, however, are also a part of America’s story: treaties and agreements bind us together, even if the promises have not always been remembered or honored.

REMEMBER THE PROMISES

While each tribe has a unique chronicle, non-Native expansion westward is also largely the story of American Indian and Alaska Native displacement. In the course of American history, Indian tribes lost millions of acres of land through treaties and agreements, causing devastating losses through displacement and disruption of culture and religion. Tribal nations, however, continue to remember their treaties and agreements that made the United States what it is today. Moreover, tribes continue to defend their treaty-guaranteed rights and assert their powers of government, which emanate from the US Constitution, treaties, acts of Congress, and presidential executive orders.

“WE HAVE MADE MANY TREATIES WITH THE UNITED STATES, AT ALL TIMES WITH A BELIEF THAT THE ONE [WE WERE] MAKING [WOULD] BE THE LAST... [W]E HAVE FREQUENTLY GIVEN UP LARGE TRACTS OF OUR COUNTRY FOR A MERE SONG.” OPOHLEYAHOLA (MUSCOGEE) ET AL. TO THE U.S. SECRETARY OF WAR, MARCH 22, 1832

RESPECT FOR TRIBAL GOVERNMENTS

As a part of tribes’ responsibility to their people, tribal governments provide a range of governmental services on tribal lands, including education, law enforcement, judicial systems, health care, environmental protection, natural resource management, and basic infrastructure such as housing, roads, bridges, sewers, public buildings, telecommunications, broadband and electrical services, and solid waste treatment and disposal. Tribes are assuming greater levels of government responsibility to meet their citizens’ needs in culturally appropriate ways, but receive exceptionally inadequate federal funding for roads, schools, police and government services promised by treaty and the federal trust responsibility. A growing body of literature indicates that sound governance institutions are critical to improved tribal economies, and a lack of federal funding of trust and treaty obligations undermines the progress made in the Indian Self-Determination era.²

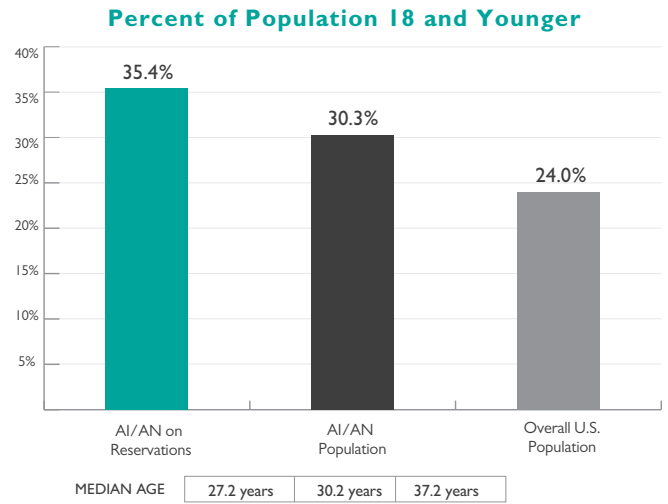
After federal policies, such as removal, relocation, forced assimilation, allotment, and termination, the continuing viability of tribal cultures and governments reflects the determination of Indian tribes to endure as distinct peoples. Indeed, understanding the role of tribes as governing entities is central to understanding the resilience of Indian Country and Native people today. Efforts to disband and assimilate tribes have drawn on the view of American Indians/Alaska Natives as ethnic or racial groups, as opposed to self-governing entities. In addition to military efforts against Native people, many iterations of federal policy attempted to destroy traditional tribal governments and eliminate tribal culture, most recently during the Indian termination era of the 1950s. Despite such efforts, hundreds of tribes remain and millions of American Indian and Alaska Native people survived, carrying the cultures and lifeways of their forebears, even if some wounds remain to heal.

IMPORTANCE OF FEDERAL TREATY AND TRUST OBLIGATIONS TO TRIBAL GOVERNMENTS

Tribes’ abilities to govern effectively remain a defining challenge for the revitalization of Indian Country. Indian Country continues to face tremendous economic need, the result of adverse policies, which affects not only employment, income, and poverty, but also the ability of tribes to raise revenues to finance their government services.

Many tribal nations face the under provision of basic public goods and services, such as public safety and justice, due to inadequate federal funding, weak tax bases, and dual taxation. Publicly provided services, such as education, sanitation, basic

infrastructure, social services and natural resource management, have suffered due to the confluence of these barriers to tribal revenue. State governments provide few services on Indian reservations, but impose taxes on natural resources, retail sales, and increasingly on property such as wind generation facilities. Dual taxation exacerbates problems posed by weak tax bases: if tribes impose a tribal government tax, then the resulting dual taxation drives business away. Often, non-Indian businesses make up the bulk of a reservation’s economy. Dual taxation causes many tribes to collect no taxes, leading to inadequate roads, schools, police, courts and health care. Reservation economies funnel millions of tax dollars into the treasuries of state and local governments who spend the funds outside of Indian Country. This fundamentally unfair dilemma undermines the Constitution’s promise of respect for tribal sovereignty, and keeps Indian reservations the most underserved communities in the nation. While tribal leaders pursue solutions for tribal authority to provide government revenue, the fulfillment of trust and treaty obligations remains of utmost importance to the well-being of American Indian and Alaska Native people.



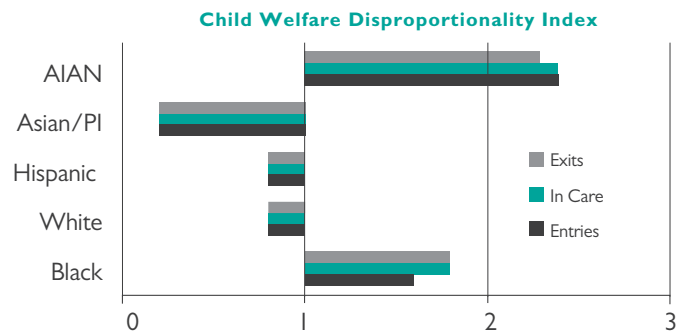
Source: US Census Bureau, 2010 Census. American Indian and Alaska Native Summary File, Tables PCT3 and PCT4.

STATUS OF INDIAN COUNTRY

Trends throughout Indian Country reveal vast improvements in health, education, and social welfare since the beginning of the Indian self-determination era. While encouraging, addressing gaps in opportunity remains a pressing need, given the young population of Indian Country.

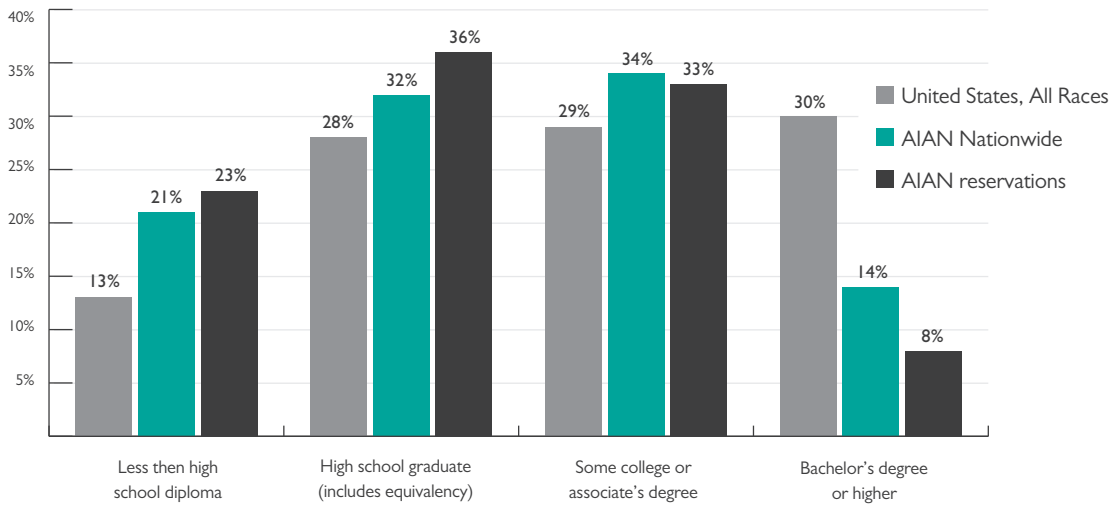
Thirty-five percent of the Native population in the United States is 18 years old or younger, compared to 24 percent of the overall population. The median age on reservations is 27, ten years younger than for the overall US population.

Child and Family Welfare: Ensuring tribal governments have the resources to meet the interrelated needs of their children, families, and communities is essential. Although Indian Country has much hope for our Native youth, our children are over represented in the foster care system, two-and-a-half times their share of the population.^{3,4} The Tiwahe Initiative, which tribes have undertaken in coordination with the Bureau of Indian Affairs, represents a promising approach to addressing the interrelated problems of poverty, violence, and substance abuse in Indian communities. Tribes are expanding and integrating job training and social services programs to address child and family welfare, job training, and incarceration issues to promote family stability. However, recent reports on reducing children’s exposure to violence call for directing “sufficient funds to bring funding for tribal criminal and civil justice systems and tribal protection systems into parity with the rest of the United States.”⁵ Tribal courts, Indian Child Welfare Act programs, and social services are critical funding streams addressing child and family welfare.



Source: National Council of Juvenile and Family Court Judges (NCJFCJ), Disproportionality Rates for Children of Color in Foster Care, 2012

Highest Level of Education Attained, 2014

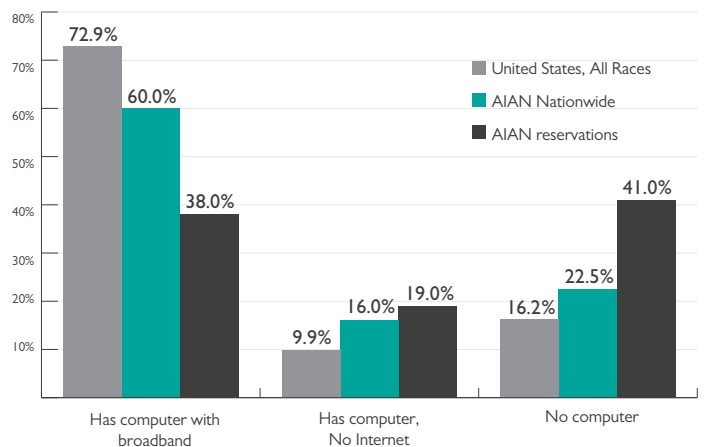


Source: US Census Bureau, 2014 American Community Survey

Opportunity: Education contributes to economic growth, while also expanding opportunities for individual advancement. For tribal communities, an educated citizenry serves as a catalyst to boost economic productivity and growth through a more highly-skilled workforce. In addition, investments in education strengthen the human capital across all sectors of society by attracting new businesses, reducing unemployment, and stimulating reservation economies through direct spending. However, low rates of educational attainment among American Indians and Alaska Natives continues to limit opportunity for economic success. In 2014, less than one in ten American Indians on reservations had a bachelor’s degree or higher. Tribal leaders and our federal partners must work to promote educational success to nurture the next cadre of young people to lead tribal governments, strengthen tribal economies, while carrying forward their cultures. Funding and tribal control are key factors that must be addressed (recommendations for which are included in this booklet under education.)

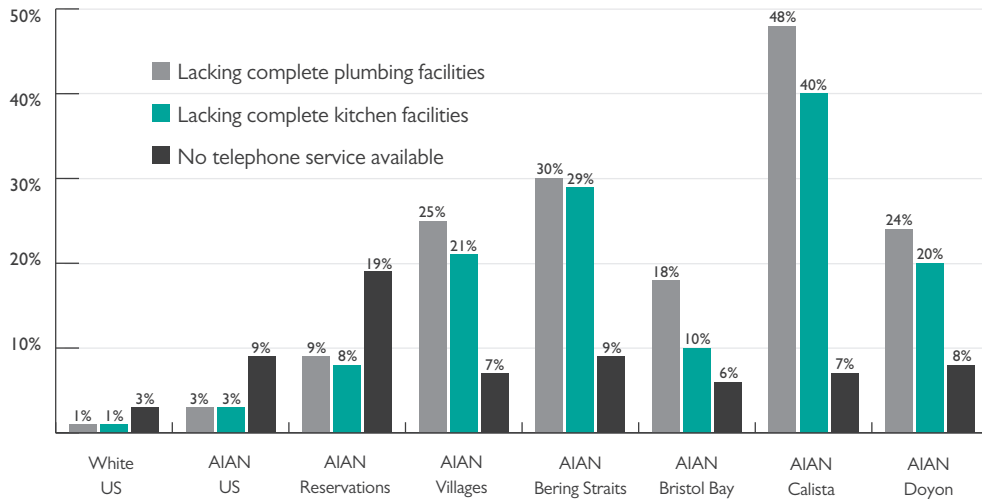
Infrastructure: Tribal communities still lag behind the rest of the United States in access to radio, wireless, and broadband services. This disparity underscores the critical opportunity to ensure the advancement of telecommunications access throughout Indian Country. According to recent data, only two out of five Native households on reservations have a computer and broadband, compared to 73 percent of all US households. Only four out of 10 Native households had a computer and broadband, compared to seven out of 10 among the total population.

Computer and Internet Access



Source: US Census Bureau, 2013 American Community Survey, Table B28009C

Infrastructure Needs on Tribal Lands



Source: US Census Bureau, 2006-2010 American Community Survey, Table DP04

Tribal citizens have witnessed progress in addressing basic infrastructure disparities, but much work remains. Nationally, about one percent of households lack plumbing and kitchen facilities; but 10 percent of AI/AN households are still missing basic necessities like plumbing and kitchen facilities. In Alaska, a quarter of AI/AN households lack complete plumbing and one-fifth lack kitchen facilities, still. Addressing these infrastructure gaps remain important.

Likewise, the more than 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.

Other sections of this FY 2017 Indian Country Budget Request address many other facets of federal funding of tribal programs in ways that honor the trust and treaty promises to tribes and support tribal governance.

CONCLUSION

Effective tribal governments that can meet the essential needs of their citizens require the fulfillment of the trust and treaty obligation to tribes along with respect for tribal governments. This NCAI FY 2017 Indian Country Budget Request developed in coordination with national tribal organizations and tribal partners offers recommendations for ways the federal government, partnering with tribes, should meet the educational needs of a young Indian population through Bureau of Indian Education schools, tribal schools, and the public schools on and near tribal lands; provide adequate health care via the Indian Health Service, for both direct and self-governance tribes; ensure responsible resource development for the future; provide safe and secure tribal communities; and supply the long-term investments in tribal public infrastructure and services required to ensure every American Indian and Alaska Native enjoys a decent quality of life and has an opportunity to succeed.



Photo Credit: © NCAI

SUPPORT FOR TRIBAL GOVERNMENTS

Ensuring tribes have the tools for effective governance is critical to fulfilling the promise of the Indian Self-Determination and Education Assistance Act. Key funding mechanisms that support Indian self-determination are contract support costs, steady tribal base funding, and direct funding to tribes as opposed to grant or state pass through funding. To build a more prosperous American future, Congress should continue to fully fund contract support and support tribal base funding to allow tribes to exercise their inherent right to self-government.

CONTRACT SUPPORT COSTS

The Indian Self-Determination and Education Assistance Act has represented the cornerstone of this nation's federal policy toward tribes for the last forty years. Under the Indian Self-Determination Act, the United States enters into inter-governmental contracts with tribes under which tribes administer federal programs, either through contracts or self-governance compacts, for the benefit of tribal members. In amending the 1975 Act in 1988, Congress observed that the single greatest impediment to successful implementation of the Indian Self-Determination Policy was the consistent failure of the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) to pay full contract support costs associated with the administration of transferred programs.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior – Environment Appropriations Bill

- *Continue to provide full CSC funding without impacting program funding.*

The FY 2016 Consolidated Appropriations Act includes new language establishing an indefinite appropriation for contract support costs in both BIA and IHS. Under the new budget structure, the full CSC that tribes are entitled to will be paid and other programs will not be reduced if payments are underestimated in the President's budget.

All tribes agree that the payment of contract support costs, which is a legal obligation, should not be achieved by reducing direct services to any tribe. Tribes and tribal organizations across the country support a permanent, indefinite appropriation for contract support costs, which would ensure full funding for contract support costs on an as-needed basis without impacting the rest of the IHS and BIA budgets.

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 should include this in their Budget Request to prevent further erosion of jobs in tribal communities.

DEPARTMENT OF THE INTERIOR

Interior – Environment Appropriations Bill

Bureau of Indian Affairs

- *Provide increases via tribal base funding instead of through grants to tribal governments.*

Grant funding, particularly inside the BIA, is not consistent with the intent of Indian self-determination. Tribal leaders have grown increasingly frustrated by the increase in Indian Affairs funding offered through grants. Allocating new funds via grant opportunities marginalizes and impedes the exercise of tribal self-determination. New BIA funding should be distributed via formulas developed through consultation with all tribes. When tribes are forced to apply for funding through grant opportunities at BIA, the ultimate result is that federal employees in Washington, DC, not elected tribal leaders, retain program authority. Grants limit the flexibility and local control authorities available to tribes under the Indian Self-Determination Act. Moreover, Congress has historically underfunded programs intended to benefit American Indians and Alaska Natives, with current figures estimating that BIA programs are underfunded by about a billion dollars when compared to need.⁶ The funding vehicle used should be one that tribes choose because forcing the use of traditional grant mechanisms appears inconsistent with the Indian Self-Determination and Education Assistance Act.

Similarly, NCAI recommends eliminating the competitive grant funding process at the Department of Justice (DOJ) and utilizing Justice Department appropriations as base funding where tribes and tribal courts themselves determine their own priorities. A major issue with DOJ funding is that it offers competitive funding for DOJ priorities, not tribal priorities. In order to obtain grant funding, tribes must compete against each other under DOJ's priorities and guidelines. In the end, the tribes that have the financial and human resources to employ experienced grant writers ultimately receive funding, while the under-resourced tribes, who often have the highest need, may be left without. Moreover, tribes cannot count on funding continuing beyond the current grant period, and Indian Country has countless stories of successful programs disappearing at the end of a two or three year grant cycle.

The approach instead should be to utilize Justice Department appropriations as base funding where tribes are encouraged to determine their own priorities. The Administration has proposed a seven percent tribal set-aside across Office of Justice Programs (OJP) programs for the past several years. While this is a welcome step in the right direction, the set-aside should also include DOJ grant funding outside of OJP and should be allocated as flexible base funding.

The co-chairs' to the "Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence" noted how witnesses testified to stories of critical tribal funding cut across sectors—housing, law enforcement, child welfare, juvenile justice, health care, and education—and how the lack of funding negatively impacts the children in those communities. Despite state and federal programs intended to address the needs of Native children and youth, the findings of the report underscored that grant-making systems are cumbersome and resources for tribes are extremely limited. Tribes must compete with one another for limited resources and the grant application process is subject to unrealistic time frames, overwhelming paperwork, and requirements that place impractical burdens on tribal communities.⁷

GOVERNMENT-WIDE

- Extend the current Promise Zone priority consideration to all Federal competitive grant programs in **all Federal agencies** and to **all Federal procurement opportunities**.
- The Promise Zone initiative is a "place-based" effort to target Federal assistance to local service providers in impoverished communities. The Promise Zone initiative is having a positive and lasting impact on tribal communities. Last year, the Choctaw Nation of Oklahoma was the first tribal community to be designated a Promise Zone. This year the Pine Ridge Reservation in South Dakota, by way of the Thunder Valley Community Development Corporation, was designated. At Choctaw, the Promise Zone initiative has helped to obtain federal funding from nation-wide competitive programs that are not focused on tribal communities (e.g., Internet access; work-force training). Unfortunately, not all Federal agencies have provided preference points for their competitive grant applications, and those Federal agencies that have provided preference points have done so only with a limited number of their competitive programs.
- To support and expand the benefit to tribal communities of the Promise Zone initiative, NCAI urges the expansion of Promise Zone preference point benefits to all competitive grant programs across all Federal agencies, and beyond that, to specifically authorize Promise Zone place-based preferences in procurement contracts with all Federal agencies. This will ensure that Native Americans living in both rural and urban Promise Zones have increased opportunities for employment, education, improved housing, and health care.



PUBLIC SAFETY & JUSTICE

In 2013, the bi-partisan Indian Law and Order Commission (ILOC) released its report to Congress and the President concluding that “[h]ow we choose to deal with the current public safety crisis in Native America – a crisis largely of the Federal government’s own making over more than a century of failed laws and policies – can set our generation apart from the legacy that remains one of [the] great unfinished challenges of the Civil Rights Movement. Lives are at stake, and there is no time to waste.” The public safety problems that continue to plague tribal communities are the result of decades of gross underfunding for tribal criminal justice systems; a uniquely complex jurisdictional scheme; and the historic failure by the federal government to fulfill its public safety obligations on American Indian and Alaska Native lands. Residents and visitors on tribal lands deserve the safety and security that is taken for granted outside of Indian Country.

Congress has taken historic steps in recent years with the passage of the Tribal Law and Order Act in 2010 and the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) to begin to address some of the structural barriers to public safety in tribal communities. For the promise of these laws to be fully realized, however, they must be fully implemented. Implementation cannot occur without sufficient resources for tribal justice systems.

Increased and targeted funding in the following program areas will have a significant impact on safety in tribal communities for tribal citizens, residents, and visitors to tribal lands. Highly-functioning criminal justice systems and basic, on-the-ground police protection are fundamental priorities of any government; tribal governments are no different.

Key Recommendations

Shared Responsibility:

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

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

Tribal Law & Order Act

- *Fully fund each provision of the TLOA that authorizes additional funding for law and order programs that affect tribal nations, both for FY 2017 and future years.*
- *Extend the Bureau of Prisons Pilot Project for Violent Offenders.*

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

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

- *Allocate \$82 million in additional funding to the Bureau of Indian Affairs to increase base funding for tribal courts, including courts in PL 280 jurisdictions, and to incrementally move towards fully meeting the need for tribal court funding.*

The highest priority with regard to Bureau of Indian Affairs funding in the area of public safety is to increase base funding for tribal courts. It is well-documented that tribal courts have been historically underfunded by the federal government, and that this underfunding negatively impacts their law enforcement operations.⁸ In September 2015, the Bureau of Indian Affairs submitted a report to Congress that revealed that the BIA is funding most tribal courts at a dismal six percent of estimated need.⁹ The BIA estimates that full funding for tribal courts would cost over \$860 million. For tribal courts operating in PL 280 jurisdictions, funding has been even lower. BIA estimates that it would cost an additional \$16.9 million for tribes in mandatory PL 280 jurisdictions to be funded at six percent of need noting that “while \$16.9 million would not be widely viewed as robust or perhaps even adequate, it would match existing levels of funding in non-PL 280 states, which reflect a constrained fiscal environment.”

Originally 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. In today’s dollars this would be \$82 million per year, which would be less than 10 percent of the overall need estimated by BIA. Despite numerous congressional reauthorizations of the Act over the past couple of decades – most recently in TLOA – funds have never been appropriated to implement the Act. The Act does not differentiate between tribes subject to PL 280 jurisdiction or not. The promise of this much-needed base funding must be fulfilled. We ask Congress to commit to fully funding tribal courts within the next five years by incrementally increasing funding each year.

- *Increase funding for Bureau of Indian Affairs (BIA) law enforcement by at least \$200 million over the FY 2015 funding level of \$328 million, including an increase in funds for officer recruitment and training and for tribal detention facilities operations and maintenance.*

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

BIA recently conducted an analysis of law enforcement needs pursuant to the Tribal Law and Order Act, and found that current funding meets only 42 percent of the need for law enforcement, and an additional \$337 million is needed to bring staffing up to the levels up to the median county government law enforcement levels based on population. The unmet need for law enforcement programs is estimated using a ratio of officers per 1,000 residents. The data used to determine the ratio are found in the FBI Uniform Crime Report (UCR).¹⁰ Based upon the 2010 UCR staffing tables, county agencies have an average of 2.8 officers per 1,000 residents.¹¹ To put this in further perspective, Indian Country law enforcement officers patrol approximately two percent of the landmass of the United States and assist one percent of the population, but represent less than 0.004 percent of the total of 675,734 state, city, and county law enforcement officers in the United States.

DEPARTMENT OF JUSTICE

Commerce, Justice, Science Appropriations Bill

Tribal Grants across the Department of Justice

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

One of the most significant issues with DOJ funding is that it is competitive funding for whatever issue DOJ deems the priority. In order to obtain this funding, tribes – on behalf of their justice systems – must compete against each other under DOJ's priorities and guidelines. In the end, the tribes that have the financial and human resources to employ experienced grant writers end up receiving funding, while the under-resourced tribes may be left without. Moreover, tribes cannot count on funding continuing beyond the current grant period, and Indian Country has countless stories of successful programs disappearing at the end of a two-or three-year grant cycle.

The approach instead should be to utilize Justice Department appropriations as base funding where tribes are encouraged to determine their own priorities. The Administration has proposed a seven percent tribal set-aside across Office of Justice Programs (OJP) programs for the past several years. While this is a welcome step in the right direction, the set-aside should also include DOJ grant funding outside of OJP and should be allocated as flexible base funding. All of our specific recommendations below should be folded into the new flexible base funding model.

Office of Justice Programs

- *Create a 10 percent tribal set-aside from funding for all discretionary Office of Justice Programs (OJP) programs, ensure that those funds, along with tribal funds outside of OJP, are allocated as flexible base funding.*

In recent years, the President's budget request has included a seven percent tribal set-aside from across all discretionary Office of Justice Programs (OJP). Instead of adopting this proposal, which has previously been supported by both the House and Senate Appropriations Committees, Congress has drastically cut funding for tribal justice programs across the board. For FY 2016, the amount available for tribal assistance at OJP was \$30 million. The Community Oriented Policing Services (COPS) Tribal Resources Grant Program and the Tribal Youth Program have also experienced significant cuts over the past five years.

In its November 2014 report, the Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence urged Congress to adopt a baseline 10 percent set-aside for OJP programs in order for tribal justice systems to adequately implement programs impacting children exposed to violence.

Congress should adopt the 10 percent tribal set-aside in OJP funding, which would restore funding levels for DOJ tribal justice programs to a more appropriate level. The 10 percent tribal set-aside of OJP programs is particularly important because it would allow for a more flexible funding structure. In 2010, the Department of Justice launched its Coordinated Tribal Assistance Solicitation (CTAS). CTAS attempts to streamline the grant application process for tribes, enabling them to submit a single application for DOJ programs, 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 10 percent OJP tribal set-aside would streamline the federal funding process by which tribes receive resources to establish tribal courts; assist in developing detention facilities; provide legal assistance; develop and maintain juvenile delinquency prevention programs; and provide substance abuse prevention programs. Further, the tribal set-aside gives tribes the flexibility to develop a detailed strategy on how best to spend those resources.

- *Create a 10 percent set-aside for tribal governments from distributions out of the Crime Victims Fund.*

The Victims of Crime Act (VOCA) is the largest source of federal funding for crime victims. Currently, the Crime Victims Fund (CVF) contains more than \$10 billion collected as fines and penalties in federal criminal cases. In FY 2015, distributions from the Crime Victims Fund were increased more than three times to over \$2.3 billion. In FY 2016, distributions increased again to more than \$3 billion. Despite having the highest rates of crime victimization in the country, none of these funds are directed to tribal governments. Instead, tribal governments are forced to rely on pass-through funding from the states. Over the past five years, states have passed-through less than 0.5 percent of available funds. NCAI recommends that 10 percent of CVF distributions should be directed to tribal governments in order to ensure that tribal crime victims are able to access victim services and victim compensation.

- *If Congress declines to adopt the flexible 10 percent set-aside across OJP programs, create a 10 percent tribal set-aside for Title II delinquency prevention block grants.*

Tribal youth offenders have been shown to have better outcomes when they receive culturally- and community-based, targeted preventative and rehabilitative services. However, when taking into account the reality that tribal juvenile justice systems face greater challenges in serving their youth populations than many non-tribal juvenile justice systems, they continue to be drastically underfunded and thus limited in their abilities to creatively shape better outcomes for their communities.

By far the greatest share of funding under the Juvenile Justice and Delinquency Prevention Act (JJDP) is distributed to states as a block grant. States receive a minimum of \$600,000, and some receive up to \$7.5 million in formula funds, depending on populations, which includes tribal communities. The Act requires that funds be allocated among the states according to population and that all eligible tribes are to be treated collectively as one state, with funding to this "51st state" determined based on population relative to the other states and allocated through a competitive grant process. In practice, this would result in a tribal set-aside of less than one percent of all appropriated funds.

Further, the Title II grant program was initially funded at \$126 million in FY 2003, but has not received funding since that time. Instead, Congress has continued to appropriate money for specific, targeted grant programs. This is particularly troubling as the block grant program is the only JJDPa funding stream with a mandatory tribal set-aside.

This model is unworkable for tribal communities, many of which lack administrative resources to compete in the grant process every two years and face the realities of high juvenile offender populations, underfunded justice systems, and rural locations. Because of this disproportionate need in Indian Country, NCAI encourages Congress, using the model of the Violence Against Women Act, to create a 10 percent set-aside for tribal juvenile justice programs.

- *If Congress declines to adopt the flexible 10 percent set-aside across OJP programs, create a 10 percent tribal set-aside for Title V incentive grants for local delinquency prevention programs.*

Title V of the JJDPa authorizes funds to encourage collaborative and community-based delinquency prevention services, such as alcohol and substance abuse, mental health tutoring, recreation and job training. The funds are divided equally among states, with each state determining how to apportion funds among units of local government. In FY 2007, each state received \$75,000. Tribes are eligible to apply to the state for funding as a “unit of local government,” but states are not required to allocate any funding to tribes. Tribes must be able to access these preventative services, as the Attorney General Advisory Committee found that the widespread incarceration of tribal youth results in “another infliction of violence” on children who have already experienced a great deal of trauma.

- *If Congress declines to adopt the flexible 10 percent set-aside across OJP programs, restore FY 2010 levels of \$25 million in funding for the Tribal Youth Program under the Juvenile Accountability Block Grants program.*

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. According to a recent DOJ report, “[s]ubstance abuse, depression, and gang involvement fuel a vast majority of the offenses for which American Indian juveniles are disproportionately confined.” Currently, there is very little financial support for tribal youth programs, justice systems, and prevention programs. The Tribal Youth Program is the only program through which tribal governments regularly receive juvenile justice funding. Funding for the Program has decreased significantly in recent years – for FY 2016 it was \$10 million – and should be restored to its FY 2010 level of \$25 million.

- *Increase funding for Part D of the JJDPa – Research, Evaluation, Technical Assistance, and Training – and include a corresponding tribal set-aside to ensure that at least a portion of appropriated funds are required to be spent on projects centered on tribal youth.*

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

- *Provide funding for the Tribal Civil and Criminal Legal Assistance, Training, and Technical Assistance (TCCLA) grant program at a level of \$3 million.*

The Indian Tribal Justice Technical and Legal Assistance Act of 2000 (Public Law 106-559) authorized the Department of Justice (DOJ) to award grants to non-profit entities such as the Indian Legal Services programs connected with the Legal Services Corporation (LSC) to provide civil and criminal legal assistance to both tribal governments and their justice systems and to individual indigent tribal citizens. The Tribal Civil and Criminal Legal Assistance, Training, and Technical Assistance (TCCLA) grant program is funded separately from DOJ's Consolidated Tribal Assistance Solicitation (CTAS) program.

For the past six years, a consortium of 24 Indian Legal Services programs connected with the Legal Services Corporation (LSC) has been awarded funding under DOJ's Tribal Civil and Criminal Legal Assistance, Training and Technical Assistance (TCCLA) grants program. In FY 2015, the Bureau of Justice Assistance awarded the Indian Legal Services programs a total of \$1.2 million to provide civil and criminal legal assistance to thousands of Native American clients, including juveniles, who meet federal poverty guidelines. In addition to individual representation, Indian Legal Services programs are currently assisting more than 160 tribal governments and/or tribal judicial systems.

In many instances, these Indian Legal Services programs have been “on the ground” in tribal communities for decades, an integral part of the legal structure of the reservation communities they serve. The attorneys are well-versed in the uniqueness and complexities of Indian law, and are specialized legal practitioners. In affording access to justice for individuals, the programs' individual legal representation has expanded from traditional legal issues such as employment, disability benefits claims and housing issues to include domestic violence, *pro se* assistance, family member prisoner visitation, re-entry and expunctions for certain criminal charges, and child welfare, guardianship and adoption.

The Indian Legal Services programs also assist tribal governments and their justice systems in being grounded in solid codes and laws—which benefits not only members of the tribal community, but non-Indians who do business, attend school, collaborate with tribal enterprises and live in these tribal communities. This work now includes such assistance as tribal court development, restructuring and improvement, development of tribal dispute resolution and peacemaker/mediation systems, drafting of civil and criminal codes, including children's codes, and rules of procedure, and training of tribal court and justice systems personnel and tribal court lay advocates and guardians *ad litem*. Lay advocate and peacemaker trainings have been done with tribal colleges and university law schools.

A number of Indian Legal Services programs are currently providing capacity-building assistance to tribes that are laying the foundation toward implementing TLOA and VAWA. This work includes assisting tribes with revisions to their criminal codes for compliance with these statutes, as well as drafting and updating codes, policies and procedures; establishing or rehabilitating tribal courts; training judicial and law enforcement personnel; and negotiation or litigation to address jurisdictional issues with state court systems. The programs are engaged in TLOA or VAWA implementation assistance for 18 of the 160 tribes they serve, and provide the only public defender service available in at least 46 tribal courts.

Office of Community Oriented Policing Services

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

Since the creation of the COPS Office under the Violent Crime Control and Law Enforcement Act of 1994, the COPS Office has awarded over 2,000 grants totaling more than \$400 million to tribal nations to hire more than 1,700 new or redeployed law enforcement officers. It has also helped tribes to obtain necessary law enforcement training, equipment, vehicles, and technology. Through its Tribal Resources Grant Program and Tribal Methamphetamine Program and historical programs and funding initiatives such as the Tribal Hiring Renewal Grant Program (THRGP), Tribal Mental Health and Community Safety

Initiative, and the Tribal Court Pilot Program, the COPS Office has taken a proactive approach toward addressing the needs of tribal nations and has become one of the primary resources available to tribal law enforcement agencies attempting to develop and maintain a fundamental policing infrastructure and upgrade outdated equipment. Yet, there is still a tremendous unmet need within tribal justice systems for more COPS funding.

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

DEPARTMENT OF JUSTICE

Commerce, Justice, Science Appropriations Bill

Office on Violence Against Women

- *Fully fund the programs authorized in the Violence Against Women Act (VAWA), including the \$5 million authorized for tribal implementation of VAWA special domestic violence criminal jurisdiction.*

It is estimated that one in three Indian women will be raped and that six in 10 will be physically assaulted in their lifetimes.¹² This violence threatens the lives of Native women and the future of American Indian tribes and Alaska Native villages. No area of need is more pressing or compelling than the plight of American Indian and Alaska Native women and children fleeing physical and sexual violence.

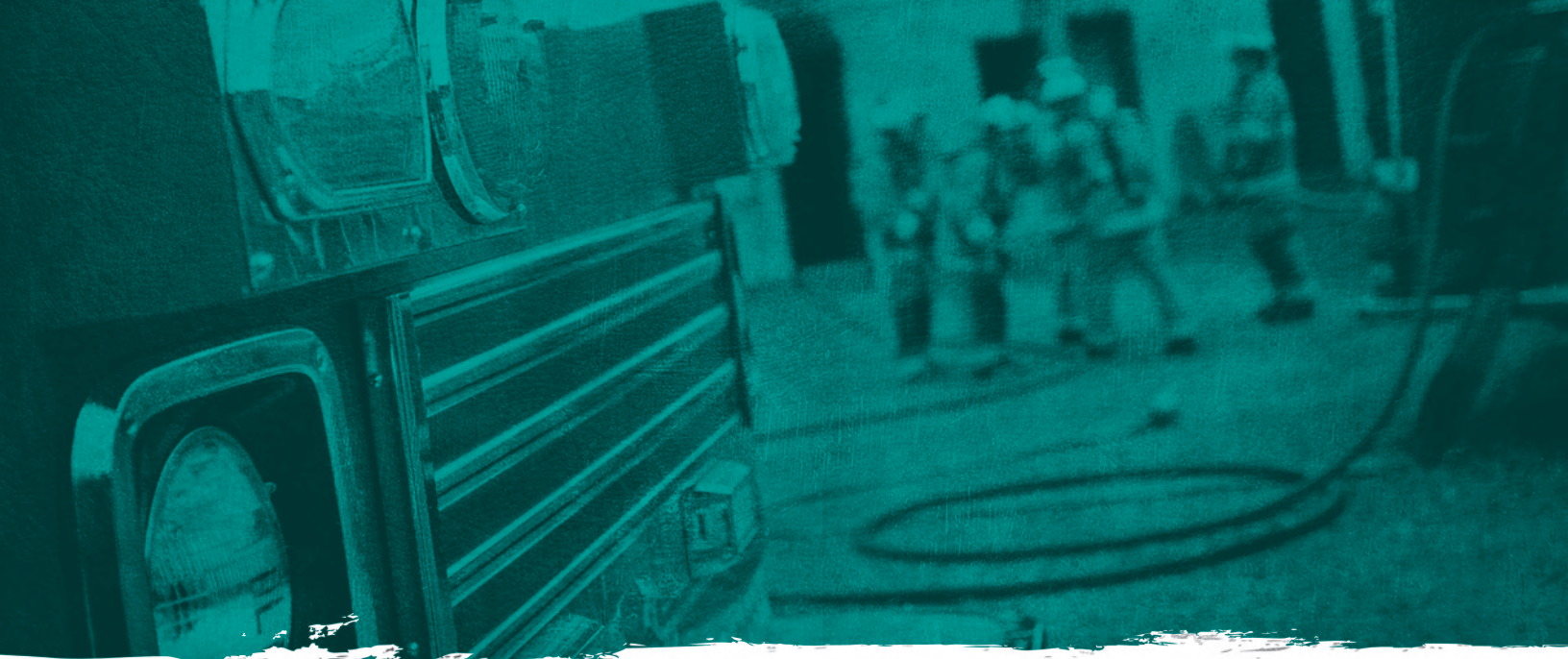
OVW provides funding to tribal governments to address violence against women in their communities. OVW’s largest source of funding for tribal governments is the Grants to Tribal Governments Program, which is funded via statutory allocations from other OVW programs. Fully-funding these OVW programs results in full funding for the Grants to Tribal Governments Program.

On March 7, 2013, President Obama signed into law the Violence Against Women Reauthorization Act (VAWA 2013) which recognizes and affirms the inherent sovereign authority of Indian tribes to exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ) over all persons – Indian and non-Indian – who commit crimes of dating violence, domestic violence, and violations of protection orders within Indian country. The bill authorized \$5 million for tribes to implement the new VAWA provisions and otherwise strengthen tribal justice systems. In FY 2016, \$2.5 million was appropriated for these purposes for the first time.

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

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

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



HOMELAND SECURITY & EMERGENCY MANAGEMENT

Department of Homeland Security outreach and communication has vastly improved due to the consistent presence of tribal affairs points of contact. Funding has stagnated at a critical level for the past 10 years, which places Indian Country and the totality of the United States at risk until tribes achieve greater capacity equal to the states for homeland security and emergency management purposes. Congress and the Administration have a trust obligation to assist tribal governments to protect all citizens, Native and non-Native, within their jurisdictions. Tribal officials accept their responsibilities to do the best they can with underfunded homeland security budgets, or no budgets whatsoever. Until parity occurs, tribal communities will be unable to participate in the national homeland security strategies and will continue to be a weak link in protecting vital infrastructure from domestic and international terrorist attacks, and related threats.

Key Recommendations

DEPARTMENT OF HOMELAND SECURITY (DHS)

Homeland Security Appropriations Bill

Tribal Homeland Security Grant Program

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

The Department of Homeland Security has responded to tribal officials needs by keeping Tribal Homeland Security Grant Program (THSGP) separate from a state-competitive omnibus grant program approach. Unmet tribal homeland security needs are significant, and every year tribes request more than the program is authorized to fund. Several tribes could utilize the entire amount budget for THSGP. NCAI strongly urges the Congress to fund THSGP at \$20 million for the next five years. This would represent a significant increase over the \$10 million that DHS has made available for tribal grants in recent years.

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.*
- *Provide technical assistance and materials for tribes to produce tribal IDs.*

Tribal governments are faced with the costly, unfunded mandate to comply with the Western Hemisphere Travel Initiative for enhanced tribal identification (ID) cards. Funding for 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. Some tribes have the human resource and logistical capacity to produce tribal IDs if materials and technical assistance were available. DHS should reach out to tribes to assist them if requested.

DEPARTMENT OF HOMELAND SECURITY (DHS)

Homeland Security Appropriations Bill

Federal Emergency Management Agency

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

The Federal Emergency Management Agency (FEMA) supports the National Advisory Council (NAC), which was established by the enactment of the Post-Katrina Emergency Management Reform Act of 2006 to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other manmade disasters. The NAC advises the FEMA Administrator on all aspects of emergency management. The authorizing statute requires participation from tribal government experts, but FEMA limits participation to two tribal representatives. Tribes are greatly concerned about the ability of the current NAC to adequately represent tribal perspectives as FEMA appointed a state employee to serve in one of the tribal representative slots although several tribal officials applied for the positions. To ensure that diverse tribal needs are adequately represented, FEMA should set up a National Tribal Advisory Council (Tribal NAC). This is particularly important as FEMA implements the new authorities created for tribal governments in the Stafford Act. Congress should provide \$500,000 for the creation and operation of a Tribal NAC.

DEPARTMENT OF HOMELAND SECURITY (DHS)

Homeland Security Appropriations Bill

Federal Emergency Management Agency, Emergency Management Institute

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

More tribes have developed and enhanced emergency management capability. The Federal Emergency Management Agency is scheduled to release the final draft of the Stafford Act tribal disaster declaration guidance early in 2016. Tribes will need additional training for all departmental staff. The FEMA Emergency Management Institute (EMI) has developed several training courses for tribal officials toward enhanced tribal government emergency management capacity. The current EMI budget restricts delivery of the courses at EMI and in the field. NCAI urges the Congress to provide FEMA with budget support for delivery of tribal emergency management courses. Specifically, we request that \$1 million be included for tribal government emergency management training.



Photo Credit: © NCAI

EDUCATION

One of America’s highest priorities 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 challenging economic climate, it is an essential strategy for creating jobs and securing the nation’s future prosperity—particularly in tribal communities.

Research repeatedly demonstrates that investments in education contribute to economic growth, while also expanding opportunities for individual advancement.¹³ 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 when compared to their upfront costs.¹⁴ 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.¹⁵

For tribal communities, the stakes of strengthening education are even higher. An educated citizenry serves as a catalyst to boost economic productivity and growth through a more highly-skilled workforce. In addition, investments in education strengthen the human capital across all sectors of society by attracting new businesses, reducing unemployment, stimulating reservation economies through direct spending, and fostering a greater entrepreneurial spirit for all tribal members to become more self-sufficient.

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.”¹⁶ 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.¹⁷

With this in mind, it is also important to note that the role of education in tribal nations stretches beyond the pure economic impacts. 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 gains made in recent years and the opening of windows of opportunity to significantly reform Indian education, many challenges linger that must be actively addressed by all key partners and stakeholders in tribal communities and beyond. American Indian and Alaska Native students face school experiences such as poor school climate and disproportionate school discipline that contribute to their lagging far behind their peers on academic achievement and 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.¹⁸ The severity of the current state of Indian education is perhaps most apparent in the Native high school dropout rate. The graduation rate for American Indian and Alaska Native high school students is 67 percent—the lowest of any racial/ethnic demographic group across all schools.¹⁹ Even worse, the graduation rate for Native students in the Bureau of Indian Education (BIE) school system is a staggering 53 percent compared to the national average of 80 percent.²⁰ In fact, recent data finds that while the graduation rates continue to rise nationally, with strong gains by the Latino and African American communities, Native American students have experienced only modest improvements since 2000 and have seen their graduation rates actually decline since 2008.^{21,22}

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

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

FY 2017 funding increases over FY 2016 levels are needed as current levels of funding continue to be insufficient for effectively and equally serving Native students. Until the federal government fully appropriates funding to bridge the educational attainment gap among Native and non-Native students, the trust responsibility will be undermined. NCAI has provided these FY 2017 Budget requests to illustrate the budgetary need for effectively serving Native students and strengthening tribal self-determination in education.

Key Recommendations

DEPARTMENT OF EDUCATION

Labor, HHS, and Education Appropriations Bill Title I, Part A Local Education Agency Grants

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

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

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill Impact Aid

- Provide \$2 billion for Impact Aid, Title VII funding under the Every Student Succeeds 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. 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 VI (Indian Education Formula Grants)

- Provide \$198 million for Title VI, Part A funding under the Every Student Succeeds Act.
- Provide \$6 million under Every Student Succeeds Act, Title VI, Part A, Subpart 3 for language immersion programs.

Increases are needed as this critical 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 VI funds support early-childhood and family programs, academic enrichment programs, curriculum development, professional development, and culturally-related activities. Providing \$6 million under ESSA Title VI, Part A, Subpart 3 – Native American and Alaska Native Language Immersion Schools and Programs would strengthen tribal sovereignty, while protecting the cultural and linguistic heritage of Native students in education systems. In years past, funding for Title VI only reaches 500,000 Native students leaving over 100,000 without supplementary academic and cultural programs in their schools. As Native students are far behind their non-Native peers in educational achievement, increased funding is necessary to address this substantial gap.

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill

Native Hawaiian Education Program

- Provide \$35 million for Title VI, Part B of the Every Student Succeeds Act.

Increases are needed as this critical grant program funds the development of curricula and education programs that address the unique needs of Native Hawaiian students to help bring equity to this Native 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 acknowledged the trust relationship between the Native Hawaiian people and the United States. 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

Alaska Native Education Equity Assistance Program

- Provide \$35 million for Title VI, Part C of the Every Student Succeeds Act.

Increases are needed as 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. 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

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 should be provided (\$30 million discretionary/appropriations and \$30 million in mandatory funding under the Student Aid and Fiscal Responsibility Act) in FY 2017 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, Tribal Colleges and Universities (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. 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 \$10 million for tribally controlled postsecondary career and technical institutions program funds under the Carl Perkins Career and Technical Education Improvement Act.*

Section 117 of the Carl Perkins Career and Technical Education Improvement Act authorizes funding for operations at tribally-controlled postsecondary 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.

DEPARTMENT OF EDUCATION

Labor, HHS, and Education Appropriations Bill

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

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

As the primary federal funding for non-tribal, Native-serving institutions of higher education, the current funding levels are insufficient. With nearly 100 institutions potentially qualifying as Native-serving, non-tribal institutions, this strains the small amount of available funding. Increasing the funding will provide the opportunity for more Native-serving institutions to better serve their students and increase graduation rates among Native students.

*Shared Responsibility:***DEPARTMENT OF EDUCATION AND DEPARTMENT OF THE INTERIOR****Labor, HHS, Education Appropriations Bill, and Interior - Environment Appropriations Bill****Tribal Education Agencies/Departments**

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

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 agencies (TEAs). This funding assists TEAs, which are uniquely situated at the local level to implement innovative education programs that improve Native education. Because they are administered by tribes, TEAs are best equipped to deliver education programs tailored to improve education parity for Natives. TEAs 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 utilizing self-governance over education have been very successful because they better understand the circumstances of their populations and can develop initiatives that meet local needs.

DEPARTMENT OF THE INTERIOR**Interior - Environment Appropriations Bill****School Construction and Repair**

- *Provide \$263.4 million for system-wide 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. According to the Department of the Interior, the current backlog of construction projects is estimated to be as high as \$1.3 billion.²³ NCAI requests parity in the treatment of the BIE school system to the other federally-funded school system at the Department of Defense. Congress has prioritized construction needs at Department of Defense schools by committing funding for the full renovation and replacement of 134 of its schools worldwide at a cost of \$3.7 billion through 2018. The federal government does have a solemn duty to provide for the education of students at the Department of Defense schools, but it also has a trust responsibility to provide for the education of Native students. Providing a safe environment for BIE students is the first step in upholding that trust responsibility.

DEPARTMENT OF THE INTERIOR**Interior - Environment Appropriations Bill****Johnson O'Malley**

- *Provide \$42 million for full funding.*

The Johnson O'Malley (JOM) program has provided grants to supplement basic student needs since 1934. It is currently being used across the country in innovative ways to assist with the unique cultural and scholastic needs of Native students. The federal government allocated \$96 per student in JOM funding in 1995. Current funding provides less than \$76 per student, which is often the only source through which Native students – including those in public schools – can engage in basic education activities. Some examples of funding needs include essential school supplies and educational programs. Tribal nations request additional funds to increase the current per student allocation to previous levels and prepare for student count increases in future years.

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 students, staff, and families must use to access BIE-funded schools increase vehicle maintenance costs. These high costs often lead to funding shortfalls, which then must either go unpaid or be funded by diverting funds from other education programs.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Tribal Grant Support Costs

- Provide \$78 million for tribal grant support costs for tribally controlled schools.

Tribal Grant Support Costs fund the administrative costs of existing tribally controlled schools—they are essentially the Contract Support Costs for these schools. Full funding is critical as these funds help tribes expand self-governance and tribal control over education programs by allocating monies for administrative costs such as accounting, payroll, and required legal activities. Otherwise, schools must divert critical teaching and learning funding to cover any shortfalls in operational costs. Despite a significant increase for Tribal Grant Support Costs in FY 2015, this budget item is still not fully funded. The American Indian Education Study Group’s Blueprint for Reform of the BIE contains five broad “pillars of reform,” one of which is “Promote Educational Self-Determination for Tribal Nations – Strengthen and support the efforts of tribal nations to directly operate BIE-funded schools.”²⁴ The Administration’s FY 2016 Budget Request states “The shortfall between the calculated need and available funds is a major obstacle to tribal operation of BIE-funded schools and a major deterrent for tribes considering operations over BIE-operated schools.”²⁵ Fully funding Tribal Contract Support Costs is the key to supporting true tribal self-determination in education.

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 both 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 Program (ISEP)**

- *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. ISEP funds are often reallocated to cover the program cuts in other areas of education. ISEP must have adequate funding to ensure all program needs are fulfilled and must not be reduced to provide funds for new initiatives that have not been vetted by tribes.

DEPARTMENT OF THE INTERIOR**Interior - Environment Appropriations Bill
Education Management: Education IT**

- *Provide \$41 million for Education IT.*

This funding level will ensure that BIE-funded schools have broadband access as well as the computers and software necessary to administer online assessments, and that school staff receive appropriate resources and training. In future fiscal years ongoing funding will be needed to maintain and update this investment in Education IT infrastructure. The federal government must commit to more than one-time funding from private donors in order to ensure that BIE-funded schools can meet the needs of a modern learning environment.

DEPARTMENT OF THE INTERIOR**Interior - Environment Appropriations Bill
Bureau of Indian Education (BIE) Immersion Demonstration Grants**

- *Provide \$5 million for BIE immersion programs.*

According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), 74 Native languages stand to disappear in the next decade, with only 20 Native languages being spoken by 2050. Funding under the BIE reform efforts should strengthen tribal sovereignty to increase capacity to support Native language immersion schools and provide Native students equal access to learning their culture and languages. Providing Immersion Demonstration Grant funds would protect the cultural and linguistic heritage of Native students in education systems by providing Native students immersion learning in order to strengthen their language, improve academic outcomes, and become future leaders of their tribe.

DEPARTMENT OF THE INTERIOR**Interior - Environment Appropriations Bill
Juvenile Detention Education**

- *Reinstate \$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, and eliminating this program creates additional costs by increasing the rate of criminal recidivism.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Tribal Colleges and Universities' (TCUs) Institutional Operations

- Provide \$89.22 million for Titles I, II, and III and the technical assistance contract under the Tribally Controlled Colleges and Universities Assistance Act.

Title I: To fully fund Title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (Tribal College Act), which provides day-to-day operating funds for 27 TCUs, would require \$71.4 million. The education of Native students is a trust responsibility. For many Native students, TCUs are their primary means of receiving a higher education. Accordingly, 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. But despite this increase in student population, TCUs have never received the authorized level of operational funding of \$8,000 per student and are currently receiving only \$6,355 per Indian student. With the possible return of sequestration, this already underfunded but indispensable program faces significant cuts. The more than 30-year federal investment in this proven program will be lost, as some of these institutions may be forced to close their doors. Despite the constraints of the current economy, Congress has an obligation to invest in these critical institutions.

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

Title III/Technical Assistance: \$709,000 is needed to level fund critical technical assistance (which has not been increased since FY 2006) and to assist TCUs in establishing endowments.

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

- \$11 million for the two tribally-controlled charter career and technical institutions under Title V of the Tribally Controlled Colleges and Universities Assistance Act of 1978;
- \$9.8 million for the Institute of American Indian Art and Center for Lifelong Learning;
- \$22.9 million for Haskell Indian Nations University in Kansas and Southwestern Indian Polytechnic Institute in New Mexico, authorized under the Snyder Act of 1921; and
- \$21.5 million for a one-time appropriation to provide forward funding for these five TCUs, which are the only education institutions funded through the Interior Appropriations measure that are not forward funded. Forward funding does not increase the federal budget over the long-run. It simply provides necessary funds for vital education program before the start of each academic year, which is critically important when appropriations are delayed and the government is funded under continuing resolutions.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill
National Institute for Food and Agriculture

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. However, the 34 TCU land-grant institutions are still not recognized or funded as full partners in the nation's land-grant system. Serious inequities exist 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 extension programs at the 34 institutions is just 1.5 percent of that appropriated for the 1862 (state) land-grants and 10 percent of that appropriated for the 1890 (18 HBCUs) land grants. In the area of research, the 1994s receive less than one percent of that appropriated for the 1862s and just 3.4 percent appropriated for the 1890s. Appropriations at the requested levels below for each of the 1994 land-grant institution programs, as part of a five-year funding plan, is a small but critical step in addressing disparities that exist in the current land-grant system.

1994 Extension Program

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

The 1994 Extension Program is designed to complement, not duplicate, the Federally-Recognized Tribe Extension Program (FRTEP). Ironically, the 1994 Institutions, which are chartered by federally recognized Indian tribes, are the only members of the land-grant system that are prohibited from competing for these grant dollars that are focused on serving federally recognized tribes. 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. Congress must adequately invest in the extension programs serving reservation communities.

1994 Research Grants

- *Provide an additional \$3.5 million for the 1994 Research Grants Program.*

The 1994 Research Grants Program allows TCUs to partner with other land-grant institutions 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 economic development and other tribal 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 for strengthening education and sustainable economic development important to their tribal communities.

1994 Educational Equity Grant Program

- *Provide an additional \$3.5 million in Educational Equity Grant Program funding for the 1994 land-grant institutions.*

The Education Equity Grant Program assists TCU land-grant institutions 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, housed and administered 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 34 eligible 1994 institutions amounts to just \$4.9 million. This amount is less the four percent fee the USDA takes off the top, which amounts to a share greater than that received by three-quarters of the TCUs. These funds assist in strengthening academic programs, including agriculture curricula development, faculty development, instructional delivery, and experiential learning. Funds are also used to enhance student recruitment and retention in the agricultural sciences, as well as to address the ongoing need for improved facilities at the 1994 land-grant institutions. The 1994 institutions request that a payment of \$136 million be made, which would essentially double the principle amount funded for the 1994 Native American Institutions Endowment. Since only the annual interest yield is distributed to the 1994 land-grant institutions, it is the interest on the Fund – and not the appropriated payment amount – that is scored as budget outlay. The additional interest available to the TCUs will yield dividends in community-based programs.

Rural Development: 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/faculty 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 their facilities.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Transportation, Housing and Urban Development Appropriations Bill

HUD-University Partnership Program for Tribal Colleges and Universities

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

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 physical plants, and for routinely including 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 \$9.6 billion in total funding for Head Start, which includes Indian Head Start.*

Head Start has played and continues to play an instrumental role in Native education. Head Start funds provide early education to over 24,000 Native children. This vital program combines education, health, and family services to model traditional Native education, which accounts for its success rate. However, as inflation and fiscal constraints increase, current funding dollars provide less for Native populations. There is a return in benefit to society of at least \$7 for every single dollar invested in Head Start.²⁶ Therefore, Congress should increase funds to Head Start and Early Head Start to ensure Indian Head Start can reach more tribal communities and help more Native people by triggering the Indian special expansion funding provisions (after a full Cost of Living Allowance has been paid to all Head Start programs). The definition of “expansion” for funding purposes should include not only new positions, but also the establishment of new programs in underserved Indian communities, as well as quality improvements (e.g., increased staffing, professional development, transportation equipment, computer technology/web access, facility renovations and repair, etc.). Expansion should also include lengthening programs from part-day to full-day, enabling a shift from home-based to center-based programs, providing full year services, and supporting even earlier resources through Early Head Start. Facilities funding is desperately needed, as many Head Start programs operate out of the oldest buildings on reservations. Programs need additional dollars allocated for Quality Improvement, including funding for teacher quality.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Native Languages Preservation (Esther Martinez Program Grants)

- *Provide \$12 million for Native language preservation with \$5 million designated to fund the Esther Martinez Language programs.*

Native language grant programs are essential to revitalizing Native languages and cultures, many of which are at risk of disappearing in the next decade. 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. The federal budget should include \$12 million as part of the appropriation to the Administration for Native Americans for Native language preservation activities. The appropriation should also include \$5 million designated to support the Esther Martinez Language Programs’ Native language immersion initiatives, as they have demonstrated success in strengthening Native language revitalization.

NATIONAL SCIENCE FOUNDATION (NSF)

Commerce, Justice, and Science Appropriations Bill

Education and Human Resources (EHR)

- *Provide at least \$15 million to the Tribal Colleges and Universities Program.*

In FY 2009, NSF awarded \$4.2 billion in science and engineering (SE) funding to the nation’s institutions of higher education, and TCUs only received \$10.5 million, or one-quarter of one percent of this funding. Among other minority serving institutions, NSF awarded \$144.2 million in SE funding to 174 historically black colleges and universities and Hispanic serving institutions, averaging \$828,545 per institution, while 29 TCUs received an average of only \$362,000 per institution. This disproportionate distribution must be addressed in FY 2017.



Photo Credit: © NCAI

HEALTH CARE

REDUCING DISPARITIES IN THE FEDERAL HEALTH CARE BUDGET

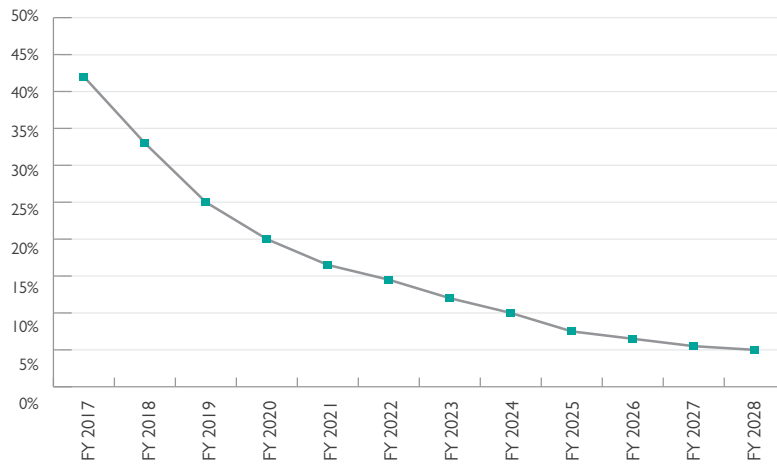
The Indian health care delivery system faces significant funding disparities, notably in per capita spending between the IHS and other federal health care programs. The IHS has been and continues to be a critical institution in securing the health and wellness of tribal communities. In 2014, the IHS per capita expenditures for patient health services were just \$3,107, compared to \$8,097 per person for health care spending nationally. When looking at medical spending only, IHS per capita is only about \$1,940. New health care insurance opportunities and expanded Medicaid in some states may expand health care resources available to AI/ANs. However, these new opportunities are no substitute for the fulfillment of the federal trust responsibility, and the budget gap will remain.

The FY 2017 budget for the IHS should support tribal self-determination, uphold the trust relationship, and work to reduce health disparities for Indian people.

Since FY 2009, tribes have seen moderate increases within the IHS budget and increased access to other funding opportunities within the Department of Health and Human Services. However, these increases have only served to meet existing mandated obligations and cover inflation costs; there have been few dollars, if any, to expand services necessary to bring true health parity for AI/AN. While these increases to the IHS budget are appreciated, a significant gap still exists when comparing per capita health spending between Indian health and other federal healthcare programs.

In FY 2015, for example, IHS received an increase of \$207.9 million, most of which is being used to cover inflation and binding obligations and to restore cuts from FY 2014. Similarly, in FY 2014, IHS received an increase of \$304 million over FY 2013 enacted levels. Most of this increase was required to fully fund contract support costs (CSC), as well as new staffing packages, at the direction of Congress. These mandatory directives led the agency to cut an additional \$10 million from Services to pay for CSC and staffing costs. No funds were available to restore sequestration cuts from FY 2013, nor to adjust for actual inflationary increases and population growth. As a provider of direct healthcare services, the IHS must be treated like other federal health provider agencies and be held harmless from future sequestration. When budgets are developed, they must fund current services, and must provide a meaningful increase to make an impact on chronic health disparities.

Percent of Increases Needed to Achieve Full Funding in 12 Years - \$29 billion

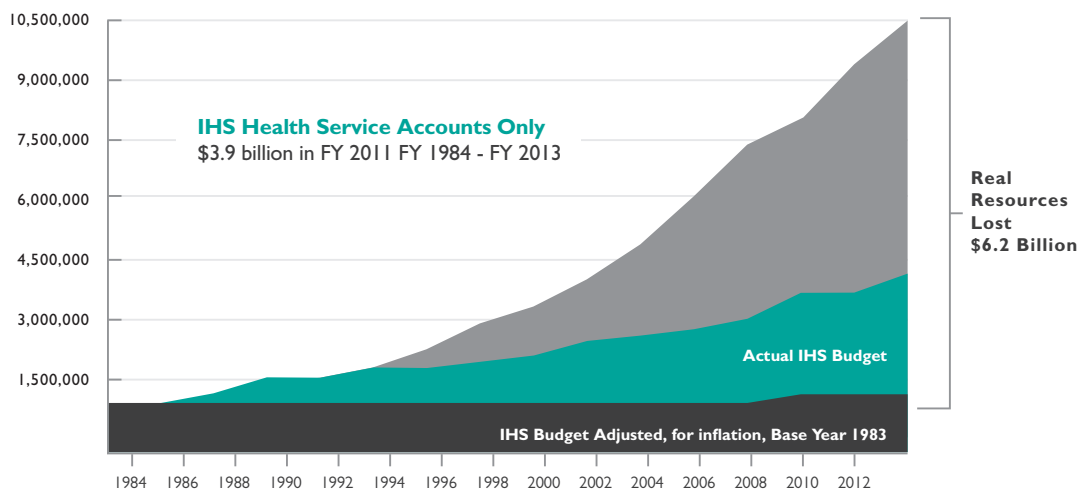


To allow the existing funding gap to continue for both IHS Services and Facilities budget lines is to disregard the health and lives of all Native Americans. Our elders, our youth and our tribal citizens ask: “Why not us? Why do our lives not count the same as other citizens?” It is time to end the unnecessary death and suffering occurring every day in Indian communities—centuries of neglect have now become an urgent humanitarian cry for justice for our people.

For the IHS budget to grow sufficiently to meet the true and documented needs of tribal nations over a twelve-year period would require the federal government to commit an additional \$2 billion per year. After a decade, the increase would fully fund the IHS at the \$29.96 billion amount required for Native peoples to achieve health care parity with the rest of the American population. This request has been put forward as part of the Indian Country Budget Request for the past five budget cycles. Developing and implementing a plan to achieve parity is critical to the future of Indian health and to the fulfillment of the federal trust responsibility to tribal nations.

The requests listed below focus on specific increases to the IHS that reflect both the priorities of tribal representatives from the 12 IHS Areas and the Agency-wide goals expressed by IHS.

Diminishing Purchasing Power – A thirty-year look at the IHS Services Accounts: Actual expenditures adjusted for inflation and compared to lost purchasing power when adjusted for inflation and population growth. (Fiscal Years 1984 to 2013)



Key Recommendations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Interior - Environment Appropriations Bill

Indian Health Service (IHS)

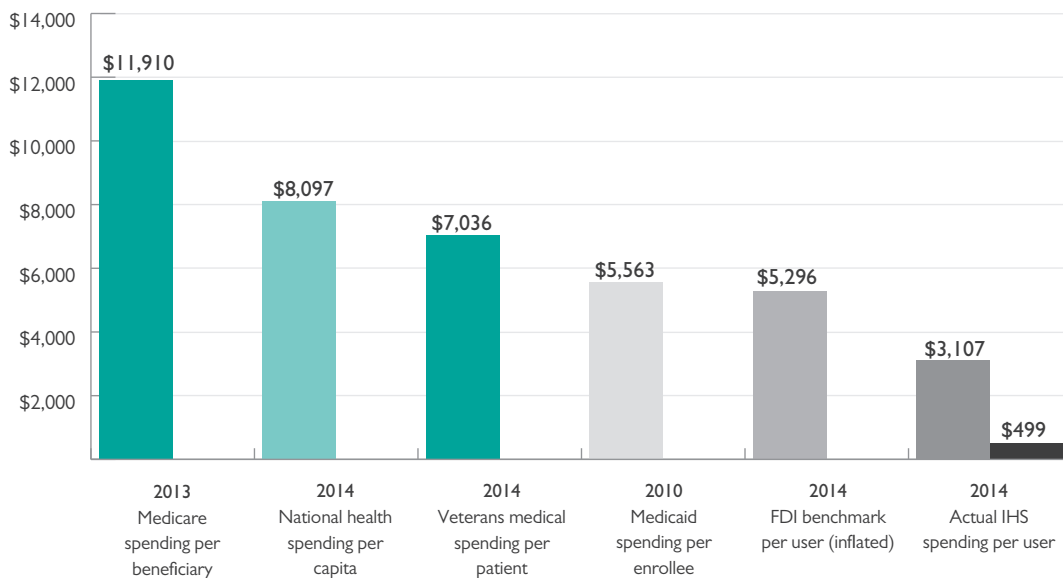
- Provide \$6.2 billion for the Indian Health Service in FY 2017. This includes an increase of \$482.4 million above the President's FY 2016 Request to maintain current services and an increase of \$640 million for program expansion.

The FY 2017 tribal budget request above the President's FY 2016 Budget addresses funding disparities between the IHS and other federal health programs (Figure 6) while still providing for current service costs (Table 1). About \$482.4 million of that increase is necessary simply to maintain current services, a top priority for tribes. The remainder of the requested budget increase is a modest increase to fund specific programs (Table 2).

Figure 6: 2014 IHS Expenditures Per Capita and Other Federal Health Care Expenditures Per Capita

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

2014 IHS Expenditures Per Capita and Other Federal Health Care Expenditures



Source: The National Tribal Budget Formulation Workgroup's Recommendations on the Indian Health Service Fiscal Year 2017 Budget.

CURRENT SERVICES

Maintaining current funding levels so that existing services can be provided is a fundamental budget requirement and a top priority for tribal leaders. These base costs, which are necessary to maintain the status quo, must be accurately estimated and fully funded before any real program expansion can begin. Any funding decreases would result in a significant reduction of health care services and prolong the state of emergency facing the IHS. To address this situation, the following budget increases are necessary.

TABLE I – FY 2017 CURRENT SERVICE COSTS

CURRENT SERVICES	
Tribal Pay Costs	\$9,989,000
Federal Pay Costs	\$8,173,000
Inflation Costs (Medical and Non-Medical)	\$71,828,000
Population Growth Costs	\$67,450,000
BINDING AGREEMENTS	
Contract Support Costs	\$150,000,000 ²⁷
Staffing Costs for New & Replacement Facilities	\$75,000,000
Health Care Facilities Construction Costs	\$100,000,000
TOTAL CURRENT SERVICE COSTS AND BINDING AGREEMENTS	\$482,440,000

FY 2017 SERVICE COST INCREASES

New costs in FY 2017 include increases in both tribal and federal pay costs, medical and non-medical inflation costs, standard increases in health care facilities construction costs, and staffing costs for new and replacement facilities. In addition, NCAI recommends increases in funding to address Contract Support Costs and projected population increases.

Contract Support Costs: An estimated \$150 million is requested for reasonable costs for activities that tribes/tribal organizations must carry out to support health programs and for which resources were not otherwise provided. The Indian Self-Determination and Education Assistance Act requires that 100 percent of these costs be paid. In FY 2014, more than \$2.5 billion of the IHS appropriation was administered by tribes/tribal organizations under contracts and compacts, and the assumption of programs, services, functions and activities by tribes/tribal organizations under the Act continues to grow.

Population Growth: The request for \$67.450 million will address the increased service costs arising from the growth in the American Indian and Alaska Native population, which is increasing at an average rate of 1.9 percent per year.²⁸ Failure to fund medical costs related to population growth translates into real erosion of existing health care dollars to meet current demand for services.

PROGRAM EXPANSION INCREASES (NOT INCLUDING CURRENT SERVICES INCREASES)

SERVICES	
Hospitals and Clinics (H&C)	200,000,000
Dental Services	31,185,900
Mental Health	67,495,900
Alcohol and Substance Abuse	77,600,900

PROGRAM EXPANSION INCREASES (NOT INCLUDING CURRENT SERVICES INCREASES)	
Purchased/Referred Care	200,000,000
Public Health Nursing	584,000
Health Education	457,000
Community Health Representatives	557,000
Alaska Immunization	3,000
Urban Indian Health	10,000,000
Indian Health Professions	564,000
Tribal Management Grants	
Direct Operations	128,000
Self-Governance	328,000
Contract Support costs New and Expanded	2,799,000
FACILITIES	
Maintenance and Improvement	21,589,000
Sanitation Facilities	13,927,000
Health Care Facilities Construction	7,560,000
Facilities and Environmental Health	438,000
Equipment	5,000,000
TOTAL PROGRAM INCREASES	640,216,700

PROGRAM SERVICES INCREASES

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

Dental Services: +\$37.2 million

Dental health is a top tribal health priority. The \$37.2 million increase includes inflation plus \$31.2 in program increases to address this growing health disparity. Poor oral health can affect overall health and school and work attendance, nutritional intake, self-esteem, and employability. Poor oral health is preventable when appropriate public health programs are in place.

According to the IHS, over 80 percent of AI/AN children ages 6-9 years suffer from dental caries, while less than 50 percent of the US population ages 6-9 years have experienced caries. AI/AN children ages 2-5 years exhibit an average of six decayed teeth, while the same age group in the US population averages one decayed tooth. Furthermore, preventative care is one of the most critical aspects to ending dental disease for AI/ANs and we urge the Administration to support preventative dental programming in its FY 2017 budget.

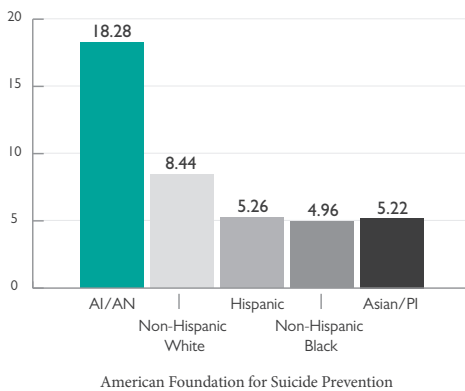
The IHS Dental program supports the provision of dental care through clinic-based treatment and prevention services, oral health promotion, and disease prevention activities, including topical fluoride application and dental sealants. The demand for dental treatment remains high due to the significant dental caries rate among AI/AN children. Funds are used for staff salaries and benefits, contracts to support dental services, dental lab services, training, supplies, and equipment. These funds are needed primarily to improve preventive and basic dental care services, as over 90 percent of the dental services provided by I/T/Us are used to provide basic and emergency care services. More complex rehabilitative care (such as root canals, crown and bridge, dentures, and surgical extractions) is extremely limited, but may be provided where resources allow.

For the general US population there are approximately 1,500 patients per dentist, while there are more than 2,800 AI/AN patients per dentist employed by the IHS and tribal dental clinics. It is essential that dental clinics serving the AI/AN population operate efficiently while also devoting time and dollars to the primary prevention of dental disease. Most dental professionals do not receive adequate training in terms of either clinic efficiency or community-based prevention.

Mental Health: +\$70.4 million

Tribal leaders identified mental health as a top priority and recommend a \$54.243 million increase above the Fiscal Year 2015 Budget Request. Without a major infusion of resources in FY 2017, IHS and tribal programs will continue to have limited staffing for their outpatient community based clinical and preventive mental health services. Further, any inpatient and intermediate services, such as adult and youth residential mental health services and group homes, which are sometimes arranged through states and counties, will have to be accessed outside of tribal communities.

**Suicide Rates Among Persons
10-24 Years of Age, by Race/Ethnicity, 2009**



Access to adequate care, from local paraprofessional providers to contracted specialty care providers is critical to address the vast mental health needs for American Indians and Alaska Natives who seek care from their Tribal health and direct service facilities. Many tribes recognize historical trauma as the root of disproportionate rates of depression, suicide, reoccurring trauma from domestic violence and sexual assault. Historical trauma, which Duran refers to as “Soul wounding” can be described as unresolved generational trauma, generated by historical policies of genocide, boarding schools, relocation and more currently child welfare practices. These experiences, and the subsequent loss of traditional kinship systems, traditional language, spiritual practices and cultural values impact the core of self-worth and identity, and has left a legacy of familial and community grief, and a cycle of economic conditions that continue to contribute to the extraordinary mental health needs.

In 2007, the National Center for Health Statistics noted that AI/ANs experience serious psychological distress 1.5 times more than the general population. Of particular concern, AI/AN represent the highest rates of suicide of any group in the US for all ages. An eleven-year study (1999-2010) by Dr. Jacqueline Gray, University of North Dakota, reveals the suicide rate for AI adolescents and young adults from 15-34 is 2.5 times the national average for that age group. Unlike other groups where the suicide rate increases with age, AI/AN rates are highest among the youth and decrease with age.

Alcohol and Substance Abuse Treatment: +\$85.3 million

Of the challenges facing AI/AN communities and people, no challenge is more far reaching than the epidemic of alcohol and other substance abuse. Tribal leaders understand this and have once again identified it as a top budget priority for FY 2017. The Tribal Budget Formulation Workgroup recommends a program increase of \$85.3 million over FY 2016 (for both inflation plus \$77.6 million for program expansion). Without a major infusion of funding, AI/AN people will continue to be consistently over represented in statistics relating to alcohol and substance abuse disorders in which higher rates of methamphetamine, cocaine and marijuana use are reported.

Now that tribes manage a majority of alcohol and substance abuse programs, IHS is in a supportive role to assist the tribes plan, develop and implement a variety of treatment modalities. The collaboration has resulted in more consistent evidenced-based and best practice approaches to address substance abuse disorders and addictions in a more cultural appropriate manner. At the community level, this is accomplished through individual and group counseling, peer support, and inpatient and residential placement. Treatment approaches also include traditional healing techniques that link the services provided to traditional cultural practices and spiritual support for the individual AI/AN that tribal programs have found successful. The Wellbriety Movement, based on the teachings of Native elders, includes a variety of holistic treatment programming for AI/ANs struggling with substance abuse. The term Wellbriety conveys both sobriety and wellness. The GONA (Gathering of Native Americans) process reflects the Native concept of the four levels of human development and responsibility, providing a structure for community gatherings addressing substance abuse. These are just two examples of cultural approaches that aid in healing.

Urban Indian Health: +\$11.7 million

Our request is for a program increase of \$10 million, plus inflation over the FY 2016 base, for a total of \$11.7 million. Thirty-six Urban Indian Health Programs provide health care and substance abuse services in fulfillment of the federal trust responsibility to more than 100,000 AI/ANs each year. Operating in 21 states, these programs are funded from an IHS line item of only \$43.6 million, which is less than one percent of the total IHS budget. Urban Indian Health Programs are unable to access PRC funding and other resources from the general IHS budget, and consequently have become adept at leveraging their modest base funding with additional health care dollars from other federal agencies, states, and foundations. Urban Indian Health Programs offer services to all AI/ANs.

Purchased/Referred Care Program (PRC): +248.3 million

The Purchased/Referred Care program pays for urgent and emergent and other critical services that are not directly available through IHS and tribally-operated health programs when: no IHS direct care facility exists, or the direct care facility cannot provide the required emergency or specialty care, or the facility has more demand for services than it can currently meet.

The PRC budget supports essential health care services from non-IHS or non-tribal providers and includes inpatient and outpatient care, emergency 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, cardiovascular and heart disease, diabetes, digestive diseases, and cancer, which are among the leading causes of death for AI/ANs. The recent trend to construct smaller joint venture outpatient ambulatory care centers will likely increase the reliance on PRC resources for hospital-based care. In FY 2013, IHS denied 146,928 eligible PRC cases amounting to a total of \$760.855 million in unmet need. This demonstrates that the PRC need continues to grow in the IHS system and that additional resources are needed to address this chronic and underfunded need.

At current funding levels, many IHS and tribally-operated programs are only able to cover Priority I services to preserve life and limb and are often unable to fully meet patients' needs of even this one PRC service category. Because PRC is only treating the most desperate of cases at current funding levels, any shortfall in the program correlates to increased death rates for some communities in Indian Country.

Advance Appropriations for the Indian Health Service. In June 2014, NCAI passed a resolution supporting the enactment of Advance Appropriations for the Indian Health Service. An advance appropriation is funding that becomes available one year or more after the year of the appropriations act in which it is contained. Providing Advance Appropriations for the Indian Health Service Budget would be consistent with other federal programs that provide critical health care services to vulnerable populations.

Tribal health programs must make long-term decisions without the guarantee of sustained funding. Often programs must determine whether and how they can enter into contracts with outside vendors and suppliers, plan programmatic activities, or maintain current personnel. Advance appropriations would allow Indian health programs to effectively and efficiently manage budgets, coordinate care, and improve health quality outcomes for AI/ANs. This change in the appropriations schedule will help the federal government meet its trust obligation to Tribal governments and bring parity to federal health care system. The Veterans Health Administration achieved this status in 2009. IHS, like the VHA, provides direct care to patients as a result of contractual obligations made by the federal government.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Tribal Access to Health Programs

Much of the funding that supplements IHS resources for tribal health programs, including funding that supports public health programs in Indian Country, comes from agencies within HHS outside of the IHS. The federal government's trust responsibility extends to the whole federal government, not just the IHS or BIA. IHS services are largely limited to direct patient care, leaving little, if any, funding available for public health initiatives such as disease prevention, education, research for disease, injury prevention, and promotion of healthy lifestyles. This means that Indian Country continues to lag far behind other communities in basic resources and services. Our communities are therefore more vulnerable to increased health risks and sickness.

To that end, tribes support increased funding specifically dedicated to tribes at other HHS agencies. Tribes are eligible to apply for many federal grants that address public health issues, however, many of these programs have little penetration into Indian Country because tribes have difficulty meeting the service population requirements, match requirements, or are under resourced to even apply for the grants. NCAI recommends creating specific tribal funding set-asides for block grants such as Preventive Health and Health Services Block Grant; Community Mental Health Services Block Grant; Community Service Block Grant; and the Social Services Block Grant. Federal agencies should also create funding streams that parallel the state flagship grant system. These large flagship grants provide funds to organizations and efforts within the state, but also provide the funding to sustain the infrastructure within state health departments. Denying this stable source of funding to tribes, denies them a significant opportunity to create the infrastructure required to address their own public health priorities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Diabetes Prevention

- *Continue to provide \$1 million for the On the TRAIL (Together Raising Awareness for Indian Life) to Diabetes Prevention program.*

IHS has successfully funded the On the TRAIL program since 2003, serving nearly 12,000 Native American youth ages 7-11 in over 80 tribal communities. The program curriculum is an innovative combination of physical, educational, and nutritional activities that promote healthy lifestyles. The program also emphasizes the importance of teamwork and community service. Members apply decision-making and goal-setting skills when completing physical activities and engage in service projects to improve health lifestyles in their communities. Continued funding of this program sustains a tested program and represents one of the few national youth-oriented diabetes prevention initiatives.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Health Resources and Services Administration (HRSA)

Native Hawaiian Health Care Systems Program

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

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



Photo Credit: © NCAI

HUMAN SERVICES

CHILD WELFARE

Congress has unequivocally recognized that there is nothing “more vital to the continued existence and integrity of Indian tribes than their children.”²⁹ Therefore, Congress must promulgate a budget that empowers tribes to provide programs and services necessary to safeguard their children and strengthen their families. A report from the Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence emphasized this very point:

Congress and the executive branch shall direct sufficient funds to AI/AN tribes to bring funding for tribal criminal and civil justice systems and tribal protection systems into parity with the rest of the United States and shall remove barriers that currently impede the ability of AI/AN nations to effectively address violence in their communities.

THE ADVISORY COMMITTEE BELIEVES THAT TREATIES, EXISTING LAW, AND TRUST RESPONSIBILITIES ARE NOT DISCRETIONARY AND DEMAND THIS ACTION.³⁰

Tribal child welfare programs are comprised of a number of “discrete, yet interconnected” functions that include child abuse prevention, child protection, case management, foster care, foster home recruitment, permanent placement, court hearings, ICWA coordination and collaboration, and referrals to other services.³¹ Tribal child welfare programs work tirelessly to successfully serve children and families through holistic, strengths-based, culturally appropriate, and family-centered services throughout these various endeavors.³² Throughout Indian Country, tribes implement innovative child welfare services such as family group decision-making processes, peacemaking courts, Positive Indian Parenting classes, culture camps, and customary adoptions to protect and support children while keeping them connected to their families and communities. In providing these services, a great number of tribes work simultaneously, in numerous jurisdictions across the country, to defend tribal and family rights threatened by state and private child welfare agencies and court systems.³³ Tribes’ enduring service to children, families, and communities persists in the face of elevated risk factors for child abuse and neglect.³⁴

Congress must prioritize the safety and well-being of *all* children. According to the advisory committee, “AI/AN children are generally served best when tribes have the opportunity to take ownership of the programs and resources they provide.”³⁵ The recommendations below suggest funding increases that would provide tribes with sufficient child welfare funding and provide necessary support in tribal efforts to heal children and families.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Bureau of Indian Affairs Indian Child Protection and Family Violence Prevention Act

- *Appropriate \$43 million for the three discretionary grant programs under this law. Appropriating \$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 will provide vital new funding to help tribes prevent and treat child abuse and neglect in their communities. No funding has been appropriated for FY 2015.*

The Indian Child Protection and Family Violence Prevention Act (ICPFVPA), Pub. L. No. 101-630 (1991), was enacted to fill gaps in tribal child welfare services – specifically child protection and child abuse treatment – and to ensure better coordination between child welfare and domestic violence programs. The act authorizes funding for two tribal programs: (1) the Indian Child Protection and Family Violence Prevention Program, which funds prevention programming as well as investigation and emergency shelter services for victims of family violence; and (2) the Treatment of Victims of Child Abuse and Neglect program, which funds treatment programs for victims of child abuse. It also authorizes funding to create Indian Child Resource and Family Service Centers in each of the BIA regional areas. These centers – staffed by multidisciplinary teams experienced in prevention, identification, investigation, and treatment of child abuse and neglect – would provide training, technical assistance, and consultation to tribal child protection programs. In spite of the great need for, and importance of, child maltreatment prevention and treatment programs, these tribal grant programs have virtually never been appropriated.

There is an incredible need for family violence prevention and treatment resources in AI/AN communities. As recently recognized by Congress in the Violence Against Women Reauthorization Act of 2013, AI/AN women are more likely than any other population to experience intimate partner violence. In fact, more than one in three AI/AN women experience intimate partner violence at some point in their life.³⁶ Further, AI/AN children experience child abuse and neglect at an elevated rate. They are victims of child maltreatment at a rate of 12.4 per 1,000, compared to the national rate of 9.2 children per 1,000.³⁷ These problems are intricately intertwined. Studies show that in 49–70 percent of cases, men who abuse their partners also abuse their children,³⁸ while child abuse investigations reveal violence against the mother in 28–59 percent of all cases.³⁹

Child abuse prevention funding is vital to the well-being and financial stability of AI/AN communities. Beyond the emotional trauma that maltreatment inflicts, victims of child maltreatment are more likely to require special education services, more likely to be involved in the juvenile and criminal justice systems, more likely to have long-term mental health needs, and have lower earning potential than their peers.⁴⁰ Financially, child maltreatment costs tribal communities and the United States \$210,012 per victim.⁴¹ Child abuse prevention funding is an investment tribal communities believe in but need support to fulfill.

Tribes, like states, need adequate resources to effectively prevent and respond to family violence in their communities. However, unlike states, tribes do not have access to the Department of Health and Human Services (DHHS) Child Abuse Prevention and Treatment Act Program (CAPTA) Basic Funding Program. The programs authorized under ICPFVPA were created to fill this gap but, without being appropriated, leave tribes without funding for child protection and child abuse prevention services.

BIA INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM					
	FY 2012 Enacted	FY 2013* Enacted	FY 2014 Enacted	FY 2015 Enacted	FY 2017 Recommended
Total	\$0	\$0	\$0	\$0	Child Abuse Treatment: \$10,000,000 Child Abuse-Violence Prevention: \$30,000,000 Resource Centers: \$3,000,000

*Reflects sequestration effects.

DEPARTMENT OF THE INTERIOR

**Interior - Environment Appropriations Bill
Bureau of Indian Affairs Welfare Assistance Program**

- Increase funding levels to \$80 million to support tribal services that assist families in crisis, prevent unnecessary child neglect, sustain kinship placements for children placed outside their homes, support adults in need of care, and provide final expenses.

The Welfare Assistance line item provides five important forms of funding to AI/AN families: (1) general assistance, (2) child assistance, (3) non-medical institution or custodial care of adults, (4) burial assistance, and (5) emergency assistance.

AI/AN child welfare programs and social service agencies need to have the resources necessary to support families in times of crisis and uncertainty. AI/AN adults – including parents and kinship caregivers – are unemployed on reservations at a rate more than two times the unemployment rate for the total population.⁴² Thirty-four percent of AI/AN children live in households with incomes below the poverty line as compared to 20.7 percent of children nationwide.⁴³ The crippling of Native economies before the self-determination era left tribal communities with few economic opportunities, high unemployment, and overwhelmingly impoverished. The barriers to employment vary region to region in Indian Country, but include geographic remoteness, a weak private sector, poor basic infrastructure, and even a lack of basic law enforcement infrastructure. These conditions make the programs funded under welfare assistance an important safety net for AI/AN families.

The General Assistance Program provides short-term monetary assistance for basic needs like food, clothing, shelter, and utilities to individuals who are actively working towards financial stability and ineligible for all other financial assistance programs. The Emergency Assistance Program provides a one-time emergency payment of less than \$1,000 to individuals experiencing property damage beyond their control. These programs are essential to families experiencing unexpected job loss or financial crisis. They often provide the assistance necessary to help a family make ends meet, prevent neglect, and keep their children safely in the home. Currently the need far exceeds the funding provided by this program.

The Child Assistance Program provides payments for children who must be cared for outside their homes in foster care, adoptive, or guardianship placements. One of the primary needs recognized in the national needs assessment performed by the National Child Welfare Resource Center for Tribes was access to funding for care providers not licensed by state child welfare systems.⁴⁴ The Child Assistance Program is the primary funding source dedicated to support these homes. Insufficient funds too often require tribes to place children in *unsubsidized* out-of-home care, this is unfair to those extended family members and foster care homes who are willing to open their homes up to care for children. These funds must be increased to meet this identified need.

The current funding for the Welfare Assistance Program does not begin to meet the needs in tribal communities. This leaves families in poverty and caregivers willing to take children who have been abused or neglected into their homes without sufficient financial support. Funds should be increased by \$5 million to provide tribal governments the resources they need to support families and children in crisis.

BIA WELFARE ASSISTANCE PROGRAM

	FY 2013* Enacted	FY 2014 Enacted	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Recommended
Total	\$75,249,000	\$74,809,000	\$74,791,000	\$74,791,000	\$80,000,000

*Reflects sequestration effects.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Indian Child Welfare Act Program

- *Increase the Indian Child Welfare Act On or Near Reservation Program appropriations to \$17 million. Increase the Self-Governance, Tribal Priority, and Consolidated Tribal Government (for Indian Child Welfare Act On or Near Reservation Program purposes) appropriations to \$18 million.*

As the Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to recently stated "If AI/AN children today are to be provided with a reliable safety net, the letter and spirit of [the Indian Child Welfare Act] must be enforced."⁴⁵ ICWA was a response to national findings that public and private child welfare agencies were systematically removing AI/AN children from their homes, communities, and culture in order to place them in non-Native foster and adoptive homes. To prevent these troubling practices, ICWA provides protections to tribes and AI/AN families in state child welfare and judicial systems. It also recognizes the sovereign authority of tribal nations to provide child welfare services and adjudicate child welfare matters. To effectuate these provisions, ICWA authorized grant programs to fund child welfare services on or near reservations and for ICWA support in off-reservation, urban Indian programs.

ICWA funding is the foundation of most tribal child welfare programs. Compliance with the letter and spirit of ICWA necessitates adequate funding so that tribal child welfare programs can monitor state court proceedings and provide community-based, culturally appropriate services that states are not capable of providing. At the time that ICWA was passed in 1978, Congress estimated that between \$26 million–\$62 million would be required to fully fund tribal child welfare programs on or near reservations.⁴⁶ Even after an important FY 2015 increase as part of the *Tiwahe* Initiative, current funding levels fall far short of this estimate—especially after adjusting for inflation.

- *Appropriate \$5 million for the authorized, but unfunded, Off-Reservation ICWA Program to ensure all AI/AN children receive effective services as required by ICWA.*

According to the 2010 Census, 67 percent of AI/AN people lived off-reservation. These children and families are best served when state child welfare systems are not only working with the child's tribe, but also with urban Indian child welfare programs. These programs provide assistance to states and the child's tribe, and provide culturally appropriate child welfare services. For this reason, ICWA authorizes child welfare funding for urban Indian programs. From 1979–1996, funding was allocated to urban organizations serving Native children and families. When funded, off-reservation programs provided important services

such as recruitment of Native foster care homes, child abuse prevention efforts, and culturally appropriate case management and wraparound services. When funding stopped, the majority of these programs disintegrated even as the population of AI/AN children off-reservation increased. This funding must be reinstated. We recommend a \$5 million appropriation to support AI/AN children and families living off-reservation.

BIA INDIAN CHILD WELFARE ACT PROGRAM					
	FY 2013* Enacted	FY 2014 Enacted	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Recommended
On-Reservation ICWA Program	\$10,628,000	\$10,710,000	\$15,433,000	\$15,641,000	\$17,000,000
Tribal Priority Allocation Self-Gov; Consolidated Tribal Government Program (On-Res. ICWA)	\$11,480,000	Number not available	Number not available	Number not available	\$18,000,000
Off-Reservation	\$0	\$0	\$0	\$0	\$5,000,000
*Reflects sequestration effects.					

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Social Services Program

- Provide \$50 million to fortify child protective services and ensure meaningful technical assistance to tribal social service programs across Indian Country.

The Social Services Program provides a wide array of family support services filling many funding gaps for tribal programs and ensuring federal staff and support for these programs. Importantly, the Social Services Program provides the only BIA and tribal-specific funding available for child protective services for both children and adults in Indian Country. It ensures that Native people living on or near reservations have the support necessary to access the maze of services provided by states and the federal government. Where individuals are ineligible for all of these programs, this program provides necessary aid. This program also supports the management of Indian Individual Monies accounts for individuals who lack the legal authority to do so (including minors, adults with disabilities, and adults found to be non compos mentis). It also funds BIA social workers at regional and agency offices and funds training and technical assistance to tribal social service programs and workers. These funds are desperately needed. A recent assessment of BIA social services found that, in large part due to inadequate funding:

“BIA AND TRIBAL SOCIAL SERVICES STAFF PREPARE, AUTHORIZE, AND DOCUMENT VARIOUS SOCIAL SERVICES ACTIVITIES AS PART OF THEIR DAILY ACTIVITIES. SOME TRIBES REPORTED FREQUENT VACANCIES AND STAFF TURNOVER IN SOCIAL SERVICES PROGRAMS AND MENTIONED A NEED FOR BIA TO PROVIDE BASIC GUIDANCE AND SUPPORTING MATERIALS TO ENSURE CONTINUITY OF SERVICES THROUGHOUT TRIBAL COMMUNITIES.”

Technical support is one area where roles and responsibilities remain unclear, as demonstrated by BIA’s social services contracts with tribes. The contracts, or annual funding agreements, state that BIA will provide technical support with social services

issues as needed. Contrary to these agreements, we uncovered reports of insufficient or nonexistent technical support. In some cases, tribes could wait up to three weeks before receiving a response, or they might receive no response at all.⁴⁷

As this assessment describes, the Social Services Program is drastically underfunded, and tribal programs, families, and children suffer as a result. Recent increases as part of the *Tiwahe* Initiative are to be commended and the momentum must be continued. Another \$5 million must be appropriated for this program—children and families depend on it. This increase will ensure that basic child protective services are provided in tribal communities across the country, that tribes have access to meaningful training and technical assistance, and that the BIA has the resources necessary to fill service gaps. The Tribal Interior Budget Council estimated an unmet need of \$32 million on top of the FY2015 enacted level during tribal budget formulation for FY 2017.

BIA SOCIAL SERVICES PROGRAM					
	FY 2013* Enacted	FY 2014 Enacted	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Recommended
Total	\$34,324,000	\$35,763,000	\$40,871,000	\$45,179,000	\$50,000,000
*Reflects sequestration effects.					

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

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

- *Increase discretionary funding to \$90 million to provide additional access to tribes who are currently not eligible to apply for these funds based upon the current eligibility criteria that are tied to the funding formula, including \$20 million as requested by the President in FY 2016 to increase tribal capacity and rural child welfare.*

The Promoting Safe and Stable Families Program provides funds to tribes for coordinated child welfare services that include family preservation, family support, family reunification, and adoption support services. This program has a mandatory capped entitlement appropriation as well as a discretionary appropriation. There is a three percent set-aside for tribes under each program. All tribes with approved plans are eligible for a portion of the set-aside that is equal to the proportion of their member children compared to the total number of member children for all tribes with approved plans. Based on this formula, tribes who would qualify for less than \$10,000 are not eligible to receive any funding. This means that many tribes, typically those tribes who are most in need, cannot access it because the overall appropriation is currently too low.

A recent national assessment of tribal child welfare programs found that these programs are “deeply committed to keeping children with their families and in their tribal communities, as well as maintaining cultural connections.”⁴⁸

This is in stark contrast with state child welfare systems where AI/AN children are three times more likely to be removed from their home – as opposed to receiving family preservation services – than their non-Native counterparts.⁴⁹ Tribes are providing intensive family preservation and family reunification services in spite of inadequate funding and insufficient staffing, which is putting incredible strain on individual workers and programs.⁵⁰

The Promoting Safe and Stable Families Program offers support for those culturally based services that tribes already have experience with, such as parenting classes, home-visiting services, respite care for caregivers of children, and other services that safely preserve families, but cannot expand based upon low levels of funding. This program is vital to the 130 tribes and tribal

consortia that depend on it to support their efforts to prevent the unnecessary removal of AI/AN children from their homes. Yet because of the funding levels, hundreds of tribes are ineligible for this formula grant. Increasing this program to \$90 million (still \$110 million below the authorized appropriation) could help dozens of new tribes access this funding and augment the programming of the 130 tribes and consortia currently funded.

Tribes are also eligible to apply for the Tribal Court Improvement Program, a competitive grant program authorized under Promoting Safe and Stable Families. This program is authorized for \$30 million of mandatory funding plus 3.3 percent of all discretionary funds. A \$1 million tribal set-aside was created in the 2011 Child and Family Services Improvement and Innovation Act, Pub. L. No. 112-34 (2011). Seven tribal court improvement project grantees are currently funded under this program. They are using these funds to strengthen their family courts and better integrate the work of their court with the work of their child welfare system. The State Court Improvement Program provides important opportunities for tribes and states to work together to improve ICWA compliance and resources states use for ICWA trainings and ICWA implementation efforts. An increase in Promoting Safe and Stable Families discretionary funding to \$90 million will provide additional funding to states for these important efforts, including an increase to \$3 million for the tribal court improvement program.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Child and Family Services

Child Abuse Discretionary Activities, Innovative Evidence-Based Community Prevention Program

- *Increase overall appropriations to \$35 million to account for tribes' recent eligibility for these funds through a competitive grant process.*

Child Abuse Discretionary Activities, including Innovative Evidence-Based Community Prevention Program, support a variety of activities including research and demonstration projects on the causes, prevention, identification, assessment, and treatment of child abuse and neglect, and the development and implementation of evidence-based training programs. Tribes have access to this program through a competitive grant process that includes states and other entities. The majority of entities that have historically received funding are universities and research hospitals.

An accurate understanding of successful child abuse and neglect interventions for AI/AN families allows child abuse prevention programs to target the correct issues, provide the most effective services, and allocate resources wisely. Although promising practices for child protection, child abuse prevention, and trauma-informed child welfare services exist throughout Indian Country, not enough information is available on the implementation and effectiveness of these programs to make them easily replicable.⁵¹

The Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence recently provided the following recommendation: "The Administration of Children and Families of the DHHS, BIA in the DOI, and tribes should collectively identify child welfare best practices and produce an annual report on child welfare best practices in AI/AN communities that is easily accessible in tribal communities."⁵² The Child Abuse Discretionary Activities Program is the only funding available to help tribes engage in the research necessary to test treatment and interventions. The surest way to effectuate this recommendation is to provide funding under the Child Abuse Discretionary Activities Program that supports tribal access to these funds.

The CAPTA Reauthorization Act of 2010, Pub. L. No. 111-320 (2010) provided tribal access to this program, but appropriation levels did not increase to account for the expanded pool of grant applicants. For this reason, the Child Abuse Discretionary

Activities, including Innovative Evidence-Based Community Prevention Programs appropriation should be increased by \$10 million (a level still well below the \$120 million authorization which is shared with CAPTA state grants, currently authorized at only \$25 million) to provide the funding necessary to ensure tribal success in this competitive grant process.

CHILD ABUSE DISCRETIONARY ACTIVITIES, INNOVATIVE EVIDENCE-BASED COMMUNITY PREVENTION PROGRAM

	FY 2013* Enacted	FY 2014 Enacted	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Recommended
Total	\$24,091,000	\$28,744,000	\$28,744,000	\$33,000,000	\$35,000,000
Tribal	\$0 (no tribal grantees)	Dependent upon grantees awarded	Dependent upon grantees awarded	Dependent upon grantees awarded	Increase will fund tribal grantees

*Reflects sequestration effects.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Child and Family Services

Community-Based Child Abuse Prevention

- Increase funding to \$60 million, so that more tribes can have access to child abuse prevention dollars that support community-based work.

The Community Based Child Abuse Prevention line item funds programs that develop and enhance community-based, prevention-focused services that curb child maltreatment by strengthening families. Tribes have access to this program, but they share a one percent set-aside of the total funding with migrant populations through a competitive grants program. The current funding level only funds two tribal grantees each three-year grant cycle.

Tribal child welfare programs are uniquely situated to provide effective community-based child abuse prevention programs. “The close-knit structure of many tribal communities [makes] it possible for workers to informally track families that might be experiencing stressors or risk factors that could lead children to becoming unsafe. Tribal workers’ embedded place in the community and their status as fellow community members also [permits] them to check in on these families regularly and provide informal support without stigmatizing them as having problems or being involved with social services.”⁵³

The Community Based Child Abuse Prevention Program is the only appropriated funding that specifically targets the design and implementation of prevention programs in tribal communities. It empowers tribes to create programs that will be truly effective at preventing child maltreatment—programs which are community-based and culturally competent.

COMMUNITY-BASED CHILD ABUSE PREVENTION

	FY 2012 Enacted	FY 2013* Enacted	FY 2014 Enacted	FY 2015 Enacted	FY 2017 Recommended
Total	\$41,527,057	\$38,859,000	\$39,764,000	\$39,764,000	\$60,000,000
Tribal (shared with migrant)	\$416,545	\$388,600	\$397,640	\$397,640	\$600,000

*Reflects sequestration effects.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Child Welfare Programs

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

- *Restore funding to this vital program to \$280 million because it is essential to increase the entire appropriation of the Child Welfare Services Program to ensure that tribes have access to increased flexible Child Welfare Services Program funds for their child welfare programs.*

The Child Welfare Services Program provides funds that support child welfare program flexibility in the provision of community-based child welfare services. Tribes are eligible for this funding based on a formula grant. Tribes receive an allocation based upon a population-based formula described in the regulations. This tribal allocation is deducted from the state’s allocation.

The vast majority of tribal child welfare programs operate from a cultural worldview—meaning the ways that culture affects tribal child welfare practice go far beyond incorporating traditional practices into case plans or using culturally competent service providers. Culture is infused throughout tribal child welfare programs: it dictates the mission, influences the philosophy, and shapes the attitude of individual workers.

Studies show that culturally competent programs, resources, and case management result in better outcomes for AI/AN children and families involved in the child welfare system.⁵⁴ The flexibility of the Child Welfare Service Program allows tribes to provide culturally competent services to families along a continuum, from child protection to out-of-home placement. The Child Welfare Service Program is typically used by tribes for in-home services, support services for children in foster care, case management, and training and professional development. Tribes use this important funding to tailor their child welfare services to best fit their communities’ needs.

Of the 566 federally recognized tribes, less than 400 have been able to access this funding. The median tribal grant is about \$13,300, an insufficient amount to support the administrative requirements, much less provide the services this program is meant to support. The low level of funding has been one of the primary reasons more eligible tribes are not participating.

CHILD WELFARE SERVICES PROGRAM (SOCIAL SECURITY ACT TITLE IV-B, SUBPART I)					
	FY 2012 Enacted	FY 2013* Enacted	FY 2014 Enacted	FY 2015 Enacted	FY 2017 Recommended
Total	\$280,650,000	\$262,622,000	\$268,735,000	\$268,735,000	\$280,000,000
Tribal	\$6,427,000	\$6,094,216	~\$6,329,000	~\$6,329,000 (estimated)	~\$7,100,000 (dependent on number of applicants)
*Reflects sequestration effects.					

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations bill

Child Welfare Programs

Tribal Foster Care and Adoption Assistance Start-Up Funds (Title IV-E of the Social Security Act)

- *Increase this program's funding by \$27 million to specifically support tribal Title IV-E program start-up funds for tribes with approved Title IV-E plans.*

The Fostering Connections to Success and Increasing Adoptions Act (2008) provided tribal governments with historic new opportunities to access foster care and permanency funding and technical assistance under the Title IV-E program—an area of child welfare services where tribes are woefully underfunded.

As described in a recent GAO report (2015) more tribes are not running Title IV-E programs because Title IV-E does not provide the funding or support needed by many tribes to actually begin implementation of the program. Essential to Title IV-E implementation is the ability to provide a substantial non-federal match and support initial caregiver payments and program costs with tribal funds. Yet, tribes interested in operating IV-E do not have the same access to general revenue as states. Also essential to Title IV-E implementation is the staffing and infrastructure necessary to support expanded services, additional requirements, and new accounting systems. Tribes – who have been chronically underfunded and only reassumed control over their child welfare services in 1978 – do not have the same child welfare infrastructure or capacity as states.

Consistent with the President's FY 2016 budget request, we recommend an increase of \$27 million to the Payments for Adoption and Permanency Program to allow for tribes that have approved Title IV-E plans to apply for start-up funding. For tribes to successfully access Title IV-E and children to have safe and supported foster homes this program must be funded.

CHILDREN'S MENTAL HEALTH

AI/AN children and communities grapple with complex behavioral health issues at higher rates than any other population. Historically destructive federal Indian policies and unresponsive or harmful human service systems have left AI/AN communities with unresolved historical and generational trauma.⁵⁵ Where tribal reclamation of these systems has been possible it has led to effective service systems designed, and implemented, by and for AI/AN people to promote cultural strength and healing. These tribal systems have already begun to resolve the trauma left behind by federal policies and systems.

The Attorney General's Advisory Committee on AI/AN Children Exposed to Violence, comprised of nonfederal experts in the area of AI/AN children exposed to violence recently released their report. It describes the foundation necessary to treat AI/AN children who have experienced trauma: "We must transform the broken systems that re-traumatize children into systems where [AI/AN] tribes are empowered with authority and resources to prevent exposure to violence and to respond to and promote healing of their children who have been exposed."⁵⁶

The most assured way to transform these broken systems is to support tribal children's mental and behavioral health programs with funding that reflects the need. Funding must also account for the understanding that effective mental and behavioral health care requires an entire tribal system dedicated to treatment. In order to effectively serve AI/AN children and communities, funding must provide flexible opportunities that allow tribes to integrate mental and behavioral health interventions throughout government services. The advisory committee provided the following recommendation:

“THE SECRETARY OF HEALTH AND HUMAN SERVICES SHOULD INCREASE AND SUPPORT ACCESS TO CULTURALLY APPROPRIATE BEHAVIORAL HEALTH SERVICES IN ALL AI/AN COMMUNITIES, ESPECIALLY THE USE OF TRADITIONAL HEALERS AND HELPERS IDENTIFIED BY TRIBAL COMMUNITIES.”⁵⁷

It is with this recommendation in mind that the following appropriations are suggested. The numbers provided below will help dozens of additional tribes access the funding necessary to improve their mental health services. Even with the increases described below the budget falls far short of the actual need in Indian Country. These recommendations must be considered as simply the starting point.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Substance Abuse and Mental Health Services Administration

Programs of Regional and National Significance

Children and Family Programs (includes Circles of Care)

- *Ensure that \$6 million under this line item continues to be reserved specifically for the tribal and urban Indian community Circles of Care program.*

The Children and Family Programs line item in the Substance Abuse and Mental Health Services Administration (SAMHSA) budget represents funds allocated to support the Circles of Care program. Circles of Care is a competitive grant program exclusively for tribal communities. It is the cornerstone of tribal children’s mental health programming.

Circles of Care is a three-year planning grant that helps communities design programs to serve children with serious behavioral health issues. The goal of this program is to help children access services and find wellness. Specifically, Circles of Care funds the development of the tribal capacity and infrastructure necessary to support a coordinated network of holistic, community-based, culturally appropriate mental and behavioral health interventions in tribal communities.

The Circles of Care program is the *only* SAMHSA grant program with a holistic focus on AI/AN children’s mental health. It is one of only two SAMHSA programs that allows tribes and tribal organizations to apply for funding without competing with other governmental entities (states, counties, or cities). There are currently 11 communities receiving Circles of Care funding.

AI/AN children and youth face a “disproportionate burden” of mental health issues while simultaneously facing more barriers to quality mental health care.⁵⁸ Programs like Circles of Care, which provide communities with the funding needed to plan and build culturally competent services and design integrated supports to meet the needs of their youth with behavioral health challenges, are essential. Since its inception in 1998, the Circles of Care program has affected 49 different tribal and urban Indian communities. These programs have been incredibly successful. The majority of tribes who have received these grants have created long-term, sustainable systems of care for their children.

Of the 31 total graduated Circles of Care grantees, 12 have obtained direct funding to implement their system change efforts through the Child Mental Health Initiative (CMHI) Program (which funds system of care grants), and four others have partnered with other CMHI-system of care grantees to implement their models. The others have developed various alternative strategies to operationalize and sustain their system change plans to care for youth with mental health challenges.

SAMHSA CHILDREN AND FAMILY PROGRAMS (INCLUDES CIRCLES OF CARE)

	FY 2012 Enacted	FY 2013* Enacted	FY 2014 Enacted	FY 2015 Enacted	FY 2017 Recommended
Total	\$6,474,000+	\$6,461,000+	\$6,474,000+	\$6,458,000	\$6,500,000 exclusively for Circles of Care

*Reflects sequestration effects.

+ CoC funding was shared with another grant program these years

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Substance Abuse and Mental Health Services Administration

Garrett Lee Smith (GLS) Campus Suicide Prevention Program

- Increase funding to \$9 million to ensure current multi-year grantees can complete the grant cycle and allow for the additional new annual grantees in FY 2015.

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

Youth suicide is a significant – but preventable – problem in AI/AN communities. The suicide rate for AI/AN youth is 2.5 times higher than the national average.⁵⁹ In response to this problem, AI/AN communities across the country have successfully implemented proactive and holistic programming, which aims to simultaneously reduce those factors known to contribute to suicide and strengthen those factors known to protect against suicide. The GLS State/Tribal Youth Suicide Prevention and Early Intervention Program and the GLS Campus Youth Suicide Prevention Program currently supports this important work in 41 tribal communities and at one tribal college.

Funding for the GLS State/Tribal Youth Suicide Prevention and Early Intervention Program must be increased to \$40.5 million. These grants provide targeted funding for a problem of epidemic proportions in tribal communities. They have been a lifeline for tribal communities. This increase will ensure that current grantees can complete the programs they have begun and give more tribal communities the opportunity to access these funds. For similar reasons, funding for the GLS Campus Youth Suicide Prevention Program should be restored to the FY 2012 level of \$9 million.

GARRETT LEE SMITH SUICIDE PREVENTION PROGRAMS

	FY 2013* Enacted	FY 2014 Enacted	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Recommended
State/Tribal Youth Suicide Prevention and Early Intervention Grant Program	\$34,002,000	\$35,500,000	\$35,427,000	\$35,427,000	\$40,500,000
Campus Suicide Prevention Program	\$8,875,000	\$6,500,000	\$6,488,000	\$6,488,000	\$9,134,000

*Reflects sequestration effects.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill
 Substance Abuse and Mental Health Services Administration
 American Indian and Alaska Native Suicide Prevention

- Provide \$3.2 million to ensure that there is adequate assistance available to tribal communities working to support the mental well-being of AI/AN youth.

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

This program has provided training and technical assistance to over 65 tribal communities. It has helped these communities leverage existing social and educational resources to implement comprehensive, community-based prevention plans that target bullying, violence, and suicide. It has trained over 9,000 community members in prevention and mental health promotion. Increase funding to \$3.2 million to allow for more of these important activities to continue.

SAMHSA AMERICAN INDIAN AND ALASKA NATIVE SUICIDE PREVENTION					
	FY 2013* Enacted	FY 2014 Enacted	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Recommended
Total	\$2,785,000	\$2,938,000	\$2,931,000	\$2,931,000	\$3,200,000

*Reflects sequestration effects.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill
 Substance Abuse Mental Health Services Administration
 Programs of Regional and National Significance
 Tribal Behavioral Health Program

- Increase funding for the Tribal Behavioral Health program to \$50 million.

In the FY 2016 Consolidated Appropriations Act, the Substance Abuse and Mental Health Administration (SAMHSA) funded Tribal Behavioral Health Grants at \$30 million (\$15 million in the Mental Health appropriation and \$15 million in the Substance Abuse Prevention appropriation). NCAI recommends \$50 million in FY 2017 to continue to address the expansion of suicide prevention, mental health and substance abuse activities for Native communities.

The Consolidated Appropriations Act of 2014, Pub. L. No. 113-76 (2014) recommended that \$5 million be allocated to Tribal Behavioral Health Grants. These are to be competitive grants designed to target tribal entities with the highest rates of suicide per capita over the last 10 years. These funds must be used for effective and promising strategies to address the problems of substance abuse and suicide and promote mental health among AI/AN young people.

AI/AN young people are more likely than other youth to have an alcohol use disorder. In 2007, 8.5 percent of all AI/AN youth struggled with alcohol use disorders compared to 5.8 percent of the general youth population.⁶⁰ Although these statistics are troubling, with adequate resources tribes are best able to serve these young people and help them heal before they reach adulthood:

THERE IS GROWING EVIDENCE THAT NATIVE YOUTH WHO ARE CULTURALLY AND SPIRITUALLY ENGAGED ARE MORE RESILIENT THAN THEIR PEERS. RESEARCH HAS REVEALED THAT 34 PERCENT OF NATIVE ADOLESCENTS...PREFERRED TO SEEK MENTAL OR SUBSTANCE ABUSE SERVICES FROM A CULTURAL OR SPIRITUAL HEALER. IN OTHER RESEARCH, AMERICAN INDIAN CAREGIVERS PREFERRED CULTURAL TREATMENTS (E.G., SWEAT LODGE, PRAYER) FOR THEIR CHILDREN AND FOUND THE TRADITIONAL-BASED CEREMONIES MORE EFFECTIVE THAN STANDARD OR TYPICAL BEHAVIORAL HEALTH TREATMENT.⁶¹

This funding provides flexible opportunities allowing tribes to tailor their mental and behavior health interventions to the unique needs of AI/AN children families and communities. This program is currently the only source of federal substance abuse prevention funding exclusively available to tribes.

SAMHSA	FY 2015 ENACTED	FY 2016 REQUEST	FY 2016 OMNIBUS	FY 2017 RECOMMENDED
MENTAL HEALTH APPROPRIATION				
Tribal Behavioral Health Grants	4,900,000	15,000,000	15,000,000	25,000,000
SUBSTANCE ABUSE PREVENTION APPROPRIATION				
Tribal Behavioral Health Grants	--	15,000,000	15,000,000	25,000,000

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Children’s Mental Health Initiative (Systems of Care)

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

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

Children’s Mental Health Initiative System of Care Grants support a community’s efforts to plan and implement strategic approaches to mental health services. These approaches are based on important principles, they must be family-driven; youth-guided; strength-based; culturally and linguistically competent; and meet the intellectual, emotional, cultural, and social needs of children and youth. Since 1993, 180 total projects have been funded, dozens of which have been in tribal communities. Currently, 17 tribal communities are funded under the Children’s Mental Health Initiative line item.

The system of care model of mental health service provision has been found to be more in line with the AI/AN worldview and traditional tribal ways of helping than any other service system.⁶² Further, its emphasis on cultural competence has “opened the door to the demonstration and acceptance of cultural resources as important and viable community-based approaches” to mental health treatment.⁶³ Therefore, this program has been both well-received and particularly effective.

Due to this program’s efficacy in tribal communities, it is of the utmost importance that funding for current grantee cohorts be made available so that they may finish the important work they have begun. In addition, the well-being of AI/AN children is dependent on the ability of more tribes to access these funds and create real systems change. For these reasons, funding should be continued at the FY 2015 level of \$117.5 million.

SAMHSA CHILDREN’S MENTAL HEALTH INITIATIVE					
	FY 2012 Enacted	FY 2013* Enacted	FY 2014 Enacted	FY 2015 Enacted	FY 2017 Recommended
Total	\$117,315,000	\$111,430,000	\$117,315,000	\$117,026,000	\$117,500,000
*Reflects sequestration effects.					

DISABILITIES

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.⁶⁴ Of those Native adults with a disability, 51 percent reported having fair or poor health.⁶⁵

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, tribes have had limited access to funding to address the needs of their citizens with 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.

Tribes have had limited access to funding for vocational rehabilitation and job training compared to states. An increase in the Vocational Rehabilitation Services Projects to \$67 million would begin to put tribes on par with state governments and better equip tribes to provide supports to their citizens with a disability.

ELDERS

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.⁶⁶

The Older Americans Act (OAA) is the major federal statute that authorizes social and nutritional services to elders. These supportive services include congregate and home-delivered nutrition services; community centers; community service employment; long-term care ombudsman programs; information and referral services; and services to prevent the abuse, neglect, and exploitation of elders. The OAA specifically states “it is the purpose of this Title to promote the delivery of supportive services, including nutrition services, to American Indians, Alaskan Natives [sic], and Native Hawaiians that are comparable to services provided under Title III” (grants for state and community programs on aging).

Grants to tribes have historically been insufficiently funded to meet existing needs of elders in tribal communities. Due to inadequate funding to carry out the purpose of Title III, “comparable services” for Native elders have not been achieved. Tribal governments have not had the same access as states to the programs available to meet the needs of their elder populations. In addition, state programs seldom serve Native elders due to cultural and geographic barriers. Immediate action needs to be taken in order to remedy these disparities and ensure that Native elders are well cared for.

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 Indian Programs) and Part B (Grants for Native Hawaiian Programs).

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 each. 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 Part C (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 Title VI - 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

Elder Rights Activities and the Elder Justice Initiative

- *Create a one percent tribal set-aside for the Protection of Vulnerable Older Americans so that tribes and tribal organizations may carry out elder justice activities, consistent with the Older Americans Act (Title VII, Subtitle B).*
- *Recommend that tribes and tribal organizations be eligible for the new Elder Justice Initiative that provides grants to test and evaluate innovative approaches to preventing and responding to elder abuse.*

Title VII – Subtitle B 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 such programs are authorized under the Older Americans Act, there is a need for appropriations for these programs especially considering that tribes have no additional source of mandatory federal funding for elder protection activities. As such, a one percent tribal set-aside should be created under Subtitle B to ensure that tribes have access to such funds at a comparable level to states. It is further recommended that tribes and tribal programs be eligible to compete for grants to test and evaluate innovative approaches to preventing and responding to elder abuse as part of the new Elder Justice Initiative.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Older Americans Act – Title V

Senior Community Service Employment Program

- *Maintain funding for the Senior Community Service Employment Program (SCSEP at the FY 2015 level of \$434,371,000 and ensure no cuts are proposed for this program by either the President or Congress.*

Through the Senior Community Service Employment Program (SCSEP), low-income elders can take advantage of federal job training programs to help meet their needs. The program matches eligible older adults aged 55 or older with part time work-based training and community organizations in hopes of helping these individuals attain proper training and employment. Despite the \$54 million in proposed cuts to the SCSEP program put forth in the President's FY 2015 budget, Congress was able to fund the program at \$434,371,000. NCAI and partner organizations commend Congress for avoiding cuts to the program and request that the same funding level be maintained for FY 2017.



ECONOMIC & WORKFORCE DEVELOPMENT

Increasing economic opportunities for Indian Country requires a comprehensive, multi-agency approach. Many parts of Indian Country continue to experience high rates of unemployment and poverty due to shortfalls in federal oversight and barriers to private and philanthropic investment. The lack of appropriate federal funding coupled with regulatory barriers has hindered the ability of many tribes to access capital resources and workforce training programs. Honoring the federal government's trust responsibility by addressing key economic needs will further the economic drive of Indian Country through increased business and workforce development opportunities. These FY 2017 budget requests highlight appropriations that are essential to promote tribal self-determination to economic prosperity and advance the economic security of tribal nations

Key Recommendations

DEPARTMENT OF COMMERCE

Commerce, Justice, Science Appropriations Bill Minority Business Development Agency (MBDA)

- *Provide \$35 million for the Minority Business Development Agency.*
- *Request a set-aside sufficient to reestablish Native American Business Enterprise Centers within MBDA.*

Established by Executive Order in 1971, the Minority Business Development Agency (MBDA) was created to support minority business development centers to provide business consulting and financing services. Initial funding for the MBDA was set at \$63 million but this budget has since decreased over 50 percent and the FY 2016 MBDA budget approved \$32 million. Funding the MBDA at \$35 million will assist tribes in obtaining vital business consulting, financing services, and procurement of technical assistance.

Furthermore, Congress and the MBDA should establish a set-aside sufficient to reestablish Native American Business Enterprise Centers (NABECs) at each of its MBDA Business Centers (MBCs). These funds are critically important due to the service gap created by the elimination NABECs in 2011, which consolidated its cooperative assistance grants to MBCs. MBDA must be able to sustain and expand support for Native American businesses to develop stronger private sector capabilities and contribute to the national economy. MBDA should also continue to support efforts to pursue federal contracts, direct efforts to track minority business data, and collaborate with the Office of Native American Business Development.

DEPARTMENT OF COMMERCE

Commerce, Justice, Science Appropriations Bill

Office of Native American Business Development

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

The establishment of the Office of Native American Business Development (ONABD) 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). However since its establishment, ONABD has relied on base resources from the Minority Business Development Agency (MBDA) to coordinate federal programs for financial and technical assistance to increase business, expand trade, and support economic development on tribal lands. In its FY 2016 budget request submitted to Congress MBDA noted the absence of appropriations to support ONABD since it was created by the 2000 Act, and also the lack of appropriation to implement other aspects of PL 106-464 and the Indian Tribal Regulatory Reform and Business Development Act of 2000.

In order to carry out its mission, ONABD must receive adequate and sustained support to implement Indian policy initiatives and expand Native American business development initiatives both domestically and internationally. Funding made available through Commerce's Departmental Management budget would help ONAA's efforts, particularly given the reduced focus of MBDA on specific Native American business assistance. Supported ONABD functions would include serving as the economic development lead on Native American programs within the Department, coordination with other cabinet departments and agencies; conducting outreach to tribes, tribal enterprises and Native businesses; and business and financial management training.

SMALL BUSINESS ADMINISTRATION

Financial Services Appropriations Bill

Office of Native American Affairs

- *Fund the Small Business Administration's (SBA) Office of Native American Affairs at a minimum of \$2 million.*

The SBA's Office of Native American Affairs (ONAA) provides vital assistance to tribes and Native-owned businesses in navigating the SBA's business assistance and lending programs. In FY 2015 SBA received \$2 million for outreach and coordination with Native American communities to connect them with business tools and other important resources for tribally-owned corporations and individual Native American entrepreneurs. In its FY 2014 Annual Performance Report SBA noted the successes of its Native American outreach, which included over 70 events attended by 200 tribal communities. Maintaining a \$2 million funding level for ONAA would enable the office to continue its efforts and maximize outreach to Native people, advancing successful initiatives like its tribal and business executive training, and spurring business development with SBA loans, loan guarantees, and surety bond guarantees. Continued funding would support ONAA's efforts to engage in multi-agency workshops and Native supplier initiative events around the country, and also serve to offset the loss of funding for the Small Business Teaming Grant program.

Further, ONAA has been integral in facilitating Native contractors' participation in the SBA's 8(a) Business development program, HUB Zone, women business, veteran and service disabled veteran business, and other small business contracting programs. ONAA is a critical resource for tribally-owned and Native-owned businesses as it works to ensure these businesses gain access to capital, build capacity, generate increased revenues, create more jobs, develop tribal business codes, and strengthen the economic security of Native communities.

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) by providing cooperative agreement assistance to Procurement Technical Assistance Centers (PTACs). Many of these centers are housed within educational institutions that help support their operations. Beginning in the early 1990s, DLA began to fund American Indian Procurement Technical Assistance Centers (AIPTACs) under the condition that such centers serve at least one Bureau of Indian Affairs area. Six AIPTACs now operate across the country, and each center is run by a non-profit organization that supports itself by supplementing its DLA funds with other income derived from training events and business conferences. AIPTACs offer valuable assistance to tribal and other Native-owned companies in navigating the large, complex federal procurement market, securing government contracts, and complying with extensive government procurement and other regulatory requirements. Congress has supported the continued growth of PTAP with funding growing over the past 10 years from over \$20 million to over \$32 million. Minimum PTAP FY 2017 funding should remain at \$36 million and include a \$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 \$18 million.*

Under Section 504 of the Indian Finance Act (25 U.S.C. 1544), a contractor may receive additional compensation of five percent of the amount paid or to be paid to a Native American subcontractor or supplier under a federal contract. Since FY 1991, Congress annually has appropriated funds for the Department of Defense (DOD) to make Indian Incentive Payments (IIP) to contractors that subcontract work to Native-owned subcontractors under DOD contracts. Since FY 2009, Congress has appropriated \$15 million annually for the IIP program, but demand has always exceeded the funding made available. For outstanding payments and to encourage continued participation in the program, Congress should appropriate at least \$18 million for the IIP.

DEPARTMENT OF THE TREASURY

Financial Services Appropriations Bill

Community Development Financial Institutions (CDFI) Fund

- *Maintain a minimum of \$20 million for technical and financial assistance under the Native American CDFI Assistance (NACA) Program.*
- *Continue to waive the non-federal match requirement for the NACA financial assistance program.*

The Native Initiative of the CDFI Fund is an important program that expands access to capital for individuals and small businesses in Indian Country. Each year, the CDFI funds the Native American CDFI Assistance program, which includes financial and technical assistance components, makes awards that assist community development financial institutions in increasing their lending services and financial products, as well as to build their own internal capacity to serve their target markets. The NACA program funds Native CDFIs to provide a wide range of loans including microenterprise, small business, consumer, commercial, and affordable housing and homeownership. Native CDFIs also offer financial education and entrepreneurial development training, homebuyer education and foreclosure prevention counseling, credit counseling, small business planning, debt relief counseling, counseling to improve financial capability, match savings programs called Individual Development Accounts, and free tax preparation services in Native communities across the country. In many areas, Native CDFIs provide the only affordable alternative to predatory financial services providers.

In FY 2015, the NACA program received 60 applications for funding totaling \$37.5 million in requests, but was only able to award 43 organizations and fund \$19.6 million. With over 70 certified Native CDFIs and numerous organizations in the certification pipeline, demand for support under the NACA program is expected to continue to increase. The CDFI Fund's budget line item for NACA remained at \$12 million from FY 2009 to FY 2013, notwithstanding the industry's growth from only nine certified Native CDFIs in 2001 to 70 in 2014. Given increased demand and demonstrated impact, Congress should at a minimum maintain existing funding levels at \$20 million for the NACA Program to support current initiatives and emerging Native CDFIs and to continue specialized training and technical assistance as part of the CDFI Fund's Capacity Building Initiative. In addition, Congress should continue to waive the non-federal match requirement for NACA financial assistance. This budget-neutral provision would continue to stimulate the flow of capital in underserved Native communities and help to address the unmet capital need of \$44 billion in Native communities, as estimated by the CDFI Fund.

Congress should also allocate adequate resources to update the Native American Lending Study, now more over 13 years old, which will provide crucial data not available elsewhere on the status of financial infrastructure and lending practices across Indian Country.

DEPARTMENT OF THE TREASURY

Financial Services Appropriations Bill

Community Development Financial Institutions (CDFI) Fund

New Markets Tax Credit (NMTC) Program

- *Provide a five percent set-aside and revise 'service area' to include Indian Country.*

In 2000, Congress established the New Markets Tax Credit (NMTC) Program to spur investment in projects located in low-income communities. From 2004 through 2012, the NMTC program has made investments totaling nearly \$600 million in awards to support Native communities. Despite the considerable amount of tax credits deployed throughout the country and the potential of the program to significantly increase economic growth in Indian Country, tribal communities and tribally-focused CDEs have been left behind.

The CDFI's robust budget should include a five percent set-aside for Indian Country to ensure that Native CDEs receive NMTC allocations. To further enhance the likelihood that tax credits will be deployed in Indian Country, the service area of all participating CDEs should be revised to include Indian Country. This would ensure that CDEs are free to use allocations in any tribal project nationally in an effort to adequately serve their target populations and strengthen the capacity of the NMTC program.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

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

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

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

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Office of Indian Energy and Economic Development (OIEED)

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

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

OIEED has received over \$20 million annually, but very little of its budget is available specifically for economic development support. However, OIEED has been increasingly effective in stretching its limited funding to launch creative and successful initiatives, including: technical assistance and capacity building workshops and support for feasibility studies to advance energy resource development on tribal lands, spur economic and business development, expand job and skills training opportunities, and improve and streamline the delivery of financing to tribes, tribal enterprises, and individual Indian-owned businesses for business development. The collaboration and direct relationship between OIEED and the Office of the Secretary has been key to OIEED's effectiveness, and therefore, the structure should always be maintained. Further, to expand upon OIEED's successful activities, there are other increased funding opportunities that would enable the OIEED to: (1) provide funding to requesting tribes through their 638 contracts for business plans or feasibility studies for business and economic development projects; (2) expand the scope and usefulness of its Indian Loan Guarantee Program; (3) expand use of the Section 477 program and other

job training initiatives and provide more technical assistance; and (4) help develop a model tribal environmental code that tribes can adapt and implement along with their new tribal ordinances governing the leasing of their tribal lands for energy and economic development projects.

Further, with additional funding, the grant program authorized under Title V of the Energy Policy Act of 2005 could be established and would provide important funding to develop tribal capacity in managerial and technical capabilities, develop energy resource integration projects, and establish and maintain environmental programs in support of energy programs. This funding would be especially useful to tribes seeking to establish leasing/environmental programs pursuant to the provisions of the HEARTH Act (PL 112-151) because such grants can be used to establish the tribal regulatory programs necessary to qualify under that Act.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill Community and Economic Development

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

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

DEPARTMENT OF LABOR

Labor, HHS, Education Appropriations Bill Employment and Training Administration, YouthBuild Program

- *Restore the YouthBuild Program funding to the minimum of \$84.5 million for FY 2017 (consistent with WIOA Section 171).*

The YouthBuild program is a workforce development program that provides significant academic and occupational skills training and leadership development to youth ages 16-24. The program recruits youth who have been adjudicated, aged out of foster care, dropped out of high school, or are otherwise at risk of not having access to workforce training. Engaging approximately 10,000 youth annually, it provides students an innovative alternative education program through personalized instruction leading them to earning their GED or high school diploma, while simultaneously helping them develop skills that will make them more competitive applicants when they enter the job market.

YouthBuild reports that since 1994, more than 120,000 YouthBuild students have built 22,000 units of affordable and increasingly green housing in rural and urban communities across the United States. Each year, YouthBuild is forced to turn away thousands of people because of inadequate funds. There are a number of tribal YouthBuild programs in several states, and Native Americans make up roughly three percent of YouthBuild participants.

Following the passage of the Workforce, Innovation, and Opportunity Act of 2014 (WIOA), Congress passed an omnibus appropriations bill that increased funding for YouthBuild activities by \$2 million over the FY 2015 request level. It is critical that YouthBuild activities funding increase in FY 2017 at a minimum of \$84.5 million.

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.*

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

As the only federal employment and job training program that serves American Indians and Alaska Natives who reside both on and off reservations, it is imperative that funding levels be maintained for the WIA Section 166 program. Native citizens living on remote reservations or in Alaska Native villages experience great difficulties accessing the state and local workforce. In these areas, the WIA Section 166 program is the sole employment and training provider.

Despite the reauthorization of Indian and Native American Programs in the Workforce, Innovation, and Opportunity Act of 2014, funding of this program has not been adjusted to account for the drastic changes in the economic environment and growth in population since the 2000 Census. According to the Census, the American Indian and Alaska Native population grew 27 percent between 2000 and 2010 compared to nine percent for the general population.

The WIOA authorized the INAP to be funded at \$461,000,000 for FY 2015 and allowed for incremental increases each year until fiscal year 2020. Actual funding for INAP in FY 2015 was below the statutorily minimum required level of funding at \$46,082,000. Funding reserved for INAP grantees is provided directly to tribes from the Department of Labor, and not first disbursed to the states for later tribal distribution.

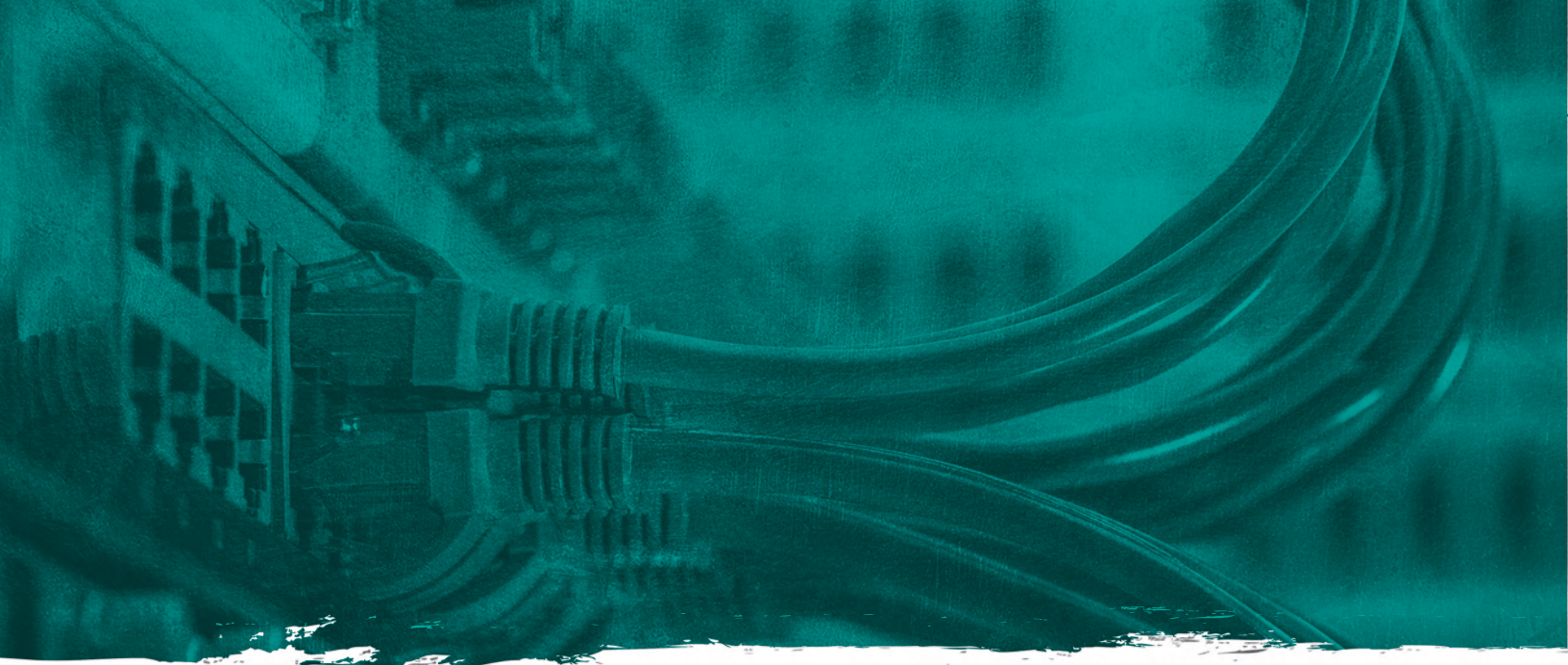
DEPARTMENT OF LABOR

Labor, HHS, Education Appropriations Bill

Native American and Employment Training Council

- *Fund the Native American Employment and Training Council at \$125,000 from non-INAP resources.*

The Workforce Investment 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 Indian and Native American Program (INAP) grantees. The Secretary should use other streams of funding to support its advisory council. Without an increase in funding, many tribes are unable to access the support and training activities for employment opportunities in Indian Country.



TELECOMMUNICATIONS

In February 2015, the Federal Communications Commission adopted a new speed benchmark for broadband. Based on this new standard, 63 percent of tribal lands across the country lack access to the high-speed broadband services needed to support economic development, tribal governance, healthcare, education, and public safety. While USDA Rural Utilities Service programs provide vital capital resources for broadband projects, certain regulatory mechanisms have hindered the deployment, maintenance, and affordability of broadband and radio services throughout Indian Country. Policies and investments focused on the deployment and adoption of these new technologies will provide renewed opportunities for tribes to exercise self-determination and nation building. Funding for federal commitments to consult with tribal nations, and access to public media systems continue to be essential functions for bridging the Digital Divide in Indian Country.

Key Recommendations

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Financial Services Appropriations Bill

Office of Native Affairs and Policy

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

The 1934 Communications Act, and subsequent amendments in the 1996 Telecommunications Act, failed to recognize the regulatory challenges of deploying telecommunications infrastructure on tribal lands and the critical role tribal governments can assume in facilitating such projects. Since 2000, tribal matters have steadily gained recognition at the FCC and in 2010 the FCC established its Office of Native Affairs and Policy (FCC-ONAP). Since then, FCC-ONAP has held consultations, trainings, and provided vital technical assistance throughout Indian Country that has resulted in tribal inclusion in FCC regulatory matters at unprecedented levels. Through this tribal engagement the FCC has revamped regulations to assist in bridging the Digital Divide on tribal lands. However, the ONAP office was created without dedicated funding and it was not until passage of the FY 2014 Omnibus that the office received \$300,000 dedicated to supporting its tribal consultation and training directives.

FCC-ONAP must continue to receive ongoing and increased funding to support the staffing levels necessary to consistently continue its consultation, training, technical assistance, and workshops throughout Indian Country. These meetings are vital in obtaining critical information regarding telecommunications issues affecting tribal lands and residents. A dedicated annual budget of \$500,000 for FCC-ONAP is vital to facilitate meaningful and productive consultations with tribal governments and to support the office in hiring additional staff to assist tribes in navigating the complex structures and regulatory functions at the FCC.

FY 2019 FORWARD APPROPRIATION (CPB/OMB REQUEST)

CORPORATION FOR PUBLIC BROADCASTING (CPB)

Labor, HHS, Education Appropriations Bill

Grant Programs

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

Native radio stations are critical to the communities they serve since they are often the first source of emergency reporting and information for tribal citizens. Public broadcasters use datacast technology for public alert and warning systems, homeland security, and other public safety purposes. In addition to providing emergency information, tribal radio stations provide vital access to healthcare information and other services specific to the tribal communities they serve. For instance, in Arizona, KUYI Hopi radio provides “House Calls,” a health call-in show that connects listeners with a local doctor to field questions related to health issues. And in Alaska, KNBA covers news from Alaska Native villages about climate change refugees, language revitalization, and other hyper-local stories important and relevant to Alaska Native communities. Often, the only place where Native stories and issues are heard, are on Native radio stations.

NCAI supported the Administration’s request for a \$445 million advance appropriation for the Corporation for Public Broadcasting (CPB) in FY 2018. Since 1976, CPB’s two-year advance appropriation has served as a Congressional strategy to protect public media from any immediate political pressure. Community Service Grants (CSGs) account for approximately 70 percent of CPB’s appropriation, which directly funds 1,300 local public television and radio stations including 30 Native radio stations.

CPB also funds the essential system-wide station support services provided by Native Public Media, Inc. and content production and satellite programming distribution by Koahnic Broadcast Corporation. Access to these funds allow organizations like Native Public Media, Inc. to ensure that Native radio stations stay on-air by maintaining compliance with FCC and other federal rules and regulations, and by providing the training and support Native broadcasters need.

NCAI supports an FY 2019 advance appropriation of \$5 million in CPB funding for the 30 CPB-qualified Native radio stations serving federally-recognized American Indian Tribes and Alaska Native Villages; and an FY 2019 advance appropriation of \$1 million for Native Public Media and Koahnic Broadcast Corporation for technical support services to Native radio stations.



AGRICULTURE & RURAL DEVELOPMENT

Agriculture is a major economic, employment, and nutrition sector in Indian Country. The 2012 US Department of Agriculture Census of Agriculture counted at least 56,092 American Indian-operated farms and ranches on more than 57 million acres of land. These farms and ranches sold \$3.3 billion of agricultural products, including more than \$1.4 billion of crops and \$1.8 billion of livestock and poultry.⁶⁷ 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.”⁶⁸ 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,⁶⁹ tribal governments and farmers look to active partnerships throughout the US Department of Agriculture (USDA) to sustain and advance common interests across the broad array of services that this federal agency provides to tribal governments.

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

Key Recommendations

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

Office of Tribal Relations

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

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

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

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

The OTR's initial funding level of \$1 million in FY 2010 was slashed in FY 2011 and FY 2012 and continues to remain around \$500,000 in FY 2016. This leaves OTR with insufficient personnel and resources to support its vast mission within the Department, in partnership with other federal departments, and throughout the many Native communities in the United States. With the added responsibilities for OTR initiated in 2012, it is clear that OTR requires additional resources to function in accordance with US law and policy in FY 2016.

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 Housing and Community Facilities Programs

- *Set-aside \$20 million of program allocation from the Rural Development 502 Direct Loan Program to establish a demonstration relending program for Indian Country.*

Rural Development has limited staff resources to provide Single Family Housing direct loans on tribal land. In FY 2014, of the 6,575 direct loans made nationally by Rural Development, only seven of them were to American Indians or Alaska Natives on tribal land. Native community development financial institutions (Native CDFIs) have experience operating on tribal land. In addition, they provide extensive financial and homebuyer education to their clients. The proposed demonstration relending program would make Native CDFIs eligible borrowers under the 502 direct loan program and enable them to relend to eligible families for the construction, acquisition, and rehabilitation of affordable housing.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

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

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

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

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

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

The FY 2016 budget for Rural Utility Services saw a slight increase, but continues to be below FY 2012 and 2013 levels nearly \$2 billion dollars, and is down almost \$100 million from FY 2014. USDA-RD began implementing changes in 2012 designed to improve access to RUS funding for individuals living in Substantially Underserved Trust Areas (SUTA – including Indian lands and lands owned by Alaska Native Regional Corporations and Village Corporations – to improve basic services, including: water and waste disposal, rural electrification and high-cost energy, telecommunications and broadband infrastructure, and distance learning and telemedicine. The SUTA changes, authorized by the 2008 Farm Bill (but not appropriated), still require additional funding for administration as well as for programs and loan authority within RUS. It is important that more funding is available to provide the infrastructure development and upgrades necessary in Indian Country.

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. Since FY 2013, funding for WEP was substantially cut and only provided tribal-specific grants and loans of \$22 million for tribes in the lower 48 states and \$23 million for Alaska Native villages, equaling cuts of \$26 million and \$61 million respectively. The FY 2016 budget allocation of \$64 million remains static as it must be split amongst tribes in the contiguous United States, Alaska Native tribes, and Native Hawaiians.

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.⁷⁰

For example, many Alaska Native villages must transport human waste in large containers to open pit sewage lagoons. The federal government's failure to address this situation is unacceptable, especially in light of its trust obligation to tribal nations. The existing federal budget does not make a significant dent in addressing this fundamental deficit in quality of life for Native peoples, and recent cuts to this budget makes it worse, exposing Native peoples and youth to unhealthy water and its subsequent detrimental impacts to human health, economic development, and community morale.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

Rural Development, Rural Housing and Community Facilities Programs

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

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

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

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

USDA Natural Resources Conservation Service (NRCS)

- *Fund the Environmental Quality Incentives Program (EQIP) at least \$1.6 billion as required by the 2014 Farm Bill.*
- *Fund the Conservation Stewardship Program (CSP) at a minimum of \$1.449 billion.⁷¹*

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

American Indians and Alaska Natives hold their natural resources as sacred and depend heavily upon them for economic, cultural, and spiritual sustenance. Historically, federal natural resources funding for tribes has been limited, as tribes are ineligible for dozens of federal natural resource programs. Other funding for tribal natural resource programs under Bureau of Indian Affairs' appropriations consistently experiences the smallest budget increases of all the Department of the Interior bureaus. While working to sustain essential efforts amidst the harsh budget climate and potential cuts to funding, tribes should have access to new opportunities afforded by USDA's NRCS programs. The 2008 Farm Bill authorizes the Secretary of Agriculture to provide up to 90 percent of the costs associated with planning and implementing conservation practices for tribes. In addition, up to 30 percent of such payments may be provided in a short-term advance for purchasing materials or contracting. Tribes are also included in the five percent set-aside of Environmental Quality Incentives Program (EQIP) funds and the five percent set-aside of Conservation Stewardship Program acres for socially disadvantaged farmers or ranchers. Since the Wildlife Habitat Incentives Program was rolled into EQIP in the 2014 Farm Bill, NCAI requests that the funding levels continue to steadily increase for EQIP, which provides financial and technical support to tribes and others to install or implement structural and management conservation practices on eligible agricultural land.

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 \$1.466 billion 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

- *Increase funding for the Food Distribution Program on Indian Reservations (FDPIR) to \$115 million.*
- *Appropriate \$5 million to develop a traditional foods market for FDPIR.*

The Food Distribution Program on Indian Reservations is currently serving approximately 276 tribes that do not have easy access to Supplemental Nutrition Assistance Program (SNAP) offices or authorized food stores. Through 100 Indian Tribal Organizations (ITOs) and five state agencies FDPIR provides USDA foods to low-income households and the elderly living on Indian reservations and to American Indian and Alaska Native households residing in eligible areas near reservations or in Oklahoma. The ITOs also provide employment to local and tribal personnel who administer the program. As the temporary funding increases for SNAP under the American Recovery and Reinvestment expired in October 2013, the demand on FDPIR is increasing leaving some programs with food shortages. Additional funding is needed to address the new demands on the programs, rising food cost—especially the increasing price of protein, and to improve program operations. Further, 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.



Photo Credit: © NCAI

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 significant gaps remain.

Today, now almost 40 years after the passage of these Acts, only 42 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 above, approximately 12 percent of tribal homes lack access to safe drinking water and basic sanitation, a figure that is nearly 20 times higher than the national average and one that indicates the unsafe conditions facing many Native families. Significant gaps in environmental protection that should be met through the implementation of monitoring, regulatory, and on-the-ground activities still remain in many areas of Indian Country.

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

Key Recommendations

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Indian Environmental General Assistance Program (IGAP)

- *Increase funding for GAP to \$75 million.*

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

This increased collaborative leveraging potential makes GAP a wise investment of federal dollars. However, GAP funding has not kept pace with the growth of tribal environmental programs over the years, forcing tribes to perform the increased duties of maturing programs with fewer funds. Furthermore, the average cost for tribes to sustain a basic environmental program was set at \$110,000 per tribe in 1999 and has not been adjusted for inflation since then. Tribal demand for program implementation across various media includes the pressing need to establish climate change adaptation plans. A \$175,000 per tribe distribution, totaling approximately \$98 million, reflects an equitable adjustment, which tribes seek to achieve incrementally through a \$75 million request for FY 2017.

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Tribal Drinking Water

Safe Drinking Water State Revolving Fund (SRF)

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

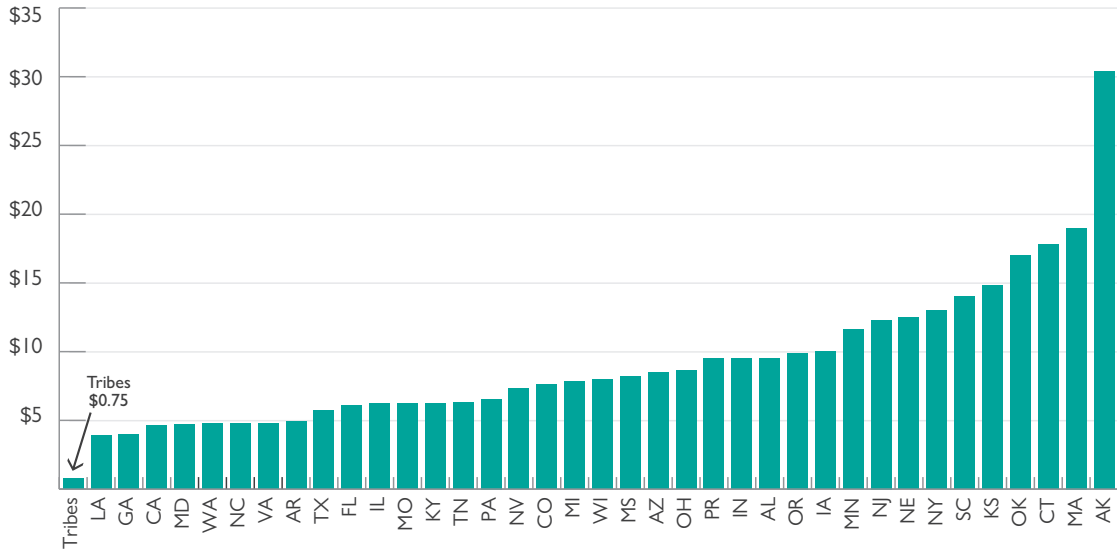
The lack of access to safe drinking water and basic sanitation in Indian Country continues to threaten the public health of American Indian and Alaska Native communities. Approximately 12 percent of tribal homes do not have safe water or basic sanitation facilities. This is twenty times as high as the 0.6 percent of non-Native homes in the United States that lacked such infrastructure in 2005, according to the US Census Bureau.⁷² The fundamental inequity in the quality of tribal water systems must be addressed.

Recognizing the severity of these circumstances, memorandums of understanding signed by EPA, IHS, DOI, and USDA resulted in the creation of an interagency Infrastructure Task Force. This group's mission is to meet the US commitment to the United Nations Millennium Development Goal to address lack of access to clean and safe drinking water in tribal communities by 50 percent by the year 2015. The IHS 2008 Sanitary Deficiency Service Database estimates the tribal water and sewer infrastructure needs at almost \$2.4 billion. Further, IHS also reports that \$67.2 million per year is needed until the year 2018 to reduce the number of tribal homes lacking access to safe drinking water by 67 percent.

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

FY12 Drinking Water SRF Funds for Every \$100 of Need

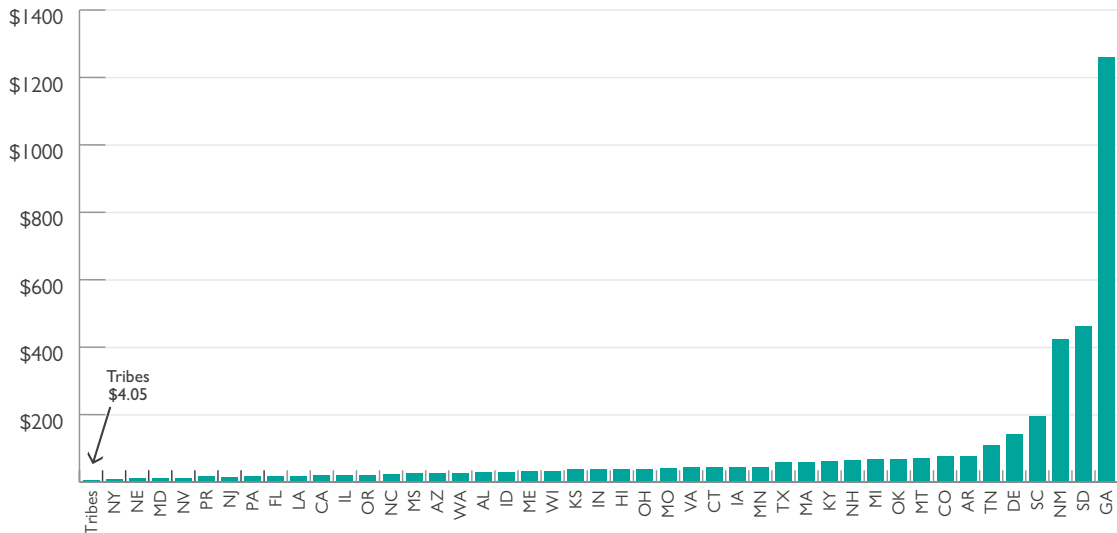
Tribes have less funds to address needs



Sources: 2007 Drinking Water Needs Survey; Drinking Water SRF Funds Available for Projects, Net Sources, by State, July 1, 1987-June 30, 2012

FY12 Clean Water SRF Funds for Every \$100 of Need

Tribes have less funds to address needs



Sources: 2008 Clean Water Needs Survey; Clean Water SRF Funds Available for Projects, Net Sources, by State, July 1, 1987-June 30, 2012

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

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

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

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

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

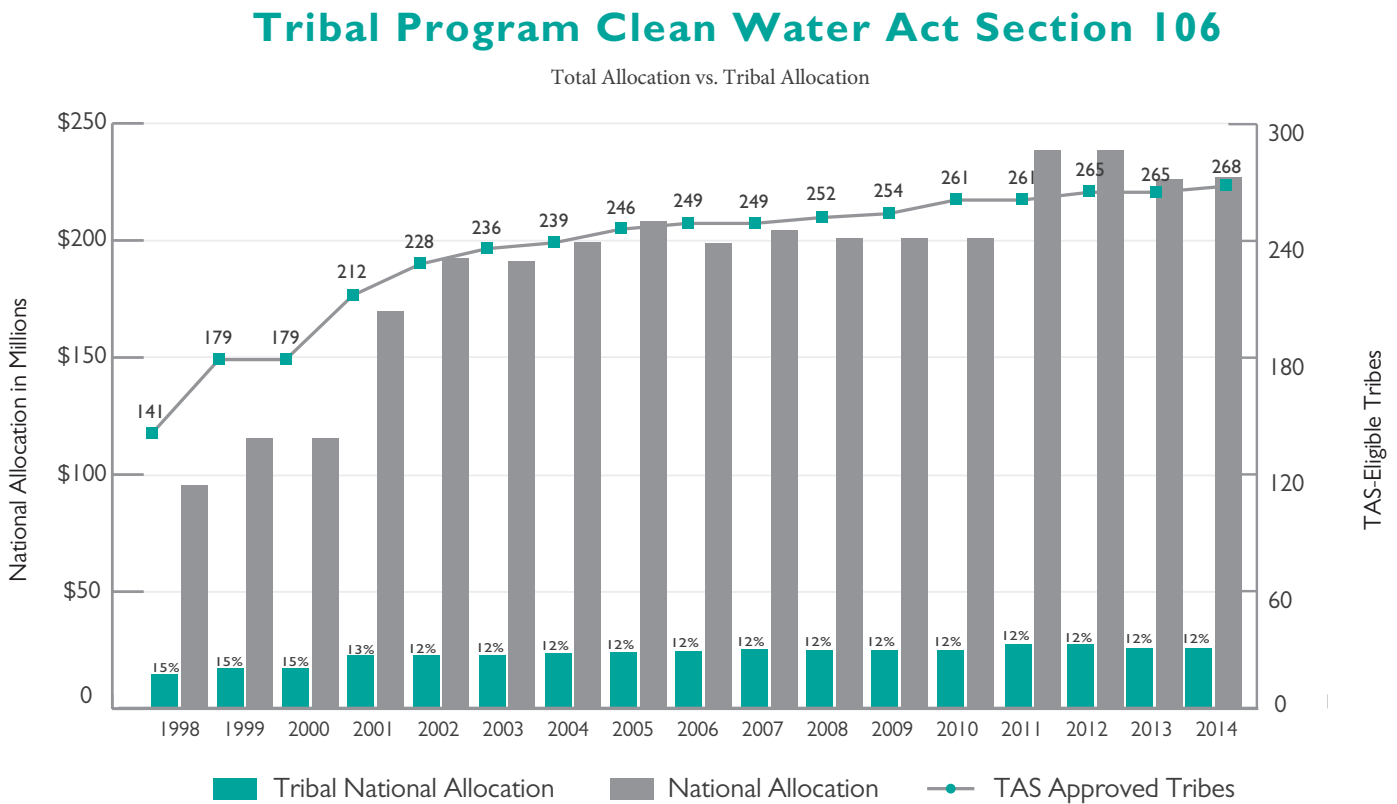
Tribal Water Pollution Control, Clean Water Act Section 106

- *Increase the tribal allocation to 20 percent.*

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

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

Figure 7: Tribal Program Clean Water Act Section 106 Total Allocation vs. Tribal Allocation*



*Tribal percentage of national allocation

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Nonpoint Source Pollutant Control – Clean Water Act Section 319

- Permanently eliminate the percent cap on tribal funding for Nonpoint Source Pollutant Control.
- Provide \$13 million for the Tribal Nonpoint Source Pollutant Control.

Clean Water Act Section 319 provides tribes with grants to develop and implement polluted runoff and other non-point source control programs that address critical water quality concerns identified in the 106 program and other monitoring programs. Few tribes have EPA-approved WQS compared to 96 percent of states. WQS are the necessary foundation to engage in water pollution control activities, making this program critical, particularly as climate change will significantly affect water quality and 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 to states.

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Great Lakes Restoration Initiative

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

Tribes in the Great Lakes region have joined together to establish a tribal-federal-state collaboration, which stands as a model for replication across the country. The Great Lakes Restoration Initiative is the largest investment in the Great Lakes in two decades. A task force of 11 federal agencies developed an action plan to implement the initiative. This action plan covers fiscal years 2010 through 2014 and targets the most significant problems in the ecosystem, such as aquatic invasive species, nonpoint source pollution, and toxics and contaminated sediment. Over 100 Projects and programs are to be implemented through grants and agreements with states, tribes, municipalities, universities, and other organizations. This initiative received an overall allocation of \$475 million in FY 2010 for restoration activities in the Great Lakes region. Of this amount, \$3 million was allocated to tribes. Funding for tribes under the Great Lakes Restoration Initiative should be maintained in FY 2017 at the FY 2010 enacted level.



NATURAL RESOURCES

American Indian and Alaska Natives have nurtured, lived, and thrived off this land as first stewards since time immemorial. Tribes' cultures, traditions, lifestyles, communities, foods, and economies all depend upon many natural resources, and yet so many critical natural resources are disappearing faster than we can restore them. However, the ecological practices tribal peoples have cultivated for millennia are inherently sustainable and practical; they are time-tested methods for resource and, correspondingly, cultural survival. Given the state of the economy and national priorities, coupled with the increasing negative impacts of climate change, 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.

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.

Tribes, as proven effective managers of their own resources, must be provided with the appropriate funding and support as required by the treaty and trust responsibilities of the federal government. Federal support for tribal natural resource efforts, however, continues to not match the tribal efforts, nor capture 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 the strain on land management and law enforcement services, among other things. Thus federal investment 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, funding for Bureau of Indian Affairs (BIA) natural resource programs must increase. 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 billions of dollars from dozens of natural resource programs across the federal agencies that are otherwise available to states, local governments, and other entities. BIA programs often provide 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.

Many of the BIA Trust natural resources programs discussed in this section experienced substantial cuts over the past decade. Further base program reductions in FY 2013-2015 under the Budget Control Act of 2011 and Sequestration have eliminated jobs, stymied economic activity at a critical time for tribes, and curtailed 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—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 \$52 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 \$35.420 million in FY 2015 to \$52 million in FY 2017 would be a wise investment and is consistent with the federal trust responsibility to tribes. This funding is also essential for the protection of tribal economic, subsistence, cultural, and medicinal practices, as well as the sustenance of healthy productive tribal nations and their surrounding states, local governments and neighboring communities.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Cooperative Landscape Conservation Initiative

- Support FY 2017 funding at or above \$30 million for the BIA Tribal Climate Resilience program in BIA Cooperative Landscape Conservation.

Tribal peoples, lands, and infrastructure are disproportionately impacted by the effects of climate change and, due to infrastructure inadequacies and remoteness, tribal governments do not have sufficient personnel to implement programs for climate adaptation. Despite having some of the most pristine habitat in the United States, tribes have been historically underfunded for wildlife and natural 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 Cooperative Landscape Conservation Initiative is clear from the FY 2009 to FY 2012 budgets in which DOI received an average of approximately \$150 million to fund the initiative, but BIA received only \$200,000 and several times received no dedicated funding. In FY 2013, the inequity was partially recognized when BIA received \$1 million, however that level of funding was still only less than one percent of the total Initiative funding for DOI. In FY 2014 and FY 2015, Congress and the Administration provided \$10 million for BIA Cooperative Landscape Conservation, and tribes strongly support maintaining this amount in FY 2017 to remedy inequities and enable the BIA to address tribal natural resource management in an effective manner and to build tribal capacity to plan and implement programs in the face of climate change. According to a February 8, 2012, report by the Congressional Research Service, entitled, *Federal Land Ownership: Overview and Data*, the total number of acres owned and managed by DOI for the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service collectively totals 417 million acres. DOI holds 56.2 million acres of land in trust for Indian tribes and individual Indians. DOI's Indian trust landholdings, therefore, represent more than 13 percent of these three agencies' total. Despite the proportionately large amount of Indian land the DOI oversees, tribes, via the BIA, have consistently received less than one percent of Initiative funding.⁷³

Increasing the FY 2017 funding to \$30 million or more would help identify impacts of climate change and enable tribes to begin to develop strategies to protect tribal homelands. America's 566 Indian tribes are among the communities most affected by climate change because of their place-based nature and dependence on natural resources. After risk assessments and climate action plans are developed, additional resources will be needed for implementation over the long term. Enabling tribes to contend with the impacts of climate on their homelands is essential; tribal lands are our history, our culture, our livelihoods, and our future. Support is essential to preserve and protect these values pursuant to the federal government's trust responsibility.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Water Management, Planning and Pre-Development Program

- Maintain \$10.5 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 \$10.5 million as the BIA provided in its FY 2014 spending plan.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Water Rights Negotiation/Litigation Program

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

Funds from the Water Rights Negotiation/Litigation program are used to define and protect Indian water rights and, if possible, to settle claims or, if not, alternatively to litigate claims. The primary priority of the program is to provide all necessary documentation and other material that may be required to further the United States water claims on behalf of a tribe. The inability to access quality water and exercise tribal water rights continue to create significant health, cultural, economic development, farming and ranching and governance challenges for tribes and other communities, especially in light of major environmental events of the past few years. The Western Governors' Association (WGA) recently emphasized the need to resolve water rights disputes to prepare for oncoming changes in water quality and quantity predicted and now occurring as a result of climate change.⁷⁴ It is likely that the resources from this program will be needed to settle and litigate water rights disputes foreshadowed by the WGA. However from FY 2003 to FY 2012 funding for this program declined 21 percent, from \$10.923 million to \$8.648 million. Tribes request that FY 2003 funding levels of \$10.923 million be restored so that water rights can be protected and disputes resolved.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Endangered Species Program

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

The BIA's Endangered Species Program is the only program that provides tribes with technical and financial assistance to protect endangered species on Indian trust lands. From FY 2002 to FY 2012, funding for this critical program declined 58 percent to \$1.245 million. Tribes request that FY 2002 funding levels of \$3 million be restored so that tribes can continue to support habitat and environmental requirements 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.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Tribal Management/ Development (TMD) Program

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

From FY 2002 to FY 2012, funding for the Tribal Management and Development Program (TMD) declined 17 percent from \$9.333 million to \$7.705 million. For FY 2010, Congress restored funding for several decades-old, recurring TMD programs including the Lake Roosevelt Management, Upper Columbia United Tribes, Wetlands/Waterfowl Management, and Intertribal Bison Cooperative programs, and the BIA restored them to the budget request structure in FY 2011. This funding needs to continue in FY 2017. These investments will substantially strengthen tribal conservation successes and meet the federal government's trust responsibility. Of the \$20 million requested, \$5 million should be set aside for Conservation Law Enforcement Officers. The remaining \$15 million requested will support the base and programmatic operations of the TMD program, which the BIA has recognized as critically needed for tribes to manage fish and wildlife programs on their lands.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Trust - Natural Resources Management

BIA Fish, Wildlife and Parks

- *Fund Fish Hatchery Operations at \$3.35 million.*
- *Fund Fish Hatchery Maintenance at \$6.582 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 \$7 million for Fish Hatchery Maintenance in FY 2017 at 88 tribal fish hatcheries across the country are small investments that will lead to significant returns.

Fish Hatchery Operations funding is provided to fish-producing tribes to support hatching, rearing and stocking programs. Salmon and steelhead trout released from tribal hatcheries in the Pacific Northwest benefit Native and non-Native commercial and sport fisheries in the United States and Canada, 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 2017 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 Indian 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 2017. 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

- *Increase funding to \$10 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 \$6.5 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 two 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 \$3.5 million increase to \$10 million in BIA's Invasive Species Program for FY 2017 is an equitable and reasonable request. In 2012, the House Appropriations Committee placed a high priority on invasive species prevention, containment, and enforcement by supporting level and increased funding for such programs, and BIA justified an increase in funding for this program to \$6.5 million for FY 2017.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Fish and Wildlife Service's Tribal Wildlife Grants Program

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

Of the \$58.7 million enacted level for State and Tribal Wildlife Grants (TWG) in FY 2015 to help conserve and recover imperiled fish and wildlife, only \$4.1 million was dedicated to competitive grants to the Indian tribes. Since FY 2010, TWG funding has declined nearly 50 percent. Since the inception of the TWG program over 13 years ago, on average, tribes have received only \$6 million per year despite having the need for significantly more funding. TWG will be a key program in the coming decades as tribes address fish and wildlife conservation and climate change influences on natural resources. The Administration's FY 2014 request for TWG in the amount of \$4.268 million is nearly \$2 million less than the historic average. Given past underfunding of this initiative, tribes request an increased appropriation to at least \$8 million.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

Commerce, Justice, Science Appropriations Bill

Pacific Coastal Salmon Recovery Fund (PCSRF)

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

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

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

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Geographic/Ecosystem Programs

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

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

FORESTRY

Tribes are among the largest private owners of forest lands in the United States. Of the total 56 million acres of federal Indian trust land, more than 18 million acres are forest lands, of which 7.3 million acres are designated for commercial forestry. The BIA estimates that these forests contain 43 billion board feet of commercial timber with a maximum sustainable annual cut of 1.02 billion board feet per year, although tribal non-harvest priorities typically reduce this number by a third or more. 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. The more than 10 million acres of woodlands held in trust for Indians provide habitats for fish, animals, and plants, protect water, and provide fuel, foods, and medicines for tribal communities.

Tribes are increasingly involved in the administration and management of forest resources. 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-Native 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.

The late summer of 2015 saw wildland fire cause catastrophic damage to Indian trust forest resources, particularly on reservations in the Northwest and California. More than 411,000 acres burned in the Northwest, tree mortality exceeded 2 billion board feet, and several tribes had their worst fires in recorded history. Losses exceed several hundred million dollars, crippling tribal revenues, jobs and economies for decades to come. Insufficient national fire preparedness and suppression resources, in conjunction with national wildfire suppression priorities to protect life and private property, contributed to the devastation of tribal forests. The assignment of fire crews, including reservation-based crews, to off-reservation fires threatening private structures enabled a wave of ignitions in tribal timber to go virtually unchecked, allowing the fires to explode and cause great damage. Prompt post-fire rehabilitation is essential to get these tribal trust forests quickly on the long road to recovery, and emergency tribal governmental support is needed to maintain governmental functions and services.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Aid to Tribal Government

- *Increase BIA Aid to Tribal Government by \$50 million to initiate a long-term emergency governmental operations support program for tribes whose forest-based revenues have been diminished by wildland fires in the tribe's trust forest. BIA is to consult with affected tribes on support distribution, with any undistributed funds to remain available until expended.*

BIA Forestry

- *Add \$20 million to BIA Forestry Projects for continued post-fire recovery and rehabilitation activities on Indian trust land. Making the addition to BIA Forestry Projects rather than the DOI Office of Wildland Fire Management will simplify and speed delivery of funds to on-the-ground projects. The post-fire recovery and rehabilitation funding should be continued annually through FY 2020 to provide for longer-term activities such as replanting and habitat restoration.*
- *Increase overall base BIA Forestry funding (TPA and Forestry Projects) by \$25 million to an FY 2017 total of approximately \$75 million as a first step toward providing the \$254 million the BIA needs as minimum annual funding to achieve parity with other federal forestry programs.*

- *Increase annual funding by \$12.7 million for BIA Forestry Projects to initiate a BIA Forestry Workforce Development program.*

The third decadal independent assessment of the status of Indian forests and forest management, the Indian Forest Management Assessment Team (June 2013 IFMAT III) Report, documents the chronic underfunding and continued forestry staff decreases which pose threats to tribal forests, decrease economic opportunities, and lead to resource losses due to wildland fire, insects, disease, and climate change. Federal funding for the management of Indian forests is only one third of that provided for National Forests. An additional \$100 million annually would be required to reach funding parity with Indian forestry and wildfire management. Staffing shortfalls are further jeopardizing the capacity to care for forest resources. The IFMAT III Report calculates that 800 additional positions in a wide variety of skill areas are needed to provide adequate staffing and \$12.7 million is needed annually for recruitment, training, and retention.

Further, forestry management on federal Indian trust land has at least a one million acre backlog of lands requiring rehabilitation, reforestation, and thinning. The BIA's lack of forestry funding and capacity is also reflected in the agency's failure to harvest the full annual allowable cut (AAC). The difference between the tribally-set AAC and the actual harvest level funded and overseen by the BIA is a key metric that can be used to help measure the degree to which the US is fulfilling its fiduciary duties in Indian forestry management. Within a tribe's sustainable harvest limit, the tribally-determined AAC reflects tribal policy decisions regarding the desired balance of multiple use considerations involving economic development, ecology, and cultural values. Failure to harvest the full tribally-designated AAC has serious consequences for the ability to maintain the health and productivity of the trust corpus (decreased productivity, increased threats from wildfire, insects, and disease) and for the jobs, income, water, soils, fish, wildlife, and plants that are vital to sustain tribal communities. According to statistics from the BIA's Branch of Forest Resources Planning (BOFRP), in 2014 only 437 million board feet (MMBF) was harvested, just 60 percent of the AAC of 723 MMBF. This represented a loss in immediate stumpage revenue of over \$41 million and over 15,000 total jobs. Since 1991, the failure to harvest the full tribally-designated AAC has resulted in the loss of \$727 million and 272,000 jobs.

Even with the funding and staffing shortfalls, IFMAT III shows the resiliency of tribes to operate innovative and efficient forestry programs. By 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 nationally and internationally as innovative models. Indian trust forests are significantly more productive than US Forest Service forests, generating on a per-acre basis about 250 percent of the harvest of comparable federal forest lands. These tribal achievements and initiatives demonstrate high return on federal dollars, which tribes accomplish in profoundly inequitable circumstances. In an era where federal funding commitments must demonstrate high return and accountability for administering trust programs, tribal forests and their management are strong, essential investments.

Office of Wildland Fire

- *Increase the Interior Department's Office of Wildland Fire Management Preparedness budget by 25 percent, to approximately \$400 million, to better assure adequate national firefighting preparedness in a time of historically expanding wildland fire. Inadequate preparedness resources drained capacity from Indian reservations, contributing to the virtually unchecked expansion of wildland fires in these trust forests.*
- *Include language in appropriations bills making wildland fire preparedness and suppression for Indian trust forests the number two national priority, behind only threat to life as a priority and ahead of the protection of private property. The federal government's fiduciary obligation to protect and preserve Indian trust resources, upon which tribal governments and communities depend for revenue, jobs, and physical and spiritual sustenance, must rank higher in national federal priorities than the protection of private property.*

- *In Preparedness, maintain separate funding for tribal Contract Support Costs, with directions that DOI office and agencies be transparent and consult with tribes on getting CSCs to the tribes.*
- *Increase Fuels Management funding to \$206 million, the amount provided in FY 2010, and directing the funds be eligible to address burned and down Indian trust timber that could re-burn in subsequent fires and undo land recovery and replanting efforts. Addressing fuels issues before forests burn is more environmentally effective and cost efficient than waiting for wildland fire to strike and then paying suppression costs.*
- *In Fuels Management, allow funds for Reserved Treaty Rights Lands to be used on tribal lands. Intended to benefit tribes, these funds should be eligible for on-reservation use as well as within treaty ceded areas.*
- *Support continuation of the \$30 million Resilient Landscape initiative, to conduct fuels and forest health projects in the deeper forest beyond the Wildland-Urban Interface, which currently absorbs most federal forest fuels and health treatment funding.*
- *Support Disaster Fire Funding legislation that treats wildfires like other natural disasters and emergencies to ensure federal funding.*

Due to a number of factors including a history of natural fire suppression, diminished active management of forests and climate change, wildland fires on federal lands are significantly increasing in size, intensity and cost. Appropriated sums are often insufficient to cover these large and unpredictable costs, so fire suppression funds must often be “borrowed” from regular federal forest management programs. Repayment is always late and often partial, disrupting and diminishing those programs’ effectiveness. As part of a national effort to address these unnatural fires and their costs, \$206 million is requested in Interior’s Office of Wildland Fire for FY 2017 Fuels Management, which would restore this activity to its FY 2010 level and accelerate the reduction of the fuels build-up in BIA trust and other Interior Department forests. Additionally, NCAI supports the legislative initiative proposed both in Congress and by the Administration to have federal wildland fire costs that exceed 70 percent of the ten-year average paid from federal disaster assistance accounts. Such authority would allow the large, unpredictable and often unbudgeted costs of fighting wildland fires to be treated the same as other natural disasters, and would provide more budgetary stability to regular on-going federal forest management programs.

US DEPARTMENT OF AGRICULTURE

Interior-Environment Appropriations Bill

US Forest Service

- *Encourage support for expanded Anchor Forest initiatives.*
- *Make USFS implementation of the Tribal Forest Protection Act a priority.*

Tribal forests and forestry programs are working to embrace forest resource management on a more comprehensive scale. Tribal forests share thousands of miles of common boundaries with the US Forest Service, in addition to extensive borders and watersheds with other forest owners and operators. Tribes developed and are leading Anchor Forest pilot projects in Washington State and Idaho that seek to coordinate and stabilize long-term active forest management across the landscape and among a variety of neighboring landowners and infrastructure stakeholders. Tribes, BIA, US Forest Service, state, and private stakeholders are all engaged, and there is interest in Anchor Forests from tribes and others across the United States.

Timber tribes are working to expand their participation in the management of neighboring at-risk federal forests through accelerated implementation of the Tribal Forest Protection Act (TFPA). Individual tribal TFPA projects and Anchor Forest pilots involve non-tribal neighboring forests, and implementation relies largely upon support from sources other than BIA. BIA has contributed to these initiatives where and when it can, but with severe and chronic underfunding already constraining BIA Forestry on trust lands, other federal agencies with lands involved in TFPA and Anchor Forests need to better honor their own trust obligations with improved support of and engagement in TFPA and Anchor Forest projects.



ENERGY

Tribal energy resources are vast, largely untapped, and critical to America’s efforts to achieve energy security and independence, reduce greenhouse gases, and promote economic development. Energy development is integral to tribal efforts to generate jobs and to improve tribal members’ standard of living. The Department of the Interior estimates that undeveloped traditional energy reserves on Indian lands could generate up to \$1 trillion for tribes and surrounding communities. Further, the Department of Energy estimates that tribal wind resources could provide 32 percent, and solar energy two times, the total amount of electricity the United States currently generates per year.

Even with this substantial potential, there are only two commercial-scale renewable energy projects operating in Indian Country. In the conventional energy field, tribes boast nearly a quarter of the nation’s on-shore oil and gas reserves and developable resources and one-third of the nation’s western low-sulfur coal.

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

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

Only a few nationwide tribal examples exist to extrapolate successful renewable energy development models, and a report produced by the National Renewable Energy Lab (NREL DOE) provides tribes with basic information regarding the development potential for renewable energy – biomass, geothermal, hydroelectric, solar, and wind – on tribal lands. It provides detailed renewable energy potential information by tribal territory and resources throughout the United States in order to help tribes identify areas where development may be an option, and where tribal or private investment in renewable energy may assist in achieving a tribe’s economic development, energy savings, or self-sufficiency goals. Overall, analysis shows that the technical potential on tribal lands is about six percent of the total national technical generation potential.⁷⁵

This FY 2017 budget request identifies authorized but unfunded energy programs which would provide innovative, important new tools to spur new investment in tribal energy development and meet critical analysis and planning, capacity building, and resource management needs. Further development of tribal energy would contribute significantly to national energy security, clean energy development to reduce greenhouse gas emissions; as well as tribal economic development and job creation.

NCAI is advocating that the Department of Energy’s (DOE) FY 2017 budget for programs and financial assistance for Indian energy:

1. Is consolidated and managed by the Office of Indian Energy, and as authorized in the Energy Policy Act; and
2. Is requested at the authorized level of \$20 million, including financial (grant) assistance, or at least at the levels prior to sequestration.

Key Recommendations

DEPARTMENT OF ENERGY

Energy and Water Development Appropriations Bill

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

- Provide \$20 million for DOE Office of Indian Energy (IE) programs and \$11 million for Loan Guarantee Funding.

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

DEPARTMENT OF ENERGY

Energy and Water Development Appropriations Bill

Office of Indian Energy Policy and Programs (IE)

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

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

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

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

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

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Low-Income Home Energy Assistance Program (LIHEAP)

- *Provide \$4.7 billion for LIHEAP, with \$51 million allocated to tribes and tribal organizations.*

The LIHEAP is intended to assure that low-income families will not be forced to choose between food and heat. With high unemployment and long-standing barriers to economic development, much of Indian Country cannot afford the rising costs of heat and power. Alaska Native villages are experiencing some of the highest costs for energy with fuel prices recently reaching \$7 per gallon. In FY 2011, LIHEAP was appropriated \$4.7 billion total, with \$51 million allocated to tribes and tribal organizations. Full funding is crucial to address the extreme need for heating assistance in Indian Country. Accordingly, funding for FY 2017 should be \$51 million for tribes.



Photo Credit: © NCAI

HOUSING

The foundation of healthy tribal communities is access to safe and adequate infrastructure. Basic housing needs are a core necessity for tribal communities and members. Tribes have made great strides toward improving housing conditions in their communities through the Native American Housing Assistance and Self-Determination Act (NAHASDA). Although this authorization addresses the need for housing for low-income Indian people, Native Americans still face some of the worst housing and living conditions in the United States.

According to US Census Bureau's 2006-2010 American Community Survey, there are an approximate 142,000 housing units in Indian Country, and those homes frequently lack utilities and basic infrastructure. The survey depicts that approximately 8.6 percent lack complete plumbing facilities, 7.5 percent lack kitchen facilities, and 18.9 percent lack telephone service. Close to 30 percent of Indian homes rely on wood for their source of heat. A staggering seventy percent of the existing housing stock in Indian Country is in need of upgrades and repairs, many of them extensive. Without sufficient funding levels and proper government-to-government planning to address these housing challenges in Indian Country, the need will continue to increase dramatically.

Compounding existing housing needs is the population growth among American Indians and Alaska Natives (AI/AN). From 2000 to 2010, the population of AI/ANs rose 18 percent—almost twice the growth rate of the US as a whole. Poverty and unemployment rates have also risen and remain consistently higher than non-Indian rates. The poverty rate in Indian Country is 25.3 percent—nearly three times the national average. The current and future need for housing for Native Americans requires consistent and adequate funding to meet this very basic of needs for a vulnerable population.

Tribal programs under the Native American Housing and Self-Determination Act have been successful in allowing tribes the self-determination necessary to provide effective programs for tribal citizens. NAHASDA effectively replaced the various Indian housing programs under the 1937 Housing Act and consolidated federal housing funds through direct block grants to the

tribes and their TDHEs. Tribes are now exercising their right of self-determination to design and implement their own housing and other community development infrastructure programs. NAHASDA has resulted in tens of thousands more housing units being constructed, as well as increased tribal capacity to address related infrastructure and economic development challenges. Since the enactment of NAHASDA in 1996, tribal housing programs have been making great strides for housing and community development by using sustainable building practices and leveraging their NAHASDA and other federal funding. Today there are close to 500 Tribally Designated Housing Entities (TDHEs) in Indian Country.

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

Key Recommendations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

- *Fund the Indian Housing Block Grant (IHBG) at not less than \$700 million.*

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

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

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

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

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

- *Fund the Section 184 Program at \$10 million.*

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

- *Fund the Tribal HUD-veterans Affairs Supportive Housing (HUD-VASH) Program at \$4 million.*

In Fiscal Year 2015, Congress appropriated funding for a tribal HUD-VASH demonstration project to address at-risk and homeless veterans on tribal lands. This allowed tribes and tribal veterans organizations to apply for HUD-VASH funding. HUD funded this program in FY 2015 at \$4 million. Unfortunately this demonstration project was not funded for FY 2016. The HUD-VASH program is a successful program nationwide, however, without direct tribal funding, tribes will be unable to meet the growing housing needs of Native American veterans.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, HUD Appropriations Bill

- *Fund NAHASDA's Training and Technical Assistance at no less than \$4.8 million.*

Building tribal capacity is essential for tribes to enhance their housing and community development projects. The training and technical assistance provided through NAHASDA to address Native American housing needs is an indispensable resource for tribes and TDHEs to run their programs more efficiently and in compliance with applicable laws and HUD regulations. Training and technical assistance also includes developing model policies, which saves tribes tens of thousands of dollars each year by sharing information about successful efforts undertaken by other tribes. Each year, hundreds of tribal housing professionals attend training courses to enhance their management skills and broaden their knowledge of tribal housing operations and management. Over 14,400 housing professional have been trained over the last 14 years.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Transportation, Housing and Urban Development Appropriations Bill

- *Fund the Native Hawaiian Housing Block Grant at \$12 million and maintain funding for the Section 184A Loan Guarantee at \$500,000.*

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



Photo Credit: © NCAI

TRANSPORTATION

Tribal transportation infrastructure is a key component for tribal governments to bolster their economies. Transportation programs are critical to ensure tribal governments can provide for economic development and social well-being of their tribal citizens and to ensure the safety of non-tribal citizens who travel on tribal roads.

Surface transportation in Indian Country involves hundreds of thousands of miles of roads and highways; and hundreds of bridges. According to the latest National Tribal Transportation Facility Inventory (NTTFI), there are approximately 160,000 miles of roads and trails in Indian Country owned and maintained by tribes, the Bureau of Indian Affairs (BIA), states and counties. Of those, Indian tribes own and maintain 13,650 miles of roads and trails, of which only 1,000 (or 7.3 percent) are paved, with another 12,650 miles consisting of gravel, earth, or primitive materials. Of the 29,400 miles owned and maintained by the Bureau of Indian Affairs, 75 percent are graveled, earth, or primitive. When combined, the roads owned and maintained by Indian tribes and the BIA are among the most underdeveloped and unsafe road networks in the nation, even though they are the primary means of access to American Indian and Alaska Native communities by Native and non-Native residents and visitors alike.

FIXING AMERICA'S SURFACE TRANSPORTATION ACT

With the recent enactment of the Fixing America's Surface Transportation Act (FAST Act), came some modest increases for the Tribal Transportation and the Tribal Transit Grant programs. In addition, the FAST Act included the establishment of a tribal self-governance program within the US Department of Transportation, giving tribes the ability to implement the principles of self-determination for transportation programs throughout the Department. Other key provisions contained in the FAST Act include:

- Funding authorization for the Tribal Transportation Program at \$465 million for FY 2016; \$475 million for FY 2017; \$485 million for FY 2018; \$495 million for FY 2019; and \$505 million for FY 2020;
- Authorization for the Tribal Transit Program up to \$35 million annually;
- Establishes and expands the Tribal Self-Governance Program within USDOT;

- Decreases funding for administrative costs from the current six percent to five percent for the Tribal Transportation Program; and
- Includes increased collection of tribal data by adding reporting requirements for tribes who receive Tribal Transportation Program funding.

Unfortunately, the Tribal High Priority Project (TTPP) was not reauthorized in the FAST Act. The TTPP is currently authorized for funding only through Fiscal Year 2015. The TTPP is a significant program that provides funding Indian tribes whose annual allocation of Tribal Transportation Program funding is insufficient to complete their highest priority projects or to repair transportation infrastructure impacted by emergency or disaster events. Indian tribes who do not receive a sufficient allocation from the annual Tribal Transportation Program funding rely heavily on this program to assist in funding their most critical, and many times unforeseen, transportation projects.

The current cost to construct all of the transportation needs in Indian Country is approximately \$80 million. Indian Country requires a substantial investment of federal resources to meet transportation needs for tribal governments and surrounding areas.

BUREAU OF INDIAN AFFAIRS ROAD MAINTENANCE PROGRAM

Although the majority of transportation programs are authorized and funded through the Department of Transportation, there is one critical tribal transportation program located within the Bureau of Indian Affairs (BIA). This program, the BIA Road Maintenance program is responsible for maintaining approximately 29,400 miles of roads in Indian Country including 900 bridges. The funding for this program has been level-funded for several fiscal year cycles and is currently funded at \$26.6 million for FY 2016. The current deferred maintenance for BIA roads is over \$289 million and rising. At this current level of funding, it would take more than a decade to clear the current maintenance backlog on these roads, not accounting for future maintenance needs. The BIA is a trustee for the tribes and must provide adequate funding to address the ever growing deferred maintenance for BIA roads. The safety of our youth, elders, tribal citizens, and non-Native neighbors depends on the adequacy of these roads.

This inadequate funding has compromised highway safety in Indian Country, dramatically shortening the useful life of the BIA System and tribal roads and bridges, and undermining tribal economic development initiatives in Indian Country.

Key Recommendations

DEPARTMENT OF TRANSPORTATION

Transportation, HUD Appropriations Bill
Tribal Transportation Program (TTP)

- *Provide \$475 million for the Tribal Transportation Program.*

The Tribal Transportation Program oversees over 160,000 of roads and trails in Indian Country, which are owned by the BIA, Indian tribes, states, and counties, and are relied upon to provide safe and adequate transportation. These roadways and trails serve as the primary transportation thoroughfare for residents of and visitors to American Indian and Alaska Native communities. The Transportation Program is funded from the Highway Trust Fund and allocated through a statutory formula.

DEPARTMENT OF TRANSPORTATION

Transportation, HUD Appropriations Bill Tribal Technical Assistance Programs (TTAPs)

- *Provide \$1.5 million for Tribal Technical Assistance Programs.*

The TTAPs is the only program providing technical assistance and training for Indian tribal governments to build tribal capacity by providing training and certification to technical experts who plan, oversee and construct highways and roads in tribal communities. There are currently seven TTAPs around the country serving all of the 566 federal recognized tribes. Each TTAP receives \$140,000 annually (for a total of \$980,000). NCAI requests an increase to \$1.5 million to fund additional TTAPs and to improve tribal technical capacity for tribal transportation officials.

DEPARTMENT OF TRANSPORTATION

Transportation, Housing and Urban Development Appropriations Bill Tribal Transit Program

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

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

DEPARTMENT OF TRANSPORTATION

Transportation, Housing and Urban Development Appropriations Bill Tribal High Priority Projects Program

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

In the recently enacted transportation authorization, the FAST Act, the Tribal High Priority Projects Program (THPP) was not authorized. NCAI requests funding for this critical program which supplements funding from the Tribal Transportation Program which is often inadequate for tribes to complete construction of their highest priority projects and for unforeseen transportation projects which arise out of natural disasters that require repair and reconstruction of primary routes.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill BIA Roads Maintenance

- *Provide \$40 million for the BIA Road Maintenance Program.*

The current maintenance backlog for BIA roads and bridges in Indian Country is approximately \$289 million. This would bring the current inventory of roads and bridges to an adequate standard. However, for FY 2016, only \$26.6 million has been appropriated for BIA roads maintenance, and this program has remained level funded for several budget cycles while the need continues to increase. It is critical that \$40 million be appropriate for the BIA Road Maintenance program in FY 2017 to begin to address the most critical maintenance needs of BIA roads in Indian Country.



Photo Credit: © NCAI

HISTORIC & CULTURAL PRESERVATION

The protection of Native cultures spans across complex statutory and regulatory aspects of the federal government. Success in navigating these complex structures has resulted in the repatriation of cultural items, guidance regarding tribal member possession of eagle feathers, and protection of and increased tribal access to sacred places for religious and spiritual purposes. Federal funding to support the repatriation of sacred objects and ancestors, for the preservation of cultures, and for the protection of sacred and historical places continue to remain a paramount priority for tribes.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

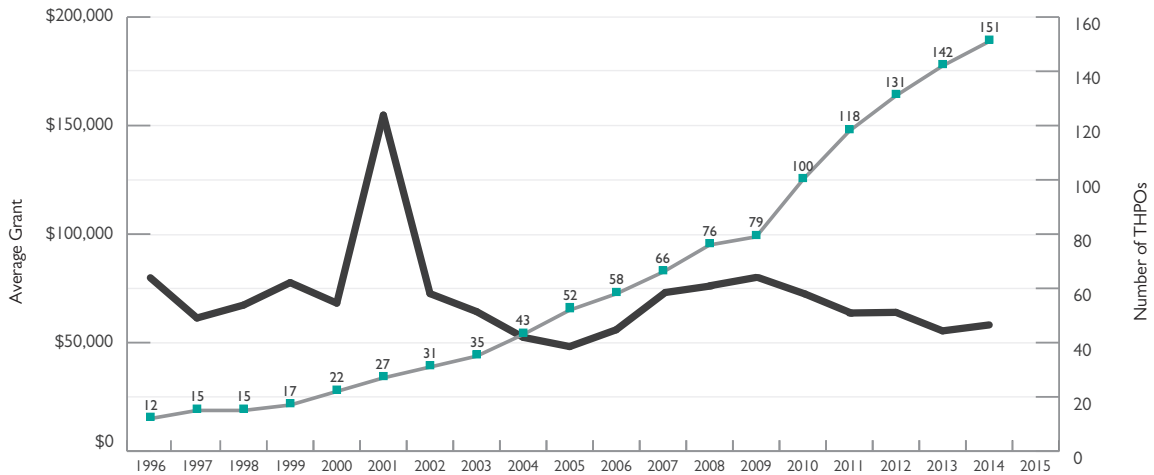
Tribal Historic Preservation Officer Program

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

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

The Consolidated Appropriations Act of 2016 authorized \$65,410,000 for the Historic Preservation Fund, of which \$9,985,000 is specifically for Indian tribes. Authorizing \$15 million specifically for THPOs will ensure that grants from the Historic Preservation Fund keep pace with the need for cultural preservation of the country’s 566 federally-recognized tribes. As illustrated in the graph below, the average grant funds awarded have not kept pace with the increasing number of and need for THPOs.

THPO History: Average Grant (left) and Number of THPOs (right)



Prepared by the National Association of Tribal Historic Preservation Officers

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.

The NAGPRA Section 10 program authorizes the Secretary of the Interior to award funds to tribes, Native Hawaiian Organizations, and museums for repatriation of cultural items and human remains. However, a majority of Section 10 funds have consistently been used to cover NAGPRA administrative costs under the National Park Service. This practice has essentially diverted critical funds from assisting tribes in repatriation efforts. A tribal priority should be established under Section 10 to ensure that grant funding is awarded to tribes, and a separate line item should be created to fund work with culturally-unidentifiable remains to further support tribal repatriation efforts. The National Park Service should restore funding for grants and staff in the NAGPRA program.

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

Tribal complaints regarding the failure of museum compliance with NAGPRA has been an ongoing issue that has resulted in the delay of tribal repatriation efforts. Providing a 10 percent increase for these investigations and a tribal-specific line item will assist the Department of the Interior's efforts to respond in a timely manner. Such directives will further ensure the successful implementation of NAGPRA.

- *Provide \$1 million for a national study on the sale and trafficking of American Indian, Alaska Native, and Native Hawaiian objects and human remains, both nationally and internationally.*

Over the past two years, overseas auctions of sacred objects and objects of cultural patrimony have been occurring at an alarming rate. To date there is no definitive resource of information on these items for sale. These auctions raise questions about how, and when, those items were removed from tribal communities and what form of trafficking has allowed for their sale in the international arena. In December 2015, Secretary of the Interior Jewell announced that she met with the French Minister of Justice to express the United States' concern about tribal sacred objects that are sold at French auction houses and to seek cooperation in working to repatriate objects to Indian tribes in the US. A national study is long overdue and it would further highlight the issue of tribal sacred objects removed and held abroad

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 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
 National Council of Urban Indian Health
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 National Indian Council on Aging
 National Indian Health Service Tribal Budget Formulation Workgroup
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