About the cover: Over the last two centuries, the United States, a nation founded on Indian land, has become the richest economy in the world. The map on the cover shows Indian land cessions from the post-colonial period to 1893. As America expanded from “sea to shining sea,” federal Indian policy in the age of Manifest Destiny led to the loss of billions of acres of Indian land, and the related promises the United States made in exchange for this land too often remain unfulfilled. This FY 2019 Indian Country Budget Request includes federally funded programs and services that honor the trust responsibility – the federal commitment to tribes based on treaties and agreements in exchange for the land that has made the United States as we know it today.

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 2019 report is the fourteenth 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.

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FISCAL YEAR 2019 INDIAN COUNTRY BUDGET REQUEST:
HONORING THE PROMISES, BUILDING STRONG AND PROSPEROUS NATIONS

EXECUTIVE SUMMARY

This FY 2019 Indian Country Budget Request benefits rural America, prioritizes federal programs and services that honor the federal trust responsibility, as well as many programs that are critical components of strong tribal economies and public safety systems. The programs highlighted in this document meet the federal treaty and trust obligations as identified by experts at national and regional tribal organizations and through FY 2019 budget formulation consultations between tribal leaders and federal agencies.

For a nation that bases its greatness to a significant degree on its rule of law, treaties and intergovernmental agreements carry paramount importance. In 1884, Supreme Court Justice Samuel Miller remarked:

“A treaty is primarily a compact between independent nations. It depends for the enforcement of its provisions on the interest and the honor of the governments which are parties of it.”

Over the last two centuries, the United States, a nation founded on Indian land, has become the richest economy in the world. Legal scholars note that Chief Justice Marshall described the trust responsibility in terms of the responsibility that sprang from “a landed people to those from whom the land had been taken.”
As America expanded from “sea to shining sea,” federal Indian policy in the age of Manifest Destiny led to the loss of billions of acres of Indian land, and the related promises the United States made in exchange for this land too often remain unfulfilled. Yet, despite the expropriation of land, relocation, and attempted tribal termination and assimilation, tribes in the era of self-determination and self-governance have begun rebuilding their nations, rooted in their values, quite successfully.

While the United States has yet to fully live up to the promises it has made to tribal nations, tribal leaders are pursuing goals for their citizens similar to those of US national policy makers: building strong and prosperous nations, including economic growth and the efficient provision of necessary public services. Economic diversity characterizes modern Indian Country, but a common factor cited by tribal leaders as hindering tribal economic development is the need for adequate federal funds for essential governmental services, such as public safety, housing, education, and workforce development. Economic development also faces hurdles in Indian Country due to insufficient infrastructure, including roads, housing, water, sewer systems, and broadband.

While prosperity to many Americans draws on a version of the American Dream based on wage, income, and commercial success, prosperity to Native people includes preservation of culture, family, and homelands as well. For a number of reasons, American Indian populations, especially on reservations, have faced lower intergenerational upward mobility, which simply is a measure of doing better than one’s parents. Exacerbating the lack of upward mobility are barriers to economic development, including inadequate fulfillment of treaty and trust obligations, insufficient infrastructure, and lack of access to capital.

Solutions for facilitating broad-based economic growth in Indian Country must be multi-faceted. For instance, tribes are working to create a positive business environment via good governance and legal infrastructure, such as commercial codes and courts. However, some pieces of the growth puzzle still rely on improving basic physical infrastructure and fulfillment of other fundamental aspects of the trust responsibility, such as public safety and education.

Although Indian Country continues to face immense economic challenges, upholding Indian trust and treaty obligations holds the promise of tremendous economic success. Congress and the Administration have expressed support for Indian self-determination and honoring the trust responsibility. Indeed many tribes have made tremendous gains in the social and economic wellbeing of their communities when Congress has respected the responsibility of tribes as governments and invested in self-determination. These FY 2019 tribal budget program requests have been compiled in collaboration with tribal leaders, Native organizations, and tribal budget consultation bodies. Tribes respectfully request that these recommendations be included in the appropriations process.

**SUPPORT FOR TRIBAL GOVERNMENTS**

(MORE INFORMATION ON PAGE 26)

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 steady tribal base funding, direct funding to tribes as opposed to grant or state pass through funding, and accurate data for policy-making, redistricting, and governance.
**EXECUTIVE SUMMARY**

**Support for Tribal Governments**

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Fixed Costs and Tribal Pay Costs</td>
<td>Provide full funding.</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Funding to Tribal Governments</td>
<td>Provide increases via tribal base funding instead of through grants.</td>
</tr>
<tr>
<td>Commerce</td>
<td>Commerce, Justice, Science</td>
<td>Census Bureau and 2020 Census Preparations</td>
<td>Provide funding to meet cost projections of the 2020 Census</td>
</tr>
<tr>
<td>Government wide</td>
<td></td>
<td>Promises Zones</td>
<td>Extend Promise Zone preference points to all Federal competitive grant programs in all Federal agencies</td>
</tr>
</tbody>
</table>

**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**

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Base funding for tribal courts and the Indian Tribal Justice Act, including courts in PL 280 jurisdictions</td>
<td>$83,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Law Enforcement and Detention</td>
<td>$553,000,000</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Tribal Grants: Eliminate competitive grant funding process and utilize Justice Department appropriations as base funding where tribes and tribal courts themselves determine their own priorities</td>
<td>Use DOJ appropriations as base funding with tribes setting own priorities</td>
</tr>
</tbody>
</table>
Public Safety & Justice

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Tribal Set-Aside from Office of Justice Programs</td>
<td>Create a 10 percent tribal set-aside for all discretionary Office of Justice Programs (OJP) programs.</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Tribal Set-Aside from Crime Victims Fund</td>
<td>Create a 5 percent set-aside for tribal governments.</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Tribal Civil and Criminal Legal Assistance, Training and Technical Assistance (TCCLA) Grant Program</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Community Oriented Policing Services (COPS) Tribal Law Enforcement</td>
<td>$52,000,000</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Tribal programs under the Violence Against Women Act (VAWA), including the grants to Indian Tribal Governments Program</td>
<td>Provide full authorized amount.</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Indian Country Sexual Assault Clearinghouse</td>
<td>$500,000</td>
</tr>
</tbody>
</table>

HOMELAND SECURITY & EMERGENCY MANAGEMENT
(MORE INFORMATION ON PAGE 36)

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.
Executive Summary

Homeland Security & Emergency Management

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DHS</td>
<td>Homeland Security</td>
<td>Tribal Homeland Security Grant Program</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>DHS</td>
<td>Homeland Security</td>
<td>Western Hemisphere Travel Initiative, Tribal IDs</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>DHS</td>
<td>Homeland Security</td>
<td>Western Hemisphere Travel Initiative</td>
<td>Provide technical assistance and materials for tribes to produce tribal IDs.</td>
</tr>
<tr>
<td>DHS-FEMA</td>
<td>Homeland Security</td>
<td>Creation of National Tribal Advisory Council</td>
<td>$2,000,000</td>
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<tr>
<td>DHS-FEMA</td>
<td>Homeland Security</td>
<td>Emergency Management training</td>
<td>$1,000,000</td>
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<tr>
<td>DHS-FEMA</td>
<td>Homeland Security</td>
<td>Homeland Security and Emergency Management Curriculum at TCUs and Tribal Non-Profits</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>DHS-FEMA</td>
<td>Homeland Security</td>
<td>Homeland Security Centers of Excellence</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>

Education

(MORE INFORMATION ON PAGE 40)

Access to quality education is even more important 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 competitive workforce, which can attract new businesses, reduce rampant high unemployment, stimulate reservation economies through direct spending, and foster a greater entrepreneurial spirit for all tribal members to become more self-sufficient. Education provides personal progression and wellness, which in turn increases social welfare and energizes tribal communities that are essential to protecting and advancing tribal sovereignty.

To give Indian tribes the necessary foundation for economic success and prosperity, 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 2019 Budget requests to illustrate the budgetary need for effectively serving Native students and strengthening tribal self-determination in education.
## Education

<table>
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<tr>
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<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
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</thead>
<tbody>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Title I, Part A (Local Education Agency Grants)</td>
<td>$20,000,000,000</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>State-Tribal Education Partnership (STEP) Program</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Title VII funding, ESSA (Impact Aid Funding)</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Title VI funding, Every Student Succeeds Act (ESSA) (culturally-based education)</td>
<td>$198,000,000</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Alaska Native Education Equity Assistance Program, Title VI, Part C</td>
<td>$31,400,000</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Native Hawaiian Education Program, Title VI, Part B</td>
<td>$32,400,000</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Indian Education Language Immersion Grants, Title VI, Part D</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Special Projects for Native Student, Including Native Youth Community Projects</td>
<td>$37,000,000</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Title III-A grants under the Higher Education Act for Tribal Colleges and Universities (Discretionary)</td>
<td>$30,000,000</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Title III-A grants under the Higher Education Act for Tribal Colleges and Universities (Mandatory)</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Tribal Colleges and Universities: Adult/Basic Education</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Tribally Controlled Post-Secondary Career and Technical Institutions</td>
<td>$10,000,000</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Native American-Serving, non-Tribal Institutions (Higher Education Act, Title III-F)</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Tribal Education Departments (Dept. of Ed)</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribal Education Departments (DOI)</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Construction/Repair of Bureau of Indian Education (BIE) Schools</td>
<td>$2,634,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Johnson O’Malley</td>
<td>$45,000,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Student Transportation</td>
<td>$73,000,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribal Grant Support Costs (Administrative Cost Grants)</td>
<td>$78,000,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Facilities Operations (BIE)</td>
<td>$109,000,000</td>
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<td>DOI</td>
<td>Interior, Environment</td>
<td>Facilities Maintenance (BIE)</td>
<td>$76,000,000</td>
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<td>DOI</td>
<td>Interior, Environment</td>
<td>Indian School Equalization Formula</td>
<td>$431,000,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Education Management: Education IT</td>
<td>$41,000,000</td>
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</table>
### EXECUTIVE SUMMARY

**Education**

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<th>NCAI FY 2019 REQUEST</th>
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</thead>
<tbody>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIE Immersion Demonstration Grants</td>
<td>$5,000,000</td>
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<td>DOI</td>
<td>Interior, Environment</td>
<td>Juvenile Detention Education</td>
<td>$620,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribal Colleges and Universities’ Institutional Operations, Titles I, II,</td>
<td>$80,220,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>and III of the Tribally Controlled Colleges and Universities Assistance Act</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Institute of American Indian Arts and Center for Lifelong Education &amp; Museum (AIANNH Culture and Art Development Act)</td>
<td>$11,948,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Haskell Indian Nations University &amp; Southwestern Indian Polytechnic Institute (Snyder Act)</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribally Controlled Career and Technical Institutions, Title V of the Tribally Controlled Colleges and Universities Assistance Act</td>
<td>$10,000,000</td>
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<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>1994 Institutions Extension Program (NIFA)</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>1994 Institutions Research Program</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>1994 Institutions Educational Equity Grants</td>
<td>$7,500,000</td>
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<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>Native American Endowment Account (Corpus Payment)</td>
<td>$136,000,000</td>
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<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>Tribal Colleges and Universities Essential Community Facilities Program</td>
<td>$10,000,000</td>
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<tr>
<td>HUD</td>
<td>Transportation, Housing and Urban Development</td>
<td>HUD-University Partnership Program for Tribal Colleges and Universities</td>
<td>$5,500,000</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Indian Head Start</td>
<td>Provide full funding.</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>TCU Head Start Partnership Program</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Native Languages Preservation, with Esther Martinez Program (EMP)</td>
<td>$12,000,000 for NLP, with $5,000,000 for EMP.</td>
</tr>
<tr>
<td>NSF</td>
<td>Commerce, Justice, and Science</td>
<td>Education and Human Resources Funding for Tribal Colleges and Universities</td>
<td>$15,000,000</td>
</tr>
</tbody>
</table>

### HEALTHCARE

*(MORE INFORMATION ON PAGE 53)*

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. The federal promise to provide healthcare for our people is a sacred agreement that was provided to the tribes in exchange for land and peace. As recently as 2010, Congress has declared that “it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians -- to ensure the highest possible health status for Indians and urban
Indians and to provide all resources necessary to effect that policy.” The federal budget for AI/AN health is not just a fiscal document between sovereign Nations. It is indeed, the execution of a moral, ethical, and legal commitment.

The Indian Health Service (IHS) has been and continues to be a critical institution in securing the health and wellness of tribal communities. Devastating consequences from historical trauma, poverty, and a lack of adequate treatment resources continue to plague Tribal communities. American Indian and Alaska Natives have an average life expectancy 4.2 years less than other Americans, but in some areas, the life expectancy is far worse. AI/ANs also suffer significantly higher mortality rates from suicide, type 2 diabetes, and heart disease than other Americans. According to CDC data, 45.9% of Native women experience intimate partner violence, the highest rate of any ethnic group in the United States. These health statistics are no surprise when you compare the per capita spending of the IHS and other federal health care programs.

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.

### Healthcare

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DHHS</td>
<td>Interior Environment</td>
<td>Total FY 2019 Indian Health Service Funding</td>
<td>$6,394,093,293</td>
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<tr>
<td></td>
<td></td>
<td>Services: $4,772,477</td>
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<tr>
<td></td>
<td></td>
<td>Contract Support Costs: $817,970</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Facilities: $803,647</td>
<td></td>
</tr>
<tr>
<td>DHHS</td>
<td>Interior, Environment</td>
<td>Requested increases over FY 2016 budget request (planning base of $5.18 billion)</td>
<td>Increase over Base: $1.6 billion</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Current Services: $169 million</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Services: $985.5 million</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Facilities: $180.2 million</td>
<td></td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>On the TRAIL to Diabetes Prevention program</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>HRSA Native Hawaiian Healthcare Systems Program</td>
<td>$14,400,000</td>
</tr>
</tbody>
</table>

### CHILD WELFARE

*(MORE INFORMATION ON PAGE 67)*

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, kinship care, guardianship, adoption, court hearings, coordination and collaboration, and referrals to other services, such as health care or housing. Tribal child welfare programs work tirelessly to successfully serve children and families through holistic, strengths-based, culturally responsive, and family-centered services. In providing these services, tribes serve a critical role not only tribal citizens living within their tribal lands, but also play an important role in helping state agencies provide services to their tribal citizens living off tribal lands. The assistance tribes provide in this respect reduces state costs and administrative burden.

By investing in tribal services that can reach children and their families before or shortly after child abuse or neglect has occurred, we can help curtail the pervasive effects of long term, unresolved trauma that can create increasing physical and emotional damage for children and cost tribal governments and the federal government much more to treat. Because child welfare families have extensive needs this requires intensive collaboration with other service providers and specialized services
to effectively address child maltreatment and help families rehabilitate. The current federal investment in child welfare for both tribes and states has been heavily weighted towards crisis interventions that don’t work well to prevent abuse and neglect from occurring or re-occurring. These crisis services also utilize some of the most expensive services in child welfare too, such as out of home placement. After over twenty years of relying on this failed model of financing child welfare services it is time to seriously explore how moving to a model with more balance and investment in early intervention and prevention can change the paradigm and reduce child maltreatment overall.

Congress has unequivocally recognized that there is nothing “more vital to the continued existence and integrity of Indian tribes than their children.” 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 more workable funding levels after years of little or no increase and improve outcomes for American Indian and Alaska Native children and families, whether in tribal or state systems.

### Child Welfare

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Indian Child Protection and Family Violence Prevention Act</td>
<td>$43,000,000</td>
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<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Welfare Assistance</td>
<td>$80,000,000</td>
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<td>DOI</td>
<td>Interior, Environment</td>
<td>Indian Child Welfare Act On or Near Reservation Program</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Off-Reservation Indian Child Welfare Act Program</td>
<td>$5,000,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Social Services Program</td>
<td>$50,000,000</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Promoting Safe and Stable Families, Title IV-B, Subpart 2 discretionary funds (3 percent tribal allocation reserved from this amount)</td>
<td>$70,000,000</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Tribal Court Improvement grant program (authorized under Title IV-B, Subpart 2)</td>
<td>$3,000,000</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Child Abuse Discretionary Activities (tribes and states eligible to compete for these grant funds)</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Community-Based Child Abuse Prevention (one percent tribal allocation reserved from this amount)</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Child Welfare Services, Title IV-B, Subpart 1 (tribal allocation reserved from this amount)</td>
<td>$280,000,000</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Maternal Infant and Early Childhood Home Visiting Program (tribal allocation from reserved portion)</td>
<td>$420m ($12.6m)</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA Programs of Regional and National Significance, Child and Family Programs</td>
<td>$8,000,000 ($5 million reserved for Circles of Care grants)</td>
</tr>
</tbody>
</table>
Child Welfare

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA Garrett Lee Smith Grants, State/Tribal Youth Suicide Prevention and Early Intervention Grant</td>
<td>$40,000,000</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA Garrett Lee Smith Grants, Campus Suicide Prevention Program</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA American Indian and Alaska Native Suicide Prevention</td>
<td>$5,000,000</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA Tribal Behavioral Health Programs (mental health and substance abuse programs)</td>
<td>$50,000,000 ($25 million for each program)</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Children’s Mental Health Services Program (tribes and states eligible to compete for these grant funds)</td>
<td>$124,000,000</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Project Linking Actions for Unmet Needs in Children’s Health (Project LAUNCH)</td>
<td>$9,000,000</td>
</tr>
</tbody>
</table>

Elders
(MORE INFORMATION ON PAGE 82)

Elders are our culture bearers, and are held in the highest regard in all tribal communities. However, it is these same elders in Indian Country that comprise the most economically disadvantaged elderly minority in the nation. Grants to tribes have a history of being both well-managed and insufficiently funded to meet existing needs. Tribal governments have little or no access to the agencies, departments, ombudsman, or programs that are available to states. In addition, state programs seldom serve Native elders due to cultural and geographic barriers. Immediate action needs to be taken in order to remedy these disparities and ensure that Native elders are well taken care of.

Elders

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Older Americans Act (Title VI- Part A, B), Native American Nutation and Supportive Services</td>
<td>$32,000,000</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Older Americans Act (Title VI-Part C), Native American Caregiver Support Program</td>
<td>$8,300,000</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Older Americans Act (Title VII-Subtitle B), Protection of Vulnerable Older Americans</td>
<td>Create a one percent tribal set-aside and recommend tribes and tribal organizations be eligible for the Elder Justice Initiative.</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Older Americans Act (Title V), Senior Community Service Employment Program</td>
<td>$434,371,000</td>
</tr>
</tbody>
</table>
Increasing economic opportunities and infrastructure development in Indian Country requires a comprehensive, multi-agency approach. Indian Country continues to face daunting challenges, especially high rates of unemployment and poverty, due to shortfalls in federal obligations and barriers to private and philanthropic investment. Adequate federal funding, coupled with reduced regulatory burdens, can advance tribes’ efforts 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 2019 budget requests set forth appropriations that are essential to empowering self-determined tribal efforts to seed economic prosperity and advance the economic security of tribal nations.

**ECONOMIC & WORKFORCE DEVELOPMENT**

(MORE INFORMATION ON PAGE 85)

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commerce</td>
<td>Commerce, Justice, Science</td>
<td>Minority Business Development Agency</td>
<td>$35,000,000 and a set-aside to re-establish NABECs within MBDA.</td>
</tr>
<tr>
<td>Commerce</td>
<td>Commerce, Justice, Science</td>
<td>Office of Native American Affairs</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>SBA</td>
<td>Financial Services</td>
<td>Office of Native American Affairs</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>DOD</td>
<td>Defense</td>
<td>American Indian Procurement Technical Assistance Program</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>DOD</td>
<td>Defense</td>
<td>Indian Incentive Payment Program</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Treasury</td>
<td>Financial Services</td>
<td>Community Development Financial Institutions Fund</td>
<td>$20,000,000 and continue to waive non-federal match requirement for NACA financial assistance program.</td>
</tr>
<tr>
<td>Treasury</td>
<td>Financial Services</td>
<td>Community Development Financial Institutions Fund, New Markets Tax Credit Program</td>
<td>Provide a five percent set-aside and revise ‘service area’ to include Indian Country.</td>
</tr>
<tr>
<td>DOE</td>
<td>Energy and Water</td>
<td>National Nuclear Security Administration (NNSA) Minority Serving Institutions Partnership Program (MSIPPP) Tribal College Initiative (Advanced Manufacturing)</td>
<td>$5,000,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Office of Indian Energy and Economic Development Indian Loan Guarantee Program</td>
<td>$15,000,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Office of Indian Energy and Economic Development</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Community and Economic Development Program</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>DOL</td>
<td>Labor-HHS-Education</td>
<td>YouthBuild Program</td>
<td>Restore funding to $84,500,000.</td>
</tr>
</tbody>
</table>
Economic & Workforce Development

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOL</td>
<td>Labor-HHS-Education</td>
<td>Employment and Training Administration, Indian and Native American Program (INAP)</td>
<td>$60,500,000</td>
</tr>
<tr>
<td>DOL</td>
<td>Labor-HHS-Education</td>
<td>Native American Employment and Training Council</td>
<td>$125,000 from non-INAP resources.</td>
</tr>
</tbody>
</table>

TELECOMMUNICATIONS
(MORE INFORMATION ON PAGE 93)

High-speed internet access is a necessity in today’s modern world but unfortunately, rural tribal areas are disproportionately lacking broadband access. According to the Federal Communications Commission’s, 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 build thriving rural economies. 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.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>FCC</td>
<td>Financial Services</td>
<td>Office of Native Affairs and Policy</td>
<td>Provide fixed annual budget of $500,000.</td>
</tr>
<tr>
<td>CPB</td>
<td>Labor-HHS-Education</td>
<td>American Indian and Alaska Native Radio Station grants</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>CPB</td>
<td>Labor-HHS-Education</td>
<td>Native Public Media and Koahnic Broadcast Corporation</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

AGRICULTURE & RURAL DEVELOPMENT
(MORE INFORMATION ON PAGE 95)

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

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>Office of Tribal Relations</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>Rural Development 502 Direct Loan Program</td>
<td>$20,000,000 tribal set aside</td>
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<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>Rural Development</td>
<td>$2,500,000,000</td>
</tr>
<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>Rural Utilities Service</td>
<td>$9,000,000,000</td>
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<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>Rural Housing and Community Facilities Programs</td>
<td>$28,000,000,000</td>
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<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>Natural Resources Conservation Service (NRCS), Environmental Quality Incentives Program</td>
<td>$1,600,000,000</td>
</tr>
<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>NRCS, Conservation Stewardship Program</td>
<td>$1,449,000,000</td>
</tr>
<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>Federally Recognized Tribal Extension Program</td>
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<td>USDA</td>
<td>Agriculture</td>
<td>Food Distribution Program on Indian Reservations</td>
<td>$115,000,000</td>
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<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>Food Distribution Program on Indian Reservations, traditional foods market development</td>
<td>$5,000,000</td>
</tr>
</tbody>
</table>

ENVIRONMENTAL PROTECTION
(MORE INFORMATION ON PAGE 101)

Tribal peoples maintain strong physical, cultural, spiritual, and interdependent relationships with their homelands and natural resources. Consequently, tribal peoples face direct and often disproportionate impacts of environmental degradation. 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 Acts. Tribes are still trying to achieve equity, and significant gaps remain. The federal government must ensure tribes have fair and equal opportunities to preserve and enhance the environmental quality of Indian Country for present and future generations. In the recommendations below, NCAI requests that EPA tribal programs receive sufficient resources to achieve parity with states through sustainable targeted base funding.
Environmental Protection

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>EPA</td>
<td>Interior, Environment</td>
<td>Indian Environmental General Assistance Program</td>
<td>$99,500,000</td>
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<tr>
<td>EPA</td>
<td>Interior, Environment</td>
<td>Safe Drinking Water State Revolving Funds</td>
<td>Provide 5 percent tribal set-aside</td>
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<tr>
<td>EPA</td>
<td>Interior, Environment</td>
<td>Clean Water Act State Revolving Fund, tribal set-</td>
<td>Provide $46,500,000 tribal set-aside and permanently lift the funding cap on tribal set-aside for wastewater facilities.</td>
</tr>
<tr>
<td>EPA</td>
<td>Interior, Environment</td>
<td>Tribal Water Pollution Control, Clean Water Act</td>
<td>Increase the tribal allocation to 20 percent.</td>
</tr>
<tr>
<td>EPA</td>
<td>Interior, Environment</td>
<td>Nonpoint Source Pollutant Control, Clean Water</td>
<td>Eliminate cap on tribal funding and provide $13,000,000.</td>
</tr>
<tr>
<td>EPA</td>
<td>Interior, Environment</td>
<td>Great Lakes Restoration Initiative, tribal allocation</td>
<td>$3,000,000</td>
</tr>
</tbody>
</table>

NATURAL RESOURCES

(MORE INFORMATION ON PAGE 107)

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 have 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

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOI Interior</td>
<td>Environment</td>
<td>Rights Protection Implementation</td>
<td>$52,000,000</td>
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<tr>
<td>DOI Interior</td>
<td>Environment</td>
<td>Tribal Climate Resilience Program</td>
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<tr>
<td>DOI Interior</td>
<td>Environment</td>
<td>Water Management, Planning, and Pre-Development Program</td>
<td>$10,500,000</td>
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<tr>
<td>DOI Interior</td>
<td>Environment</td>
<td>Water Rights Negotiation/Litigation program</td>
<td>$10,923,000</td>
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<td>DOI Interior</td>
<td>Environment</td>
<td>Endangered Species Program</td>
<td>$3,000,000</td>
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<td>DOI Interior</td>
<td>Environment</td>
<td>Tribal Management and Development Programs</td>
<td>$20,000,000</td>
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<tr>
<td>DOI Interior</td>
<td>Environment</td>
<td>Wildlife and Parks Tribal Priority Allocations - Fish Hatchery Operations</td>
<td>$5,000,000</td>
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<tr>
<td>DOI Interior</td>
<td>Environment</td>
<td>Wildlife and Parks Tribal Priority Allocations - Fish Hatchery Maintenance</td>
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<td>DOI Interior</td>
<td>Environment</td>
<td>Wildlife and Parks Tribal Priority Allocation</td>
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<td>DOI Interior</td>
<td>Environment</td>
<td>Natural Resources Tribal Priority Allocations</td>
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<td>DOI Interior</td>
<td>Environment</td>
<td>Invasive Species Program</td>
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<tr>
<td>DOI Interior</td>
<td>Environment</td>
<td>Fish and Wildlife’s Tribal Wildlife Grants Program</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Commerce</td>
<td>Commerce, Justice,</td>
<td>Pacific Coastal Salmon Recovery Fund</td>
<td>$110,000,000</td>
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<tr>
<td>EPA Interior</td>
<td>Environment</td>
<td>Geographic/Ecosystem Program in Puget Sound</td>
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<td>DOI Interior</td>
<td>Environment</td>
<td>National Park Service Deferred Maintenance</td>
<td>$383,028,000</td>
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<tr>
<td>DOI Interior</td>
<td>Environment</td>
<td>National Park Service Deferred Maintenance</td>
<td>Support dedicated annual funding.</td>
</tr>
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<td>DOI Interior</td>
<td>Environment</td>
<td>National Park Service Deferred Maintenance</td>
<td>Support deferred maintenance funding in any infrastructure proposal.</td>
</tr>
<tr>
<td>DOI Interior</td>
<td>Environment</td>
<td>Forestry (Tribal Priority Allocations + BIA Forestry Projects)</td>
<td>$112,000,000</td>
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<td>DOI Interior</td>
<td>Environment</td>
<td>Office of Wildland Fire, Fuels Management</td>
<td>$206,000,000</td>
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<tr>
<td>DOI Interior</td>
<td>Environment</td>
<td>Office of Wildland Fire, Disaster Fire Funding</td>
<td>Support legislation that treats wildfires like other natural disasters and emergencies.</td>
</tr>
<tr>
<td>USDA Interior</td>
<td>Environment</td>
<td>US Forest Service</td>
<td>Encourage support for expanded Anchor Forest initiatives.</td>
</tr>
<tr>
<td>USDA Interior</td>
<td>Environment</td>
<td>US Forest Service</td>
<td>Make USFS implementation of the TFPA a priority.</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

ENERGY
(MORE INFORMATION ON PAGE 118)

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 infrastructure is also integral to many tribes’ efforts to create jobs, infrastructure, and improve lives of their citizens. 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, most of which are located in rural areas.

Energy

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2019 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Office of Indian Energy and Economic Development, energy capacity building through development grants</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Low-Income Home Energy Assistance Program, (Tribes)</td>
<td>$51,000,000</td>
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<tr>
<td>DOE</td>
<td>Energy and Water</td>
<td>Office of Indian Energy Policy and Programs</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>DOE</td>
<td>Energy and Water</td>
<td>Tribal Loan Guarantee Program</td>
<td>$2,000,000,000</td>
</tr>
</tbody>
</table>

HOUSING
(MORE INFORMATION ON PAGE 121)

The foundation of healthy tribal communities is access to safe, culturally relevant and quality affordable housing. Yet, Native Americans still face some of the worst housing and living conditions in the United States. The Native American Housing Assistance and Self-Determination Act (NAHASDA) is intended to help bridge the gap in housing needs in Native communities and allow tribes to exercise self-determination at the local level.

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 Tribally Designated Housing Entities (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 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.
**Executive Summary**

**Housing**

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**Transportation**

*(More information on page 126)*

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

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## Historic & Cultural Preservation

(MORE INFORMATION ON PAGE 129)

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 cultural, 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

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This FY 2019 Indian Country Budget Request benefits rural America, prioritizes federal programs and services that honor the federal trust responsibility, as well as many programs that are critical components of strong tribal economies and public safety systems. The programs highlighted in this document meet the federal treaty and trust obligations as identified by experts at national and regional tribal organizations and through FY 2019 budget formulation consultations between tribal leaders and federal agencies.

OUR NATIONS, OUR PROMISES

For a nation that bases its greatness to a significant degree on its rule of law, treaties and intergovernmental agreements carry paramount importance. In 1884, Supreme Court Justice Samuel Miller remarked:

“A treaty is primarily a compact between independent nations. It depends for the enforcement of its provisions on the interest and the honor of the governments which are parties of it.”

Over the last two centuries, the United States, a nation founded on Indian land, has become the richest economy in the world. Legal scholars note that Chief Justice Marshall described the trust responsibility in terms of the responsibility that sprang from “a landed people to those from whom the land had been taken.”
Figure 1 shows Indian land cessions from the post-colonial period to 1893. As America expanded from “sea to shining sea,” federal Indian policy in the age of Manifest Destiny led to the loss of billions of acres of Indian land, and the related promises the United States made in exchange for this land too often remain unfulfilled. Yet, despite the expropriation of land, relocation, and attempted tribal termination and assimilation, tribes in the era of self-determination and self-governance have begun rebuilding their nations, rooted in their values, quite successfully.

**STRONG, PROSPEROUS NATIONS**

While the United States has yet to fully live up to the promises it has made to tribal nations, tribal leaders are pursuing goals for their citizens similar to those of US national policy makers: building strong and prosperous nations, including economic growth and the efficient provision of necessary public services. Economic diversity characterizes modern Indian Country, but a common factor cited by tribal leaders as hindering tribal economic development is the need for adequate federal funds for essential governmental services, such as public safety, housing, education, and workforce development. Economic development also faces hurdles in Indian Country due to insufficient infrastructure, including roads, housing, water, sewer systems, and broadband.

While prosperity to many Americans draws on a version of the American Dream based on wage, income, and commercial success, prosperity to Native people includes preservation of culture, family, and homelands as well. For a number of reasons, American Indian populations, especially on reservations, have faced lower intergenerational upward mobility, which simply is a measure of doing better than one’s parents. Exacerbating the lack of upward mobility are barriers to economic development, including inadequate fulfillment of treaty and trust obligations, insufficient infrastructure, and lack of access to capital.
Some tribes however are the economic engine of their region, especially in rural areas. In Washington state, 29 tribes collectively contribute more than $3.5 billion to the state’s economy while employing nearly 30,000 Native and non-Native workers. The Fond du Lac Band poured more than $300 million into the regional economy in 2011 and created 3,600 jobs in its region, for Natives and non-Natives alike. Tribes across the United States are making similar contributions to their regions, drawing on a mix of intergovernmental transfers, fees, enterprises, sales, and leases that make up their governmental revenue. Honorable fulfillment of the trust and treaty promises to tribes would positively impact not only required public services to tribal citizens but also the surrounding regional, often rural, economies. Given the low historical bases of funding for tribal governments, opportunities for economic improvement and government success are needed.

**FISCAL TRUST RESPONSIBILITY**

Solutions for facilitating broad-based economic growth in Indian Country must be multi-faceted. For instance, tribes are working to create a positive business environment via good governance and legal infrastructure, such as commercial codes and courts.\(^{16}\) However, some pieces of the growth puzzle still rely on improving basic physical infrastructure and fulfillment of other fundamental aspects of the trust responsibility, such as public safety and education.

**PUBLIC SAFETY:** The underfunding of tribal law enforcement and justice systems is well-documented. Most recently, the BIA submitted a report to Congress in 2016 estimating that to provide a minimum base level of service to all federally-recognized tribes: $1 billion is needed for tribal law enforcement, $1 billion is needed for tribal courts, and $222.8 million is needed to adequately fund existing detention centers.\(^{17}\) Based on recent appropriation levels, BIA is generally funding tribal law enforcement at about 20% of estimated need, tribal detention at about 40% of estimated need, and tribal courts at a dismal 3% of estimated need.
See NCAI’s section on Public Safety and Justice programs in Indian Country for detailed funding recommendations, including for the Bureau of Indian Affairs in the Department of the Interior as well as tribal programs in the Department of Justice.

**EDUCATION:** Fulfilling other fundamental aspects of the trust responsibility such as education would go far in improving tribal economic opportunity, especially in terms of intergenerational mobility. Recent research suggests that education and school quality are factors affecting tribal upward mobility. See NCAI’s section on Education funding recommendations, which covers Head Start, Bureau of Indian Education, Head Start, scholarships, as well as tribal colleges.

**INFRASTRUCTURE NEEDS:** Tribal governments and people face even more pronounced infrastructure challenges and economic obstacles than are evident in many rural communities. In Indian Country, unsafe and unreliable roads contribute to the alarmingly high rates of unintentional injury (including motor vehicle crashes), the leading cause of death among people aged 1-44. Addressing the large backlog of deferred road maintenance in Indian Country is not only essential from a public health perspective, but also to the economic vitality of tribes and their surrounding regions. Deferred infrastructure maintenance represents a burden to future generations just as public debt does. Transportation infrastructure continues to be problematic and programs for road improvement are chronically under-funded by the federal government.

**LOCAL CONTROL:** Federal budget decisions impacting Indian Country should build on the success of local tribal control, whether through tribal self-governance and self-determination, or through improved budget consultation with tribes. Federal funding of certain tribal programs upholds the federal treaty and trust obligations to tribes, but it also meets specific economic policy objectives of public budgeting.

A decentralized provision of public goods that can be tailored to the preferences of communities, improves the efficiency of the allocation function for some public goods. Self-determination contracts and self-governance compacts comprise an important component to this decentralized system and leads to innovation as well as better sensitivity to varying needs in Indian Country. Tribal leaders are most aware of and responsive to public service needs at the local level.

**CONCLUSION**

Although Indian Country continues to face immense economic challenges, upholding Indian trust and treaty obligations also holds the promise of tremendous economic success. Congress and the Administration have expressed support for Indian self-determination and honoring the trust responsibility. Indeed many tribes have made tremendous gains in the social and economic wellbeing of their communities when Congress has respected the responsibility of tribes as governments and invested in self-determination. The FY 2019 tribal budget program requests have been compiled in collaboration with tribal leaders, Native organizations, and tribal budget consultation bodies. Tribes respectfully request that these recommendations be included in the appropriations process.
SUPPORT FOR TRIBAL GOVERNMENTS

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 steady tribal base funding, direct funding to tribes as opposed to grant or state pass through funding, and accurate data for policy-making, redistricting, and governance.

**Key Recommendations**

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. 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.

DEPARTMENT OF COMMERCE
Commerce, Justice, Science Appropriations Bill
• Census Bureau and the 2020 Census

The U.S. population is enumerated every 10 years and census data are used to allocate Congressional seats, electoral votes, and is the basis for funding allocations for federally funded programs. Federal funding for Indian schools, Indian education programs, Indian health programs, Indian housing programs, water and sewage projects, roads and economic development are based on data collected by the Census Bureau every ten (10) years. The allocation of congressional seats across the United States are directly tied to data collected by the U.S. Census. Public Law No. 94-171 data is used for redistricting at the federal, state, and local levels and an accurate count is necessary to ensure that American Indian and Alaska Native voters have an equal voice in the political process of non-tribal elections.

However, in the 2010 Census, the Census Bureau estimates that American Indians and Alaska Natives living on reservations or in Native villages were undercounted by approximately 4.9 percent, more than double the undercount rate of the next closest population group. Additionally, uncertainty about FY 2017 funding levels and lack of appropriates resulted in the Census Bureau canceling planned field tests on the Standing Rock Reservation in North and South Dakota and the Colville Reservation and Off-Reservation Trust land in Washington State, which eliminated critical testing of methods for the 2020 Census for counting people in tribal areas lacking street addresses, testing methods of making in-person counts in Native households, and determining where and how to use oversampling to counteract the undercount facing Native people living on reservations and in Native villages. Inadequate funding has compelled the Census Bureau to announce “pauses” and modifications for key 2020 Census activities, which could greatly diminish the Bureau’s ability to take an accurate, cost-effective census and is expected to increase the disproportionate undercount of American Indian and Alaska Natives, especially those living in rural, low-income, geographically isolated, and/or linguistically isolated households.
The Census Bureau generally ramps up for the decennial count with a decade-long cycle of spending. The Census Project modeled this cycle by comparing spending each year relative to each decade’s first year (see Figure 4). Generally, Census budgets rise in preparation for address canvassing in the eighth year from year one (i.e. 1988 before the 1990 Census), then Census operations begin in the ninth year, culminating in the Census year with spending at between 6 and 16 times the amount as in year one. The ninth and tenth year of a decennial census cycle should see expected increases to address operations for an accurate count of the population.

NCAI supports the Census Bureau and the resources it needs and such supplemental appropriations as may be needed to meet updated cost projections for the 2020 Census and other Census programs, including the American Community Survey (ACS), the Current Population Survey (CPS), Survey of Income and Program Participation (SIPP), and Small Area Health Insurance Estimates (SAHIE), which are critical to American Indians and Alaska Natives.

NCAI also supports restoration of the cancelled field tests on Tribal Lands and other testing, public education, and programs in preparation for the 2020 Census to ensure that American Indians and Alaska Natives are fully and accurately counted.
GOVERNMENT-WIDE

Promise Zones

- Extend Promise Zone preference points to all Federal competitive grant programs in all Federal agencies and support Promise Zone tax incentives that stimulate growth and investments in Promise Zone communities, such as tax credits for hiring workers and incentives for capital investment within the Promise Zones.

The Promise Zone is an initiative that targets Federal assistance to local service providers in impoverished urban, rural, and tribal communities to boost economic activity and job growth, improve educational opportunities, reduce crime, and leverage private investment to improve the quality of life in these areas.

The Promise Zone initiative is having a positive and lasting impact on tribal communities. To-date there are five tribal Promise Zone designations including the Choctaw Nation of Oklahoma, the Pine Ridge Indian Reservation of the Oglala Sioux Tribe, the Spokane Tribe of Indians, and the Turtle Mountain Band of Chippewa Indians and Spirit Lake Nation through a joint designation. At Choctaw Nation, 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 and work-force training). The Spokane Tribe of Washington was able to install solar panels on residential homes and train tribal members in renewable energy installation. However, because not all Federal agencies have provided preference points for their competitive grant applications, tribal designees are limited in their work.

To support and expand the benefits of the Promise Zone initiative to tribal communities, NCAI urges Congress to expand Promise Zone preference points to all competitive grant programs across all Federal agencies and increase their support for Promise Zone tax incentives that promote job creation. 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

One of the most fundamental aspects of the federal government’s trust responsibility is the obligation to protect public safety on tribal lands. Congress and the United States Supreme Court have long acknowledged this obligation, which Congress most recently reaffirmed in the Tribal Law and Order Act expressly “acknowledging the federal nexus and distinct federal responsibility to address and prevent crime in Indian Country.”

The inadequate funding for tribal criminal justice and public safety has resulted in staggering rates of violent crime and victimization on many Indian reservations. A recent DOJ study found that more than four in five American Indian and Alaska Native adults have experienced some form of violence in their lifetime. Among American Indian and Alaska Native women, 55.5 percent have experienced physical violence by intimate partners in their lifetime, and 56.1 percent have experienced sexual violence. The lack of funding for justice and victims’ services in Indian Country contributes to the high rates of suicide, substance abuse, and other issues that plague many tribal communities.

Recent experience demonstrates that it is simply a lack of justice funding causing so much harm. With the new authorities in the Tribal Law and Order Act and related laws, some tribes have made rapid and dramatic strides toward improving public safety. But these are a handful of tribes with independent financial resources. Tribal justice systems now have much better legal tools, they just need the resources to put those tools to work so they can protect women, children and families, address substance abuse, rehabilitate first-time offenders, and put serious criminals behind bars.

The underfunding of tribal law enforcement and justice systems is well-documented. Most recently, the BIA submitted a report to Congress in 2016 estimating that to provide a minimum base level of service to all federally-recognized tribes: $1 billion is needed for tribal law enforcement, $1 billion is needed for tribal courts, and $222.8 million is needed to adequately fund existing detention centers. Based on recent appropriation levels, BIA is generally funding tribal law enforcement at about 20% of estimated need, tribal detention at about 40% of estimated need, and tribal courts at a dismal 3% of estimated need.
Due to the obvious inadequacy of the base funding provided by BIA, tribal governments rely on short-term, competitive grants to try and address a portion of the shortfall. The bulk of these grants are administered by the Department of Justice. Tribal funding at DOJ has steadily declined in recent years falling from approximately $165 million in FY10 to $115 million in FY17.

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, basic police protection, and services for victims are fundamental priorities of any government; tribal governments are no different.

**Key Recommendations**

**DEPARTMENT OF THE INTERIOR**

**Interior - Environment Appropriations Bill**

- Allocate $83 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 BIA funding is to increase base funding for tribal courts. The BIA estimates that full funding for tribal courts would cost $1 billion. FY 17 funding for tribal courts was $30.7 million, or 3% of the estimated need.

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 $83 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 and detention by at least $200 million over the FY 2017 funding level of $353 million.

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 and detention needs pursuant to the Tribal Law and Order Act, and found that the total need for basic law enforcement and detention services in Indian country is $1.2 billion. This estimate includes tribes without regard to whether they are located in a PL 280 jurisdiction. Given the gross inadequacy of current funding levels, the BIA has had a policy for many years to generally provide law enforcement and detention funding only to tribes in non-PL280 jurisdictions. This has left tribes in many areas completely without BIA support for tribal police and detention needs. We ask Congress to commit to fully funding tribal law enforcement and detention within the next five years by incrementally increasing funding each year, starting with a $200 million increase this year.
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 awarded at the discretion of DO. 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, often 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 numerous stories of successful programs disappearing at the end of a two- or three-year grant cycle.

Tribal governments have been asking for reforms to the DOJ grant making process for years in order to reduce administrative inefficiencies, improve program effectiveness, and increase the ability of tribal governments to leverage available DOI and DOJ funding to best address the comprehensive public safety and justice needs in their communities. Beginning in 2012, Congress has responded to this request from tribal leaders by appropriating a fixed amount for “tribal assistance” rather than appropriating funds for specifically authorized tribal programs. This approach gives DOJ considerable flexibility to work with tribal governments to determine how best to administer the appropriated funds. In FY 17, Congress shifted from a lump sum for tribal assistance to a percentage set-aside model for the first time, creating a 7% tribal set-aside from some COPS and OJP programs. Appropriators carved out several of the largest appropriation lines from the tribal allocation, however, resulting in an overall tribal funding decrease from FY16 levels. Both the House and Senate CJS bills for FY18 that are currently pending include a 7% tribal allocation from across a wider range of OJP and COPS programs. If enacted, this would help restore funding levels for DOJ tribal justice programs to a more appropriate level.

DOJ is currently engaged in government-to-government consultation with Indian tribes about its grant-making process, which we hope will improve the effectiveness of DOJ funding in tribal communities.

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.

A flexible tribal set-aside from across OJP programs would allow for a more flexible funding structure at DOJ. 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 still results in multiple grant awards with separate reporting requirements, award periods, and grant managers. CTAS will not achieve its intended purpose of streamlining tribal grants 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 comprehensive strategy on how best to spend those resources. It would also create new possibilities for coordinating BIA and DOJ funding to reduce inefficiencies and unnecessary administrative costs.

- Create a 5 percent set-aside for tribal governments from Crime Victims Fund disbursements.

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 $12 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 2016–2017, 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 5 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, 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.

- Provide funding for the Tribal Civil and Criminal Legal Assistance, Training, and Technical Assistance (TCCLA) grant program at a level of $2 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 which provide legal assistance services pursuant to federal poverty guidelines to offer civil and criminal legal assistance to both tribal governments and their justice systems, and to individual indigent tribal citizens. Among these entities are the Indian Legal Services programs connected with the Legal Services Corporation (LSC). In FY 2010, DOJ established the Tribal Civil and Criminal Legal Assistance, Training, and Technical Assistance (TCCLA) grant program. TCCLA has always been funded separately from DOJ’s Consolidated Tribal Assistance Solicitation (CTAS) program using a portion of the overall amount of funding Congress appropriates for assistance to Indian tribes through DOJ.
Over the past eight years, many of the 24 Indian Legal Services programs that operate in 23 states have shared in funding awarded under TCCLA to provide civil and criminal legal assistance to thousands of Native American clients, including juveniles, who meet the required federal poverty guidelines, as well as to assist more than 160 tribal governments and/or tribal judicial systems. These programs are an integral part of the legal structure of the tribal communities they serve, with attorneys well-versed in the uniqueness and complexities of Indian law, specialized legal practitioners, and familiar with arguing cases in tribal court. In at least 46 tribal courts, these programs provide the only public defender service available.

In FY17 the appropriations language for the tribal funding at OJP changed from “assistance to Indian tribes” to “tribal criminal justice assistance.” DOJ has interpreted the bill language to limit FY 2017 funding for tribal assistance to criminal justice assistance, only. As a result, an FY 2017 funding award to Indian Legal Services is not being used for programs’ assistance in civil work with tribes and tribal citizens. Examples of such tribal civil justice assistance work done under prior years’ TCCLA awards include revisions to civil codes, policies and procedures; representation of individuals in tribal courts in family law, probate, employment, disability benefits claims, public housing, property disputes, debt collection, child welfare and juvenile delinquency matters; and guardian ad litem work in high conflict custody, guardianship, and parental termination cases. Language in the FY19 appropriations bill should be clear that funds can be used for civil legal assistance.

**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 over 85% of American Indians and Alaska Natives will experience intimate partner violence, stalking, or sexual violence in their lifetime. This violence threatens the lives of Native women and children and the future of American Indian tribes and Alaska Native villages.

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.

In 2013, Congress passed 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 2017, $4 million was appropriated for these purposes.

Tribal justice systems need additional resources to exercise this jurisdictional authority.

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

The Office on Violence Against Women has funded a national clearinghouse on the sexual assault of Native women, which provides 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. This clearinghouse is an important resource for tribes, law enforcement officials, medical professionals, and victim advocates and should continue to be funded.
Foreign and domestic threats to homeland security, especially terrorism, are on the rise. These threats require tribal communities to develop and enhance homeland security response planning, training, and exercise efforts. However, funding to tribal governments for critical homeland security needs has remained stagnant for over a decade. Without necessary resources dedicated to Indian Country, federal efforts to create a cohesive and coordinated homeland security strategy will leave a significant and potentially dangerous gap in security.

Recently, the Department of Homeland Security showed that it provides $17.6 million in federal assistance and $4.4 million in homeland security grants daily to states. Tribal governments receive less than half of this daily allocation in an entire year (the Department of Homeland Security provides roughly $10 million to tribal governments per year). In fact, it would take 803 years of funding at current levels just for Tribal Nations to receive what is allocated to states annually.

In addition, on average the federal government allocates $26.24 for each state resident annually and roughly $3.41 for each American Indian or Alaska Native citizen. Additionally, state governors have access to federally funded state-centric programs like the Emergency Management Assistance Program that exclude tribes.

President Trump’s budget proposal includes an overall increase of $2.8 billion, or 6.8 percent, to the Homeland Security budget, yet it also proposes cuts of $667 million from the Federal Emergency Management Agency’s state and local grant programs, which tribes rely upon to supplement tribal homeland security programs.

Congress and the Administration have a trust obligation to assist tribal governments to protect all citizens, native and non-native within their jurisdictions. Tribes must achieve greater parity with states for homeland security and emergency management purposes. Until such funding parity is realized, tribal communities will remain unable to fully participate in national homeland security strategies and will continue to be a weak link in protecting vital infrastructure from domestic and international 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.

Since 2003, Congress has allocated over $50 billion in homeland security grant funds to state and local governments. In contrast, Tribal nations have only been allocated $60 million in federal homeland security funding during the same period. DHS has acknowledged the need for the Tribal Homeland Security Grant Program (THSGP) but has yet to provide the minimum funding for tribes to develop the necessary homeland security capacity to ensure protection of the Nation.

Each year, tribal need is at least four times more than the funding amount provided at the discretion of the Secretary of Homeland Security for the program, meaning there is generally a requested need of $4 for $1 funded. Of those tribes that do apply, several could use the entire amount budgeted for THSGP on their own.

NCAI strongly urges Congress to fund the 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. Also, Congress must allow DHS to reallocate funding to federally recognized tribes if needed, and to prioritize tribal acquisition of homeland security equipment purchased with federal grant funds and considered surplus by state and local governments.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill

Customs and Border Protection

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 willing to comply with the Western Hemisphere Travel Initiative for enhanced tribal identification (ID) cards; however compliance is often cost-prohibitive. Funding tribal ID cards has multiple benefits, such as enabling tribal governments to provide secure tribal cards, allowing tribal government officials and citizens to continue border crossing consistent with longstanding treaty rights and agreements, and allowing entrance to federal offices to conduct business and other matters.

Some tribes have the human resource and logistical capacity to produce tribal IDs if materials and technical assistance were available. DHS is obligated to reach out to tribes to assist them when requested. In carrying out this duty, it is critical that DHS receive funding to provide equipment, tested card stock, and technical assistance to tribes. Many tribes cannot afford the $14+ per enhanced ID card for each of its members. If the Congress provides CBP the necessary funding to provide printers,issuable card stock, and technical assistance, a direct and supportive path to achieving increased border security would almost instantly occur. NCAI asks Congress to provide $10 million to CBP for direct assistance to the 567 federally recognized tribes for enhanced ID efforts.
Federal advisory committees, often composed of non-federal individuals, play an important role in developing public policy and government regulations by providing advice to policymakers on a wide array of issues. Thousands of federal advisory committees support the federal government, however DHS, one of the largest and most recent federal agencies, does not have a National Tribal Advisory Committee to advise and make recommendations to the Secretary on all homeland security matters. DHS needs this tool to help ensure its programs adequately support the 567 federally recognized tribes.

Congress created the Federal Emergency Management Agency (FEMA) National Advisory Council (NAC), in 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 FEMA NAC advises the FEMA Administrator on all aspects of emergency management. The authorizing statute requires participation from tribal government experts, and recently the FEMA Administrator established that there would be three tribal seats on the NAC.

Tribes are thankful that there are at least three tribal interest representatives on the FEMA NAC, but are greatly concerned that the FEMA NAC cannot consider all homeland security matters. For this reason, Congress must organize a DHS Tribal National Advisory Council (DHS Tribal NAC) to support homeland security initiatives in Indian Country. Additionally, Congress should require an annual report from the DHS Tribal NAC on projects, recommendations, accomplishments, meetings, membership, and other items. This is particularly important as threats continue to change and since DHS has not made significant steps toward addressing shortfalls in its support for tribal homeland security efforts. Congress should provide $2 million annually for the staffing, creation and operation of a DHS Tribal NAC that would report directly to the Secretary of Homeland Security.

More tribes have developed and enhanced emergency management capability. FEMA released the final draft of the Stafford Act tribal disaster declaration guidance early in January 2017. Tribes will need additional training for all departmental staff in order to understand and comply with the new guidance. The FEMA Emergency Management Institute (EMI) has developed several training courses for tribal officials on enhancing tribal government emergency management capacity. The current EMI budget is insufficient to ensure delivery of the courses in the field. NCAI urges Congress to provide FEMA with budget support, in the amount of $1 million, for delivery of critical tribal emergency management courses. Further, Congress should authorize FEMA to schedule and ticket travel for tribal attendees.
**DEPARTMENT OF HOMELAND SECURITY (DHS)**

**Homeland Security Appropriations Bill**

Federal Emergency Management Agency, Tribal Emergency Management Assistance

Compact Development and Management

- Provide $4 million for tribal emergency management assistance compact development.

Congress funded the development, and continues to fund the operation, of the state-to-state emergency management assistance compact (EMAC) – a mutual aid agreement between states and territories of the United States. The EMAC enables states to share resources during natural and man-made disasters, including terrorism. The 567 federally recognized tribes are not part of this agreement and there is no congressional mandate for them to become part of it. It is important for tribes to develop their own tribal nation-to-nation emergency management assistance agreements similar to the EMAC system Congress has provided for the states. 80% of tribal disasters are never designated federal disaster declaration status. For this reason, providing funding to establish and operate tribal EMACs will help strengthen national homeland security by providing tribes a first resource between and among themselves similar to that of state-to-state EMACs. NCAI urges Congress to provide $4 million for tribal emergency management compact development.

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

**Homeland Security Appropriations Bill**

Department of Homeland Security

- Provide $3 million for the development and delivery homeland security and emergency management curriculum at TCUs and Tribal non-profits.

Tribal colleges and universities (TCUs) and tribal non-profits are the best resources to provide culturally appropriate homeland security and emergency management training for students in their communities. While Congress has allocated significant funding to top-tier universities for research and curriculum development virtually no funding has been made available for tribal homeland security. Often curriculum is developed and the word “tribal” is inserted and that is the extent of pedagogy or cultural considerations. An investment in culturally appropriate training needs to be made to bridge this gap and build more resilient tribal communities. Much of the homeland security and emergency management activities are vocational in nature, like disaster preparedness, but some aspects are more theory-based, such as combating violent extremism. For these reasons, we request that Congress provide $3 million for tribal government emergency management training through TCUs and non-profit organizations.

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

**Homeland Security Appropriations Bill**

Department of Homeland Security

- Provide $2 million for Tribal Homeland Security Centers of Excellence.

Congress has funded the establishment of homeland security centers of excellence that develop approaches for ensuring homeland security in prevention, protection, response, recovery, and mitigation. These centers, as established, are state-centric and do not consider culturally appropriate pedagogy or approaches. The development of a tribally run and operated center, either at a tribal college or by a federally recognized Indian tribe or consortium of tribes, will support tribes in developing their own appropriate strategies, training, and development. Some tribes have shared their plans to develop such institutions and this funding would create and support at least two of these centers in congressional districts that have significant populations of American Indians and Alaska Natives or a significant number of Indian tribes. NCAI urges Congress provide $2 million in funding for the establishment of a tribal homeland security center of excellence.
Access to quality education is even more important 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 competitive workforce, which can attract new businesses, reduce rampant high unemployment, stimulate reservation economies through direct spending, and foster a greater entrepreneurial spirit for all tribal members to become more self-sufficient. Education provides personal progression and wellness, which in turn increases social welfare and energizes tribal communities that are essential to protecting and advancing tribal sovereignty.

To give Indian tribes the necessary foundation for economic success and prosperity, 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 2019 Budget requests to illustrate the budgetary need for effectively serving Native students and strengthening tribal self-determination in education.

**DEPARTMENT OF EDUCATION**
Labor, HHS, and Education Appropriations Bill
Title I, Part A of the Every Student Succeeds Act Local Education Agency Grants

- Provide $20 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.
Provide $5 million for the State-Tribal Education Partnership Program (STEP). Native education researchers, experts, and advocates have long been calling for Native control of Native education. The STEP program is Congress’s recognition of the call for tribal leadership in education. In 2016 and 2017, Congress appropriated roughly $2 million dollars for the STEP program to five participating tribes under the Tribal Education Department appropriations. For Native control of Native education to continue to succeed, the program should be funded at $5 million in appropriations in FY 2019. Collaboration between tribal education agencies and local and state educational agencies is crucial to develop the tribal capacity to assume the roles, responsibilities, and accountability of Native education departments and to increase tribal self-governance over Native education. Under ESSA state, tribal and local controls are the clear trend. Funding STEP is a critical extension of the principal of local self-governance and sovereignty.

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.

Increases are needed for Indian Education Formula Grants 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. 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
Title VI, Part C of the Every Student Succeeds Act
• Provide $32.5 million for Alaska Native Education Equity Assistance Program.

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
Title VI, Part B of the Every Student Succeeds Act
• Provide $32.5 million for Native Hawaiian Education Program.

This 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. 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 Appropriation Bill
Title VI, Part A, Subpart 3 of the Every Student Succeeds Act
• Provide $5 million for Language Immersion Grants.

Provide $5 million for Native American and Alaska Native Language Immersion Schools and Programs, as first time funding for this critical program authorized in the Every Student Succeeds Act through a 20 percent set aside through National Activities. The Every Student Succeeds Act promotes co-existence of Immersion Schools through Section 6133, which recognizes the unique educational and culturally related academic needs of Native children. Section 6133 includes Native languages as the medium of instruction where tribal communities have the capacity and desire to engage in immersion instruction. Providing $5 million to this program—outside the 20 percent set aside—is both critical to furthering the federal government’s commitment to improving the educational outcomes of American Indian and Alaska Native students. Congress recognized this critical role by including authorization for immersion schools for the first time. Extensive research over decades, along with strong support from tribal leaders and Native advocates across the country make providing $5 million for this program, above and beyond the 20 percent set aside, a high priority.
In Title VI of the Every Student Succeeds Act, Congress continued demonstration grant funding and professional development funding to meet the needs of Native students and newly authorized funding to serve Native youth through grants for culturally appropriate education—Native Youth Community Projects. This program addresses the critical issues of teacher shortages, evidence-based work at the state and local level, and locally driven strategies to empower Native youth. The professional development grants are essential ways of improving teaching in rural communities and are consistent with the Every Student Succeeds Act’s movement toward state-driven work. The Native Youth Community Projects are critical in helping Native communities at the local level via small, competitive grants that seek to engage youth in high-need areas.

Tribal Colleges and Universities: Supporting Financially Disadvantaged Students

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. We request a total of $60 million be provided ($30 million discretionary/appropriations and $30 million in mandatory funding under the Student Aid and Fiscal Responsibility Act) in FY 2019 to continue to fund grants to these vital institutions.

Tribal Colleges and Universities: Adult/Basic Education

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 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 $2.6 billion 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. The BIE has stated that its “next-step” is to “develop a long-term school construction funding plan that will address the needs of all BIE funded schools determined to be in poor condition.” In comparison to the BIE school system, the Department of Defense Education Activity (DODEA) received $3.7 billion in 2011 for full renovation or replacement of 134 of its schools worldwide over five years and facility support through 2018. Department of Defense schools and BIE schools are the only two federally run school systems in the United States. Therefore, Congress should treat both systems equitably and provide the necessary investment in BIE schools. Students cannot be expected to succeed in environments that are often dilapidated and unsafe. The federal government must uphold its trust responsibility to Native education and fund construction and repair projects.

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

- Provide $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. However, that investment has steadily declined, and current funding provides less than $76 per student. This funding is oftentimes the only source through which Native students – including those in public schools – can engage in basic education activities. Additional funds are needed to increase the current per student allocation to the prior levels of two decades ago.

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.
Tribal Grant Support Costs fund the administrative costs of existing tribally controlled schools – those schools that take over operation of their schools from the federal government. It is critical that tribal governments are funded at the same level as the federal government when they exercise self-governance and tribal control over education programs. It has been shown that when educational decisions are made at the local, tribal level, Native students fare better. When shortfalls persist, 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.” 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.” Fully funding Tribal Grant Support Costs is consistent with NCAI Resolution PSP-09-048,66 and is the key to supporting true tribal self-determination in education.

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.

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. Indian School Equalization Program (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.

According to the Federal Communications Commission’s 2016 Broadband Progress Report, 63 percent of tribal lands across the country lack access to high-speed broadband services. This lack of access has a significant impact in BIE-funded schools. NCAI seeks adequate funding to 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 sustained funding and broadband access 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 reinstated in FY 2016 at $500,000, reflecting the bipartisan support for funding to address juvenile justice issues. Funding the program at $620,000 level is essential funding that will be 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 $80.22 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 $7,285 per Indian student. With the possible return of sequestration, this already underfunded but indispensable program faces significant cuts. The more than 35-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: $701,000 is needed to level fund critical technical assistance (which has not been increased since FY 2006) and to assist TCUs in establishing endowments. Title V/ Tribally Controlled Career and Technical Institutions: $10 million for institutional operations costs for two tribally-controlled career and technical institutions.

Three 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:

- $11.948 million for the Institute of American Indian Art and Center for Lifelong Learning;
- $25 million for Haskell Indian Nations University in Kansas and Southwestern Indian Polytechnic Institute in New Mexico, authorized under the Snyder Act of 1921; further detail includes

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Institute of American Indian Arts and Center for Lifelong Education & Museum (AIANNA Culture and Art Development Act)

- Provide $11.948 million for Institute of American Indian Arts and Center for Lifelong Education.

Institute of American Indian and Alaska Native Culture and Arts Development (IAIA) is a federally chartered, accredited, non-profit educational institution, whose mission is to serve as a multi-tribal center of higher education for Native Americans.
**DEPARTMENT OF THE INTERIOR**

Interior - Environment Appropriations Bill

Haskell Indian Nations University & Southwest Indian Polytechnic Institute (Snyder Act)

- Provide $25 million for Haskell Indian Nations University & Southwest Indian Polytechnic Institute.

The Bureau of Indian Education, Department of the Interior, owned and operates two tribal postsecondary institutions, namely Haskell Indian Nations University (Haskell) located in Lawrence, Kansas, and Southwestern Indian Polytechnic Institute (SIPI) located in Albuquerque, New Mexico. These accredited institutions of higher education are critical in providing educational and professional opportunities for Indian students.

**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 1 percent of that appropriated for the 1862s and just 3.4 percent appropriated for the 1890s. Appropriations at the requested levels outlined 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 $15 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 1994 extension programs serving reservation communities.

1994 Research Grants

- Provide $7.5 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 environmental fluctuation 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 $7.5 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 (CORPUS PAYMENT)**
- 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 $4.6 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 reinstate 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 full 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. 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). Only about 16 percent of age-eligible Indian children are enrolled in Indian Head Start. 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 homebased 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
Head Start, Tribal Colleges and Universities Head Start Partnership Program

- Provide $8 million (from the $9.6 billion proposed) for Tribal Colleges and Universities Head Start Partnership Program.

The TCU-Head Start Partnership program, as reauthorized in PL 110-134, supported the TCUs in providing high-quality, culturally appropriate training for teachers and workers in Indian Head Start programs. With the reauthorization of the Head Start program in the mid-1990s, Congress mandated that by 2013, 50 percent of Head Start teachers nationwide must have...
at least a baccalaureate degree in Early Childhood Education and all teacher assistants must have a child development associate credential or be enrolled in an associate's degree program. Today, 73 percent of Head Start teachers nationwide hold the required bachelor's degree; but only 39 percent of Head Start teachers in Indian Country meet the requirement, and only 38 percent of workers met the associate-level requirements. This disparity in preparation and teaching demands our attention: AI/AN children deserve – and desperately need – qualified teachers. TCUs are ideal catalysts for filling this inexcusable gap. From 2000 to 2007, the U.S. Department of Health and Human Services provided modest funding for the TCU-Head Start Program, which helped TCUs build capacity in early childhood education by providing scholarships and stipends for Indian Head Start teachers and teacher's aides to enroll in TCU early childhood programs. Before the program ended in 2007 (ironically, the same year that Congress specifically authorized the program in the Head Start Act), TCUs had trained more than 400 Head Start workers and teachers, many of whom have since left for higher paying jobs in elementary schools. Today, Tribal Colleges are providing culturally based early childhood education free of charge to local Head Start workers. With restoration of this modestly funded program, similar programs could be available to the teachers and aides throughout Indian Country.

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 2019.
HEALTHCARE

REDUCING DISPARITIES IN THE FEDERAL HEALTH CARE BUDGET

The federal promise to provide Indian health services was received in good faith by our ancestral Tribal leaders to lay the foundation for peaceful co-existence of our great nations. By giving up Tribal lands, the United States was able to prosper and build great wealth, leaving First Americans to try to build a life within this new nation. The federal responsibility for health was prepaid by the Tribes. The United States assumed this responsibility through a series of treaties with Tribes, exchanging compensation and benefits for Tribal land and peace. The Snyder Act of 1921 (25 USC 13) legislatively affirmed this trust responsibility. To facilitate upholding its responsibility, the federal government created the Indian Health Service (IHS), removing responsibility for tribal healthcare from the War Department, and tasked the agency with providing health services to American Indians and Alaska Natives.

Yet, the federal government has never fully lived up to this responsibility. Appropriations for the IHS have never been adequate to meet basic patient needs, and health care is delivered in mostly third world conditions. The Indian health care delivery system faces significant funding disparities, notably in per capita spending between the IHS and other federal healthcare programs. The IHS has been and continues to be a critical institution in securing the health and wellness of tribal communities. In FY 2015, the IHS per capita expenditures for patient health services were just $3,136, compared to $8,760 per person for health care spending nationally. 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 2019 budget for the IHS should support tribal self-determination, uphold the trust relationship, and work to reduce health disparities for Indian people.

As recently as 2010, Congress permanently reauthorized and made permanent the Indian Healthcare Improvement Act (IHCIA). In renewing the IHCIA, Congress reaffirmed the duty of the federal government to American Indians and Alaska Natives, declaring that “it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians -- to ensure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy.” Yet, IHS has never received sufficient appropriations to fully honor the new authorities promised within the IHCIA, and AI/ANs continue to live with health disparities that are far worse than the rest of the U.S. population.
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. Though this has barely been enough to keep up with inflation and population growth, the increases have made important progress for IHS and Tribal health programs nationwide. However, the most recent FY 2018 President’s budget Request proposed a shocking $300 million cut from FY 2017 enacted levels. It is critical that the Indian health budget move forward in a way that honors and respects the federal trust obligations to the Tribes.

These decisions to underfund the Indian Health Service have created the crisis situation we now see in almost all Tribal communities and reservations. The failing infrastructure creates unsafe and unsanitary living conditions and severely compromises the quality of care which can be provided. While controlling TB was a successful effort in the 70’s and 80’s; it is now creeping back up again as a public health concern associated with rampant substance abuse and related behavioral health issues. Infant mortality, suicides and preventable deaths plague our Indian communities. Treatment of chronic diseases like diabetes, auto-immune deficiencies, cancer and heart disease quickly erode our limited resources leaving few dollars for prevention. Aging facilities and the lack of resources to modernize equipment and health information technology, has created a dire need for large investments in basic infrastructure, including housing for health professionals who want to work in our communities but have no place to stay.

For the IHS budget to grow sufficiently to meet the true and documented needs of tribal nations over a twelve-year period will require the federal government to commit an additional $2.25 billion per year. After a decade, the increase would fully fund the IHS at the $32 billion amount required for Native peoples to achieve health care parity with the rest of American. This request has been put forward as part of the Indian Country Budget Request since FY 2005. 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 the Tribal Budget Formulation Workgroup which contains representatives from the 12 IHS Areas and the Agency-wide goals expressed by IHS.
**Key Recommendations**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Interior - Environment Appropriations Bill**

**Indian Health Service (IHS)**

- Provide a total of $6.4 billion for the Indian Health Service in FY 2019, a 33% increase over the FY 2016 planning base.
- Increases above the FY 16 enacted amount planning base of $5.1 billion include:
  - an increase of $421.2 million to maintain current services and other binding obligations
    ($169.1 million for full funding of current services and $252.1 million for binding fiscal obligations)
  - an increase of $1.17 billion for program expansion

The FY 2019 tribal budget request above the FY 2016 enacted Budget addresses funding disparities between the IHS and other federal health programs (Figure 7) while still providing for current service costs (Table 1). About $421.2 million is necessary simply to maintain current services, a top priority for tribes. The remainder of the requested budget increase is an increase to fund specific programs.

Figure 6: Diminished Purchasing Power: A thirty-year look at the IHS Health services Accounts: Actual expenditures adjusted for inflation and population growth

![Figure 6: Diminished Purchasing Power: A thirty-year look at the IHS Health services Accounts: Actual expenditures adjusted for inflation and population growth](image-url)
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 1 – FY 2019 Tribal Recommended Increases to Planning Base

<table>
<thead>
<tr>
<th>FY 2019 NATIONAL TRIBAL RECOMMENDATION</th>
<th>Planning Base - FY 2016 Enacted</th>
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</thead>
<tbody>
<tr>
<td>CURRENT SERVICES &amp; BINDING OBLIGATIONS</td>
<td>$421,157,000</td>
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<tr>
<td>Current Services</td>
<td>$169,074,000</td>
</tr>
<tr>
<td>Federal Pay Costs</td>
<td>7,964,000</td>
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Source: The National Tribal Budget Formulation Workgroup’s Recommendations on the Indian Health Service Fiscal Year 2019 Budget

Figure 7: 2016 IHS Expenditures Per Capita and Other Federal Health Care Expenditures Per Capita

Note: “Other” refers to Indian Health Service expenditures for facilities.
Table 1 – FY 2019 Tribal Recommended Increases to Planning Base

<table>
<thead>
<tr>
<th>FY 2019 NATIONAL TRIBAL RECOMMENDATION</th>
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<tr>
<td>Tribal Pay Costs</td>
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<tr>
<td>Inflation (non-medical)</td>
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<tr>
<td>Inflation (medical)</td>
<td>70,068,000</td>
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<td>Population Growth</td>
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**BINDING OBLIGATIONS**  
**$252,083,000**

| New Staffing for New & Replacement Facilities | 68,750,000 |
| Contract Support Costs - Estimated Need      | 100,000,000 |
| Health Care Facilities Construction (Planned) | 83,333,000 |
| Program Expansion - Services                | $985,131,526 |
| Hospitals & Health Clinics                  | 295,549,023 |
| Dental Services                             | 67,168,312  |
| Mental Health                               | 122,592,753 |
| Alcohol and Substance Abuse                 | 114,762,394 |
| Purchased/Referred Care (formerly CHS)       | 278,594,524 |
| Public Health Nursing                       | 24,533,658  |
| Health Education                            | 16,662,830  |
| Community Health Representatives            | 29,531,279  |
| Alaska Immunization                         | 0          |
| Urban Indian Health                         | 20,177,628  |
| Indian Health Professions                   | 13,301,447  |
| Tribal Management Grants                    | 0          |
| Direct Operations                           | 2,253,411   |
| Self-Governance                             | 4,267      |
| Program Expansion - Contract Support Costs  | $0         |
| Contract Support Costs - New and Expanded   | 0          |

**PROGRAM EXPANSION - FACILITIES**  
**$180,215,767**

| Maintenance & Improvement                  | 30,720,693 |
| Sanitation Facilities Construction         | 44,839,660 |
| Health Care Facilities Construction-Other Authorities | 59,301,676 |
Table 1 – FY 2019 Tribal Recommended Increases to Planning Base

<table>
<thead>
<tr>
<th>FY 2019 NATIONAL TRIBAL RECOMMENDATION</th>
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<tr>
<td>Facilities &amp; Environmental Health Support</td>
<td>12,988,643</td>
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<tr>
<td>Equipment</td>
<td>32,365,095</td>
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<tr>
<td><strong>GRAND TOTAL</strong></td>
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<td><strong>$ CHANGE OVER PLANNING BASE</strong></td>
<td><strong>$1,586,504,293</strong></td>
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<td><strong>% CHANGE OVER PLANNING BASE</strong></td>
<td><strong>33.0%</strong></td>
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**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. Included in these requested increases are the amounts for program expansion as well as increases to maintain current services.

**HOSPITALS AND CLINICS: INCREASE OF $295.5 MILLION**

Adequate funding for Hospitals and Clinics (H&C) is the top priority for FY 2019, as this budget line provides the base funding for the 650 hospitals, clinics, and health programs that operate on Indian reservations and Tribal communities, predominantly in rural and frontier settings. IHS and Tribal managed facilities continue to grapple with chronic and inadequate funding. Increasing H&C funding critically supports the following: all primary medical care services, including inpatient care, routine ambulatory care, and medical support services, such as laboratory, pharmacy, medical records, information technology, and other ancillary services and expenditures such as provider/staff housing. In addition, H&C funds provide the greatest flexibility to support community health initiatives targeting health conditions disproportionately affecting AI/ANs such as diabetes, morbidity and mortality relating to maternal and child health, and communicable diseases including influenza, HIV/AIDS, and hepatitis.

Tribes have supported the IHS requests for program increases in the H&C line item to address Health Information Technology (HIT), hepatitis C virus (HCV) treatment funds, the Domestic Violence Prevention Program, Quality Improvement, Tribal Clinic Leases, Operations & Maintenance and Tribal Epidemiology Centers. These efforts will require continued support in FY 2019.

The demands on the IHS H&C are continuously challenged. All facilities experience constant and increased demand for services due to the significant population growth, increase in users who had not come to for services before because they knew services were not available, and the increased rate of chronic diseases. All these factors increase demands on already overworked staff. Add rising medical inflation, difficulty in recruiting and retaining providers in rural and frontier health care settings, and the lack of adequate facilities and equipment, these resources are overwhelmingly stretched. As a result, any underfunding of H&C equates to limited health care access, especially for patients that are not eligible for or who do not meet the medical criteria for referrals through Purchased/Referred Care that shall be discussed in another section of this report. For many in Indian Country, there are no alternatives other than the care provided directly at an IHS or Tribal administered facility. In a lot of cases, that means no access to care.
Tribes are determined to seek the commitment from IHS and the Secretary of HHS to provide resources, from whatever source, to provide meaningful improved health outcomes. This will be impossible to achieve if IHS continues to receive limited resources to address even just the basic primary and urgent care needs. Tribal communities clearly suffer from significantly higher mortality rates from cancer, diabetes, heart disease, suicide, injury and substance abuse. It is well known in the industry that preventative and primary care programs deter costly medical burdens. Yet, with funds primarily directed to cover fixed and inflationary costs, there is little left over to make significant, long-term progress toward improving the health of AI/ANs. This Administration can make a difference as well by targeting some of the funding increases to support infrastructure development and capacity building such as to support provider and staff housing, Health Information Technology, and long-term and elder care.

MEDICAID REFORM AND INDIAN COUNTRY

Over 40 years ago, Congress permanently authorized the IHS and tribal facilities to bill Medicaid for services provided to Medicaid-eligible American Indians and Alaska Natives to supplement inadequate IHS funding. The House Report stated: “These Medicaid payments are viewed as a much needed supplement to a health care program which has for too long been insufficient to provide quality health care to the American Indian.”

At the same time, Congress ensured that States would not have to bear any associated costs by reimbursing them at 100 percent Federal Medical Assistance Percentage (FMAP) for services received through IHS and tribal facilities. As Congress and the Administration consider Medicaid reform, it is critical that AI/ANs are protected by ensuring that the federal government continues to fully fund Medicaid for Tribes. This ensures that much needed 3rd Party Revenue can reach IHS and Tribally operated health facilities, and guarantees access to health care for many AI/ANs.

Similarly, AI/ANs are afforded several critical protections that must be preserved including the right to continue to see the IHS or Tribal healthcare provider of their choice; an exemption from income for eligibility determinations of treaty and trust-related income; the right of Indian healthcare providers to be promptly paid by managed care entities at the network rate or the rate set out in the State plan; and the right of Indian healthcare providers to be paid a wraparound payment by the State in the event the managed care entities do not pay them the full amount under the State plan.

DENTAL SERVICES: INCREASE OF $67.2 MILLION

Oral health care access is one of the greatest health challenges Tribal communities face. Tribal communities are struggling under the weight of devastating oral health disparities. In the general U.S. population, there is one dentist for every 1,500 people, but in Indian Country, there is only one dentist for every 2,800 people. Nationally, American Indian children have the highest rate of tooth decay than any population group in the country. On the Pine Ridge Reservation, the W.K. Kellogg Foundation found 40% of children and 60% of adults suffer from moderate to urgent dental needs, including infections and other problems that could become life-threatening. Nationally, 59% of AI/AN adult dental patients have untreated decay, this is almost three times as much as U.S Whites.

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% of the dental services provided by I/T/Us are used to provide basic and emergency care services. Due to the overwhelming rate of oral health infection and disease
prevalent in AI/AN communities from children to elders, dentists are unable to work at the top of their scope and 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.

It is clear why the Tribes have prioritized increased access to dental care year after year. Yet the state of oral health for American Indian and Alaska Natives has not been substantially improved. Tribal communities have pioneered an important part of the solution. In Alaska, the use of Dental Therapists (DTs) over the last decade has filled a gap where dentists are not available. Dental therapists are primary oral health providers and work as part of the dental team with a dentist to provide a limited scope of services to patients. DTs live and work in communities they serve providing routine care to patients so that the need for emergency services is minimized and patients are experiencing greater overall oral health outcomes. Alaska’s DTs have expanded dental care to over 40,000 Alaska Natives and now, elementary schools in Alaska with relationships with DTs have started cavity free clubs.

Language in the 2010 IHCIA amendments has been interpreted to limit expansion of DTs in the lower 48 without state legislation authorizing DTs as a provider. This limitation has not deterred Tribes from advocating for and pursuing opportunities to incorporate DTs into their programs. In 2015, several Tribes in Washington and Oregon announced that they will use DTs as part of their dental team. Two tribes and the Urban Indian Health Program in Oregon are working through a state pilot project program. Their first student will return from training the summer of 2017 to offer services with more students in the pipeline for graduation in 2018 and 2019. The Swinomish Indian Tribal Community operates its own dental licensing board to license dental professionals at the Tribe, including a DT. Since introducing a DT to the dental team in January 2016, Swinomish dental clinic has increased their patient load by 20%, increased complex rehabilitative care by 50%, and the dental team is completing treatment plans more quickly and more often. In 2017, the state of Washington signed a bill into law authorizing DTs as a provider for the tribes in the state.

While these are remarkably positive steps for the Tribes in these states, all Tribes in Indian country should have access to DTs. NCAI continues to request that IHS use its dental services funds to expand DTs to tribes in the lower 48 within the existing law. In guidance issued by the agency in January 2014, IHS erroneously noted that any DT expansion in Tribal communities can only occur if a state legislature approves. However, as Swinomish has demonstrated, Tribes, as sovereign nations, do not need approval from the state to license and employ DTs. IHS should revise, update and re-issue guidance on the use of DTs in Tribal communities. The revised guidance should clarify that the limitation in IHCIA applies only to the proposed national expansion of the CHAP, and does not otherwise prevent Tribal health care programs from providing DT and other dental midlevel services in their communities.

MENTAL HEALTH: INCREASE OF $122.6 MILLION:

Tribal leaders report Mental Health as a significant priority for FY 2019 and recommend a $122.6 million increase above the FY 2016 budget enacted. This increase would mean a 153% increase in funding for behavioral health services in Indian Country. This significant increase is needed to increase the ability of Tribal communities to develop innovative and culturally appropriate prevention programs that are so greatly needed in Tribal communities.

AI/AN people continue to demonstrate alarming rates of psychological distress throughout the nation. However, tribal communities receive inadequate funding resources to address these issues. Research has demonstrated that AI/ANs do not prefer to seek Mental Health services through Western models of care due to lack of cultural sensitivity; furthermore, suggesting that American Indians and Alaska Natives are not receiving the services they need to help reduce the disparate statistics.28 Funds are needed to support infrastructure and capacity in tele-behavioral health, workforce development and
training, recruitment and staffing, integrated and trauma-informed care, long-term and after-care programs, screening, and community education programs. Mental Health program funding supports community-based clinical and preventive mental health services including outpatient counseling, crisis response and triage, case management services, community-based prevention programming, outreach and health education activities. After-hours and emergency services are generally provided through local hospital emergency rooms. Inpatient services are generally purchased from non-IHS facilities or provided by state or county mental health hospitals. Group homes, transitional living services and intensive case management are sometimes available, but generally not as IHS programs. The IHS Mental Health Program is currently focused on the integration of primary care and behavioral health services, suicide prevention, child and family protection programs, tele-behavioral health, and development and use of the RPMS Behavioral Health Management Information System.

Suicide continues to plague American Indians and Alaska Natives throughout Indian Country. Suicidalty is often in combination with other behavioral and mental health issues including depression, feelings of hopelessness, history of trauma, substance abuse, domestic violence, sexual abuse and other negative social issues. Moreover, American Indian and Alaska Native people experience high rates of depression and psychological distress and higher suicide rates across the national average. Furthermore, one of the main risk factors known to contribute to such psychological distress and behavioral health concerns is historical trauma which continues to manifest through this population and specifically today’s generations through intergenerational trauma.

Intergenerational effects of historical trauma on long-term health have been documented among American Indian and Alaska Native populations through adverse childhood events (ACEs) studies. These studies assess prevalence of personal experiences—physical abuse, verbal abuse, sexual abuse, physical neglect, and emotional neglect and family experiences—an alcoholic parent; a mother who has been a victim of domestic violence; a family member in jail; a family member with a mental illness; and the loss of a parent through divorce, death or abandonment. As generations of families transmit the damage of trauma throughout the years it becomes a cumulative, collective exposure to traumatic events that not only affect the individual exposed, but continue to affect the following generations, thus compounding the trauma even further.

The Attorney General’s Advisory Committee on AI/AN Children Exposed to Violence, comprised of experts in the area of AI/AN children exposed to violence recently released its report. It describes the foundation that must be put in place to treat and heal AI/AN children who have experienced trauma: “We must transform the broken systems that re-traumatize children into systems where 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.”

Another significant factor reinforcing these mental health concerns is economic. The poverty rate among American Indian and Alaska Natives was 29.1% in 2012, compared with 43% for whites. On many reservations, economic development is much lower than in surrounding cities. There are far fewer jobs, and unemployment is much higher in the reservation communities. On some reservations, unemployment is as high as 80 or 90%, leading to a sense of hopelessness and despair. The inability to provide for one’s family often leads to a sense of loss of identity, despair, depression, anxiety and ultimately substance abuse or other social ills such as domestic violence.

**ALCOHOL AND SUBSTANCE ABUSE: INCREASE OF $114.5 MILLION**

Closely linked with the issue of mental health is that of alcohol and substance abuse in Tribal communities. Indeed, AI/AN communities and people continue to be afflicted with the epidemic of alcohol and other drug abuse. Tribal leaders agree that this topic remains a high priority for FY 2019. NCAI recommends a program increase of $114.8 million above the FY 2016 budget enacted.
Alcohol and substance abuse has grave impacts that ripple across Tribal communities causing upheaval and adverse experiences that begin or perpetuate a cycle of abuse breaking the social fabric of our traditions and ties to one another. Stigmatization and lack of understanding of the disease of addiction make addressing the challenge even more difficult. The problems range from individual social and medical health loss to community distress, from unintentional injury to domestic violence to suicide and/or homicide. Increasing resources to combat Alcohol and Substance Abuse is needed to break the cycle and reduce the disease and cost burden currently experienced by our Tribal communities. The purpose of the Indian Health Service Alcohol and Substance Abuse Program (ASAP) is to raise the behavioral health status of AI/AN communities to the highest possible level through a comprehensive array of preventive, educational, and treatment services that are community-driven and culturally competent.

Current alcohol and substance abuse treatment approaches (offered by both the IHS and Tribal facilities) employ a variety of treatment strategies consistent with evidenced-based approaches to the treatment of substance abuse disorders and addictions (such as outpatient group and individual counseling, peer counseling, and inpatient/residential placements, etc.) as well as traditional healing techniques designed to improve outcomes and align the services provided with valuable cultural practices and individual and community identity. IHS-funded alcohol and substance abuse programs continue to focus on integrating primary care, behavioral health, and alcohol/substance abuse treatment services and programming through the exploration and development of partnerships with stakeholder agencies and by establishing and supporting community alliances.

Breaking the cycle means that we must prevent and offer early intervention with our at-risk youth and expand the scope of treatment in Youth Regional Treatment Centers. Alcohol and Substance Abuse funds are needed to hire professionals and staff intermediate adolescent services such as group homes, sober housing, youth shelters and psychiatric units. Our communities need increased adolescent care and family involvement services, primarily targeting Psychiatry Adolescent Care.

Effects from historical trauma, poverty, lack of opportunity, and lack of patient resources compound this problem. AI/ANs have consistently higher rates relating to alcohol and substance abuse disorders, deaths (including suicide and alcohol/substance related homicides), family involvement with social and child protective services, co-occurring mental health disorders, infant morbidity and mortality relating to substance exposure, the diagnosis of Fetal Alcohol Syndrome (FAS) and other Fetal Alcohol Spectrum Disorders (FASD), partner violence, diabetes complications and early onset as a result of alcohol abuse, and other related issues.

Additionally, we now know that inadequate funding for alcohol and substance abuse services has a ripple effect on other funding sources, such as overloading the agency’s outpatient clinics, urgent care departments, and emergency departments with unnecessary visits (typically funded by Hospitals and Health Clinic funds and third party collections).

**OPIOID FUNDING**

Addressing the opioid epidemic is a nationwide priority. American Indians and Alaska Natives (AI/AN) face opioid related fatalities three times the rate for Blacks and Hispanic Whites (Murphy et al., 2014). The Centers for Disease Control and Prevention (CDC) further reported an opioid overdose rate of 8.4 per 100,000 for AI/ANs, second only to Whites. As sovereigns, Tribal Nations are left out of statewide public health initiatives such as the prevention and intervention efforts created through the new opioid crisis grants.

Despite this, Tribal communities have been left out of major agency-wide funding decisions to states to treat and prevent opioid misuse. As recently as September 2017, the Prescription Drug Overdose: Prevention for States funded state governments but not Tribes to address this crisis. Without federally-supported infrastructure for prevention and response to the opioid epidemic in Indian Country, the impacts on American Indian and Alaska Native people will continue to be devastating.
Furthermore, failure to directly fund federally recognized Tribes and Tribal organizations could mean that large land areas of this country would be left out of prevention efforts which would impede the United States’ efforts to combat the continued spread of opioid misuse.

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.

**IHS FACILITIES INCREASE OF $280.4 MILLION**

The Indian Health Service system is comprised of 45 hospitals (26 IHS operated, 19 Tribal) and 612 outpatient facilities (83 IHS operated, 529 Tribal). At these facilities in 2016, there were an estimated 39,300 inpatient admission as 13.7 million outpatient visits.

On average, IHS hospitals are 40 years of age, which is almost four times as old as other U.S. hospitals with an average age of 10.6 years. A 40-year-old facility is about 26 percent more expensive to maintain than a 10-year facility. The facilities are grossly undersized – about 52% - for the identified user populations, which has created crowded, even unsafe, conditions among staff, patients, and visitors. In many cases, the management of existing facilities has relocated ancillary services outside the main health facility; often times to modular office units, to provide additional space for primary health care services. Such displacement of programs and services creates difficulties for staff and patients, increases wait times, and create numerous inefficiencies within the health care system. Furthermore, these aging facilities are largely based on simplistic and outdated design which makes it difficult for the agency to deliver modern services. Improving healthcare facilities is essential for:

- Eliminating health disparities
- Increasing Access
- Improving patient outcomes
- Reducing operating and maintenance costs
- Improving staff satisfaction, morale, recruitment and retention
- Reducing medical errors and facility-acquired infection rates
- Improving staff and operational efficiency
- Increasing patient and staff safety

The absence of adequate facilities frequently results in either treatment not being sought; or sought later, prompted by worsening symptoms; and/or referral of patients to outside communities. This significantly increases the cost of patient care and causes travel hardships for many patients and their families. The amount of aging facilities escalates maintenance and
repair costs, risks code noncompliance, lowers productivity, and compromises service delivery. AI/AN populations have substantially increased in recent years resulting in severely undersized facility capacity relative to the larger actual population, especially the capacity to provide contemporary levels of outpatient services. Consequently, the older facility is incapable of handling the needed levels of services even if staffing levels are adequate.

Over the last several years, investigators at the Centers for Medicare and Medicaid Services (CMS) and the HHS Office of the Inspector General (OIG) have cited outdated facilities as direct threats to patient care. For example, in more than half of the hospitals surveyed by the OIG in 2016, administrators reported that old or inadequate physical environments challenged their ability to provide quality care and maintain compliance" with the Medicare Hospital Conditions of Participation (CoPs).29

"Further, according to administrators at most IHS hospitals (22 of 28), maintaining aging buildings and equipment is a major challenge because of limited resources. In FY 2013, funding limitations for essential maintenance, alterations, and repairs resulted in backlogs totaling approximately $166 million."30 In fact, over one third of all IHS hospitals” deficiencies have been found to be related to facilities with some failing on infection control criteria and others having malfunctioning exit doors. Other facilities are just not designed to be hospitals, and IHS has had to work around historical buildings which are not equipped for a modern medical environment.31

For many AI/AN communities, these failing facilities are the only option that patients have. Tribal communities are often located in remote, rural locations, and patients do not have access to other forms of health insurance to treat them elsewhere.

**SPECIAL DIABETES PROGRAM FOR INDIANS (SDPI) REAUTHORIZATION AND EXPANSION**

Few programs have proven to be as effective as the Special Diabetes Program for Indians (SDPI). Tribes are implementing evidence-based approaches that are attesting to the improvement of quality of life, lowering treatment costs, and yielding better health outcomes for tribal members. However, the disparities still exist. The progress made as a result of the SDPI is at risk due to shorter authorization periods, flat funding and more tribes needing access to SDPI funds, as reported in the Indian Health Service Special Diabetes Program for Indians 2011 Report to Congress. Tribes support permanent authorization of the SDPI program and request for a minimum increase of $50 million for a new total of $200 million. Current programs should be held harmless from inflation erosion, and the additional funds will allow for tribes not currently funded to develop programs which has been highly effective in reducing the devastating impact that diabetes has in Tribal communities.

**PROVIDE DEDICATED FUNDING TO BEGIN IMPLEMENTING PROVISIONS OF THE INDIAN HEALTHCARE IMPROVEMENT ACT**

The Indian Healthcare Improvement Act (IHCIA) was permanently reauthorized as part of the Patient Protection and Affordable Care Act (ACA) in 2010. This historic law has opened up many new opportunities for the Indian health system, but not all provisions have been equally implemented - representing yet another broken promise to Indian Country. With the passage of the ACA, the American health care delivery system has been revolutionized while the Indian healthcare system still waits for the full implementation of the IHCIA. For example, mainstream American healthcare increased its focus on
prevention as a priority and coordinated mental health, substance abuse, domestic violence, and child abuse services into comprehensive behavioral health programs and is now a standard of practice. Replicating these same improvements for Tribes in the IHCIA was a critical aspect of the reauthorization effort. Tribes fought for over a decade to renew IHCIA and it is critical for Congress and the Administration to ensure that the full intentions of the law are realized.

To provide context for how much of the law has not been implemented, the follow represent several categories of programs that have not been implemented and funded:

1. **Health and Manpower – 67% of provisions not yet fully implemented.**
   - *Includes:* establishment of national Community Health Aide Program; demonstration programs for chronic health professions shortages

2. **Health Services – 47% of provisions not yet fully implemented**
   - *Includes:* authorization of dialysis programs; authorization hospice care, long term care, and home/community based care; new grants for prevention, control and elimination of communicable and infectious diseases; and establishment an office of men’s health.

3. **Health Facilities – 43% of provisions not yet fully implemented**
   - *Includes:* demonstration program with at least 3 mobile health station projects; demonstration projects to test new models/ means of health care delivery

4. **Access to Health Services – 11% of provisions not yet fully implemented**
   - *Includes:* Grants to provide assistance for Tribes to encourage enrollment in the Social Security Act or other health benefit programs

5. **Urban Indians – 67% of provisions not yet fully implemented**
   - *Includes:* funds for construction or expansion of urban facilities; authorization of programs for urban Indian organizations regarding communicable disease and behavioral health

6. **Behavioral Health – 57% of provisions not yet fully implemented**
   - Authorization of programs to create a comprehensive continuum of care; establishment of mental health technician program; grants to for innovative community-based behavioral health programs; demonstration projects to develop tele-mental health approaches to youth suicide; grants to research Indian behavioral health issues, including causes of youth suicides

7. **Miscellaneous – 9% of provisions not yet fully implemented**
   - *Includes:* Provision that North and South Dakota shall be designed as a contract health service delivery area

Clearly, a plan must be put in place to ensure that the intended benefits of this law are actually realized.
DEPARTMENT OF HEALTH AND HUMAN SERVICE
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.
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.”32 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.33

This recommendation above underscores the inequity in federal child welfare funding that tribal governments face as compared to state governments. Tribal governments receive approximately one-half of one percent of all federal child welfare funds while their children represent approximately 2% of the United States population under the age of 18 and 4% of the child welfare population.34, 35

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 improve coordination with state and private child welfare agencies and court systems.36 Tribes’ enduring service to children, families, and communities persists in the face of elevated risk factors for child abuse and neglect.37

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.”38 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.
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.

The Indian Child Protection and Family Violence Prevention Act (ICPFVPA), Pub. L. No. 101-630 (1991), was enacted to fill funding gaps in tribal child welfare services – specifically child abuse prevention, 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. 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. These problems are intricately intertwined. Studies show that in 49–70 percent of cases, men who abuse their partners also abuse their children, while child abuse investigations reveal violence against the mother in 28–59 percent of all cases.

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. Financially, child maltreatment costs tribal communities and the United States $210,012 per victim. 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 meaningful access to the Department of Health and Human Services (DHHS) Child Abuse Prevention and Treatment Act Program (CAPTA) grant programs. 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

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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.34 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.35 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 licensed within their own communities.36 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 to $80 million to provide tribal governments the resources they need to support families and children in crisis.
### 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 $20 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." 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 which unfortunately still occur today, 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. In order for AI/AN children and families to get the best possible services at home and in state systems and allow tribes to assist state agencies and courts, adequate funding must be provided to tribal governments to support their child welfare programs. 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. 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.
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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 who are performing services for tribes 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 3 weeks before receiving a response, or they might receive no response at all.

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 over the current enacted levels during tribal budget formulation for FY 2017.
**BIA SOCIAL SERVICES PROGRAM**

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**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 $50 million to provide additional access to tribes who are currently not eligible to apply based upon the funding formula.*

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.”

This is in stark contrast with state child welfare systems where AI/AN children are three times more likely to be removed from their homes—as opposed to receiving family preservation services—than their non-Native counterparts. 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.

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 $70 million (still $130 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% 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). Five 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 child welfare coordination and to improve outcomes for Indian children.
PROMOTING SAFE AND STABLE FAMILIES PROGRAM, TITLE IV-B SUBPART 2 PROGRAM DISCRETIONARY FUNDS (TRIBES ELIGIBLE FOR 3% ALLOCATION FROM TOTAL AMOUNT)

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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 $38 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.55

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.”54 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 to $38 million (a level still well below the $120 million authorization) to provide the funding necessary to ensure tribal success in this competitive grant process.
CHILD ABUSE DISCRETIONARY ACTIVITIES, INNOVATIVE EVIDENCE-BASED COMMUNITY PREVENTION PROGRAM

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill
Child and Family Services
Community-Based Child Abuse Prevention

- Increase funding to $50 million, so that more tribes can develop robust community-based child abuse prevention programs.

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.”

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 tailored to the needs of the local community.

COMMUNITY-BASED CHILD ABUSE PREVENTION

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<tr>
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<td>$39,764,000</td>
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</tr>
<tr>
<td>Tribal (amount shared with migrant populations)</td>
<td>$397,640</td>
<td>$397,640</td>
<td>$397,640</td>
<td>$500,000</td>
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</table>
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 cultural services. Culture is infused throughout tribal child welfare programs: it guides the focus, promotes the most effective responses, and improves community support and participation in these programs.

Studies show that culturally tailored programs, resources, and case management result in better outcomes for AI/AN children and families involved in the child welfare system. The flexibility of the Child Welfare Service Program allows tribes to provide culturally 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)**

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<td>~$6,329,000 (estimated)</td>
<td>~$7,100,000 (dependent on number of applicants)</td>
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DEPARTMENT OF HEALTH AND HUMAN SERVICES
Labor, HHS, Education Appropriations Bill
Health Resources and Service Administration, Maternal and Child Health
Maternal, Infant and Early Childhood Home Visiting Program

- Increase overall appropriations request to $420 million to guarantee additional tribal grantees access to this program (would provide $12.6 million for tribes).

The Patient Care and Affordable Care Act (2010) set aside funds to support five-year grants for the Maternal, Infant, and Early Childhood Home Visiting Program. This innovative program included tribes at its inception with a 3% tribal set-aside and currently funds 24 tribal grantees. Tribal grants under this line item fund programs that provide voluntary home-visiting services during pregnancy and to families with young children up to five years old. In-home services and visits funded by this program use models that have been found to be “promising practices” when working with AI/AN families. Tribal programs can now choose from a tribally developed and evidenced-based model (Family Spirits) or culturally adapt an existing mainstream evidenced-based home visiting model. By using models that have been shown to improve maternal and child health, prevent child maltreatment, encourage positive parenting, and promote child development, this program does much to strengthen families and prevent involvement with the child welfare system. These programs are invaluable to the tribal communities who are funded—communities that often face increased risk factors for child maltreatment.  

CHILDREN’S MENTAL HEALTH

AI/AN children and communities grapple with complex behavioral health issues at higher rates than any other population. Tribal governments have often struggled to address challenges to their citizens like mental health, especially when only provided limited flexibility to shape programs in a manner that reflects community values and can utilize proven methods for addressing complex issues. Unaddressed trauma that has occurred within families is an example of the type of challenge tribal governments have that require resources that are tailored to the specific community factors that will support healing from complex trauma and reduce the risk for further involvement in other human services systems. Where tribal reclamation of these systems has been possible it has led to the design and implementation of effective service systems by and for AI/AN people to promote cultural strength and healing. These tribal systems have already begun to resolve the trauma in their communities.

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.

It is with this understanding 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.
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)
  • Increase funding to the overall budget category and ensure that $5 million is reserved for the tribal 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, 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 10 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. Programs like Circles of Care, which provide communities with the funding needed to plan and build community-based, responsive 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.

<table>
<thead>
<tr>
<th>SAMHSA CHILDREN AND FAMILY PROGRAMS (INCLUDES CIRCLES OF CARE)</th>
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<tr>
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<tr>
<td>Total</td>
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+ Circle of Care funding is one of three programs funded under this funding category
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 additional new annual grantees in FY 2019.

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. 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 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.

<table>
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<th>GARRETT LEE SMITH SUICIDE PREVENTION PROGRAMS</th>
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<tr>
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<tr>
<td>State/Tribal Youth Suicide Prevention and Early Intervention Grant Program</td>
</tr>
<tr>
<td>Campus Suicide Prevention Program</td>
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</table>
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 $5 million to ensure there is adequate assistance available to tribal communities working to support the mental well-being of AI/AN youth at risk for suicide.

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 $5 million to allow for more of these important activities to continue.

<table>
<thead>
<tr>
<th>SAMHSA AMERICAN INDIAN AND ALASKA NATIVE SUICIDE PREVENTION</th>
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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 ($25 million for each of the two programs).

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 2019 to continue to address the expansion of suicide prevention, mental health and substance abuse activities for Native communities.

These are competitive grants designed to target tribal communities 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. 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% of Native adolescents...preferred to seek mental or substance abuse services from a cultural or religious oriented service provider. 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.\(^{64}\)

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.

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Labor, HHS, Education Appropriations Bill
Substance Abuse Mental Health Services Administration
Children's Mental Health Initiative (Systems of Care)

- Increase funding to $124 million to allow for the continued support of the current cohorts of Children's Mental Health Initiative Systems of Care Grants and allow for new grantees in FY 2019.

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 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 responsive; 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.\(^{65}\) Further, its emphasis on culturally tailored services has “opened the door to the demonstration and acceptance of cultural resources as important and viable community-based approaches” to mental health treatment.\(^{66}\) Therefore, this program has been both well-received and particularly effective.
Evaluations studies of System of Care have indicated return on investment from cost-savings in reduced use of in-patient psychiatric care, emergency room care, and residential treatment even when other community or home based care is provided. There are also cost savings from decreased involvement in juvenile justice systems, fewer school failures, and improved family stability.67

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 increased to $124 million for FY 2019.

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<th>SAMHSA CHILDREN’S MENTAL HEALTH INITIATIVE</th>
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<th>DEPARTMENT OF HEALTH AND HUMAN SERVICES</th>
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<tr>
<td>Labor, HHS, Education Appropriations Bill</td>
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<tr>
<td>Substance Abuse Mental Health Services Administration</td>
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<tr>
<td>Project Linking Actions for Unmet Needs in Children’s Health (Project LAUNCH)</td>
</tr>
<tr>
<td>• Increase funding to $9 million to support increased tribal access to this competitive grant program to address behavioral health prevention efforts.</td>
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In FY 2008, Congress appropriated funds for Project Linking Actions for Unmet Needs in Children’s Health (LAUNCH). This program supports, through 5-year grants, community efforts to build capacity and develop infrastructure. The goal of these efforts is to support prevention and promotion strategies by coordinating key child-serving systems and integrating behavioral and physical health services for children 0–8. Tribes were included at this program’s inception. Of the 41 grantees funded since establishment of this program, nine have been tribes.

Tribal grantees are using these funds to create young child wellness councils, which engage communities and community leaders to design plans to improve social, emotional, behavioral, physical, and cognitive outcomes for young children and families. Tribal communities are then taking these plans and using them to drive systems change efforts that integrate services and surround families in care. This program provides tribes with the funding necessary to re-direct their efforts from crisis services only, to developing meaningful systems that promote prevention, early intervention, and a “whole of child” wellness model.

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<th>SAMHSA PROJECT LAUNCH</th>
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<td>Total</td>
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ELDERS

Elders are held in the highest regard in all tribal communities, 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. The number of American Indian and Alaska Native elders aged 65 and older is expected to increase by nearly 80,000 people by 2020.

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). Due to inadequate funding to carry out the purpose of Title III, “comparable services” for Native elders have not been achieved. Tribal governments have little or no access to the agencies, departments, ombudsman, or programs that are available to states. In addition, state programs seldom serve Native elders due to cultural and geographic barriers. Immediate action needs to be taken in order to remedy these disparities and ensure that Native elders are well taken care of.

Key Recommendations

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Labor, HHS, Education Appropriations Bill
Older Americans Act – Title VI

- Provide $32 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. In FY2017, 271 tribes and consortia of tribes were served under the Older Americans Act, Part A and Part B grants. Less than half of the Part A and Part B grants given to tribes are 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 maintained so that Native elders continue to receive consistent care.

- 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. Each year this service reaches over 240 tribes and consortia of tribes which serve over 400 tribal nations. In FY 2014, over 112,000 units of support services were provided under the Part C grants for Native American Caregiver Support program. With over 230,000 American Indian and Alaska Native elders participating 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 Elder Justice Initiative that provides grants to test and evaluate innovative approaches to preventing and responding to elder abuse.

The current public safety concerns of elders on tribal lands are a result of decades of severe underfunding for tribal criminal justice systems and a very complex jurisdictional landscape. 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 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 2016 level of $434,371,000 and ensure no cuts are proposed for this program by either the Administration 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. Restoring the SCSEP FY2016 funding level of $434.4 million dollars is critical for older adults. Each year SCSEP provides jobs for about 67,000 elders in every state. By ensuring funding for the Senior Community Service Employment Program many people will keep their jobs.
DEPARTMENT OF HEALTH AND HUMAN SERVICES

- Full implementation of the Indian Health Care Improvement Act especially long term care for our elders within their own communities, not institutionalized.

- Long term care for our elders within their own communities is essential to our native people. The term long term services and supports (LTSS) encompasses the full range of services provided to native elders from in-home community-based services to long term care services. Elders prefer to age in their own homes and communities. This is also the most cost effective approach for many families. American Indian and Alaska Native households tend to be multigenerational. Elder care tends to be provided by a family member which can be a financial strain on large family households. Caregiving is satisfying, but can also be stressful emotionally and financially. Elders cannot afford these services out of pocket. As the native elder population continues to grow it is important to prepare and plan for the increased demand for LTSS.

- Develop comprehensive long term care services by financing IHS Elder Care Initiatives to ensure that elders receive the care they need.

- Establish coordinated care for aging services and supports to ensure that elders will age in place in their own communities.

- Provide services and support for Adults with Disabilities, who require a range of services: transportation, home modification, medical, in-home and other crucial supportive services.

- Work with HHS in developing culturally appropriate health care services for elders with dementias diseases such as Alzheimer’s disease. These health care services should also provide caregivers support services.
ECONOMIC & WORKFORCE DEVELOPMENT

Increasing economic opportunities and infrastructure development in Indian Country requires a comprehensive, multi-agency approach. Indian Country continues to face daunting challenges, especially high rates of unemployment and poverty, due to shortfalls in federal obligations and barriers to private and philanthropic investment. Adequate federal funding, coupled with reduced regulatory burdens, can advance tribes’ efforts 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 2019 budget requests set forth appropriations that are essential to empowering self-determined tribal efforts to seed 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 that provide business consulting and financing services. Initial funding for the MBDA was set at $63 million, and MBDA funded Native American Business Enterprise Centers (NABECs). Over time, the MBDA’s funding level has decreased over 50 percent with the FY 2017 MBDA budget request of just $35.6 million. Further cuts will substantially undercut the MBDA’s viability, whereas providing funding at $35 million will enable the MBDA to continue
supporting its MBDA Business Centers (MBCs), and re-establish its tailored assistance to tribes, tribal enterprises and other Native American-owned businesses that the NABECS provided until they were eliminated in 2012. Congress should set aside sufficient funds within the MBDA budget for cooperative assistance agreements with entities qualified to provide the business, financing, and procurement technical assistance services that Native American businesses need to develop stronger private sector capabilities and contribute to the national economy. MBDA should also continue to support federal contract awards to Native American contractors, track Native American as well as 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 $2 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. The FY 2016 budget request for the MBDA noted the absence of appropriations to support ONABD since it was created by the 2000 Act, and also the lack of appropriations 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 and expand Native American policy and business development initiatives both domestically and internationally. Funding made available through Commerce’s Departmental Management budget would help the efforts of SBA’s Office of Native American Affairs (see below), 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; coordinating with other cabinet departments and agencies; conducting outreach to tribes, tribal enterprises and Native businesses; enhancing business and financial management training; and developing initiatives to promote greater trade and tourism between and among Indian tribes and other indigenous groups in the Western Hemisphere.

**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 2017, SBA received $2 million for outreach to 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 participate 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 American 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**

- Fully fund the American Indian Procurement Technical Assistance Program at $4.5 million within at least $36 million 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) that serve more than one Bureau of Indian Affairs (BIA) area. Six such AIPTACs operate across the country, and all are non-profit entities that must raise operational funds and the private match for the cooperative assistance funding they receive from DLA. 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. The funding set-aside of $3.6 million for 6 AIPTACs originally was based on $600,000 that Congress authorized per Statewide PTAC and per AIPTAC (even though the service area of each AIPTAC is much larger than just one state). Since Congress increased the authorized funding level to $750,000, however, there has been no commensurate increase in the set-aside funding level for the AIPTACs. Congress has supported the continued growth of PTAP, funding the program at over $35 million for FY 2016. PTAP funding for FY 2019 should increase to at least $36 million and include an increase to $4.5 million for the set-aside for AIPTACs. In addition, the Defense Logistics Agency should consider restructuring the AIPTACs service areas so that all BIA Service Areas (especially if they are reconfigured by the BIA) will continue to receive service from an AIPTAC.

**DEPARTMENT OF DEFENSE**

**Defense Appropriations Bill, Procurement – General Provisions**

**Indian Incentive Program**

- Fund the Indian Incentive Payment Program at a minimum of $20 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. To cover already approved, but still unfunded IIP requests, and to encourage continued participation in the program, Congress should provide that at least $20 million “shall be available for the incentive payments authorized by” 25 U.S.C. 1544.
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 (NACA) program, which includes financial and technical assistance components. The NACA program makes awards that assist community development financial institutions (CDFIs) in increasing their lending services and financial products, and in building their own internal capacity to serve their target markets. Native CDFIs provide a wide range of loans to microenterprises, small businesses, consumers, and for 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 that totaled $37.5 million, but the CDFI Fund was only able to award 43 organizations with funding that totaled $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 strive to increase the FY 2019 funding level to at least $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.

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 made investments totaling nearly $600 million in awards to Community Development Entities (CDEs) to support Native communities. Considering the far greater value of tax credits that have been deployed throughout the country, and the program’s potential for significantly increasing economic growth in Indian Country, steps must be taken to ensure that tribal communities and tribally-focused CDEs receive a greater share of these valuable tax credits.
The CDFI’s robust budget should include a set-aside for Indian Country to ensure that Native CDEs receive NMTC allocations commensurate with the tremendous need for greater business and economic development in Native communities across the country (alternatively, Treasury could accord all tribal applicants an extra five “priority” points to make them more competitive in the application process, thereby increasing their chances of receiving NMTC investments). To 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, so that CDEs are free to use allocations in any tribal project nationally, or the set-aside should be allocated to CDEs dedicated to serving Indian communities as their target populations.

DEPARTMENT OF ENERGY

Energy and Water Appropriations Bill

National Nuclear Security Administration (NNSA)

- Minority Serving Institutions Partnership Program (MSIPP) Tribal College Initiative

Report language is needed to accompany the FY 2019 Energy and Water Development, and Related Agencies, Appropriations bill designating $5 million of the funds appropriated for the Department of Energy, National Nuclear Security Administration (NNSA) Minority-Serving Institutions Partnership Program (MSIPP), specifically for the Tribal Colleges and Universities (TCUs) Advanced Manufacturing Network Initiative. Now in its third year, the AIHEC/TCU Advanced Manufacturing Network Initiative is an innovative advanced manufacturing training and education program involving five TCUs that prepares an American Indian advanced manufacturing workforce – through certificate and four-year degree programs – and is creating reservation-based economic and employment opportunities through design, manufacture, and marketing of high-quality products in partnership with tribes, major industry, and the National Laboratories. Full funding of the project will allow AIHEC to engage more TCUs as well as National Laboratory and industry partners, establishing a technically skilled workforce and manufacturing base in Indian Country prepared to support the engineering and technology needs of the nation.

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 key 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, and it is only the loan guarantee program that requires the financing to have an economic impact on a Native American community or BIA service area. 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 (the SBA has no such support). As lending conditions have improved, demand has far outstripped what the program can guarantee Native borrowers seeking private loans. This successful program represents an impressive return of as high as $17 in private sector lending for every $1 in federal funds backing the guarantees, and with a low lost rate of only 2.3%. With a modest addition of $7-10 million to the program’s annual credit subsidy, the total amount of private sector loan financing could rise from $100 million to $250 million per year to finance business, economic, energy and infrastructure projects, support lines of credit for working capital and payrolls for hiring new employees, and even provide assurances sufficient for sureties to issue performance bonds to tribal or other Native-owned business contractors performing infrastructure and other construction contracts.
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 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, increased funding would enable the OIEED to: (1) provide grants to tribes for feasibility studies for business and economic development projects; (2) expand the scope and usefulness of its Indian Loan Guarantee Program; (3) fund tribes to explore adoption of the Model Secured Transaction Agreement (MTSTA), enhance codes that tribes have already adopted, and work with host states to develop agreements to use state registries to record liens/financing statements arising from tribal codes; and 4) support incubators of tribal-owned and other Native American owned businesses.

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.

Funding allocations began to erode in FY 2010 and were shifted away from the Native American Business Development Institute (NABDI) that helped support community and economic development in Indian Country with strategic planning and technical assistance for long-term programs designed to provide economic stability and jobs for surrounding communities. This type of strategic planning and technical assistance is essential, especially for tribes pursuing significant infrastructure projects, that Congress must direct the Department to provide at least $1.4 million for FY 2019 to the NABDI grant program to ensure this essential technical assistance can be delivered.

DEPARTMENT OF LABOR

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

- Restore the YouthBuild Program funding to a minimum of $84.5 million for FY 2019 (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.

NCAI also recommends that DOL restructure YouthBuild to allow tribal consortia to apply under a single grant. For a single, small tribe, the prospect of administering the YouthBuild Program is daunting given the cost-per-student ratio and training opportunities available. The federal government should revise the eligibility criteria of YouthBuild and similarly structured programs to allow small tribes and/or the intertribal organizations that represent them to band together to apply under a single grant. Creating a “Tribal YouthBuild” program featuring increased funding also would enable tribal nations to overcome the fiscal, administrative, and physical infrastructure challenges associated with operating YouthBuild under the existing program.
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 Innovation and Opportunity Act (WIOA) 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 be maintained at an adequate level for the WIOA 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 WIOA Section 166 program is the sole employment and training provider.

Despite the reauthorization of Indian and Native American Programs through WIOA in 2014, funding of this program has not been adjusted to account for the drastic changes in the economic environment and growth in the Native American 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. Accordingly, the federal government should increase funding for DINAP and WIOA commensurate with this expanded need (and also do the same for other vital Native American workforce development and related grant programs such as the BIA’s Job Placement and Training, Department of Education’s Adult and Vocational Education, Tribal TANF, and Tribal Vocational Rehabilitation programs, to name a few). Such increases should be based not only on the significantly expanded size of the service population, but also increases in the cost of services such as tuition for post-secondary educational institutions. In addition, it is critical that Employment and Training Administration staffing, technical assistance, and database management costs are not deducted from INAP’s direct service funding (at the level requested above) of tribal programs.

The Workforce Innovation and Opportunity 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.
High-speed internet access is a necessity in today’s modern world but unfortunately, rural tribal areas are disproportionately lacking broadband access. According to the Federal Communications Commission’s, 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 build thriving rural economies. 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 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 bridging the digital divide in Indian Country. FCC-ONAP's consultation, training, technical assistance, and workshops are vital to supporting rural Indian Country's broadband needs. A dedicated annual budget of $500,000 for FCC-ONAP is necessary for bringing the digital economy to rural tribal communities.

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 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

America’s first farmers were Native Farmers. To this day, Agriculture remains a major economic force in Indian Country, especially as a job creator for rural, tribal communities. The 2012 U.S. 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. 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.”

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 for 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, Native 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 impacted American Indians and Alaskan Native constituents. The OTR is also responsible for coordinating policies affecting American Indians and Alaska Natives across other federal agencies.

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

- 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 2017. 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.

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 for 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 2017 budget for Rural Utility Services saw a slight increase, but continues to be below FY 2012 and 2013 levels by 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 2017 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. 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.

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). In 2016, NRCS’s Regional Conservation Partnership Program provided over $27 million for conservation programs where tribes were the lead, which have led to dozens of partnerships between tribal, state, local, and private entities in mostly rural areas.
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 steadying 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 $6 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 USDSA programs, provide training in farm and ranch business management, supervise 4-H and youth development activities, and coordinate special training programs, including application of new agriculture technologies. While there are more than 3,100 extension offices available to farmers nationwide, fewer than 30 extension agents serve Indian reservations, with current funding of only $3 million available to 1862 and 1890 Land-Grant Institutions and the University of the District of Columbia. An increase to $6 million would begin to address this persistent inequity by nearly doubling the FRTEP staff and the number of Native youth served by the program.
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. Since FY 2013, FDPIR participation has risen over 17 percent, and in just between FY 2015 and FY 2017, the monthly participants have risen from 88,000 to 100,000. 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.
Tribal peoples maintain strong physical, cultural, spiritual, and interdependent relationships with their homelands and natural resources. Consequently, tribal peoples face direct and often disproportionate impacts of environmental degradation. 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 Acts. Tribes are still trying to achieve equity, and significant gaps remain.

Today, now almost 40 years after the passage of these Acts, only 44 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 still remain in many areas of Indian Country that should be met through the implementation of monitoring, regulatory, and on-the-ground activities.

The realization of the EPA Indian Policy remains a challenge. The federal government must ensure tribes have fair and equal opportunities to 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 $99.5 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 $99.5 million, reflects an equitable adjustment.

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 5 percent of the national Drinking Water SRF.

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

Recognizing the severity of these circumstances, memoranda 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 address lack of access to clean and safe drinking water in tribal communities. 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.

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 5 percent of the national Drinking Water SRF.
Figure 8: FY12 Drinking Water SRF Funds for Every $100 of Need
Tribes have less funds to address needs


Figure 9: FY12 Clean Water SRF Funds for Every $100 of Need
Tribes have less funds to address needs

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 requires 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 vital 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 approximately 12 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 10 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 10: Tribal Program Clean Water Act Section 106**

Allocation vs. Tribal Allocation

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*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
Information Exchange Network (EN)

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

The EPA Exchange Network is an innovative partnership among tribes, states, and the EPA to provide better access to high-quality data and facilitate data management and the efficient submission of data. Beginning in 1998, states assisted in the development of the Exchange Network and received several million dollars to develop the requisite information technology infrastructure. Tribal governments were brought in years later, with limited capacity and unequal access to resources. Both tribes and the EPA have recognized the importance of improving the flow of tribal data and environmental information. Tribes have been able to take a more active role in improving data collection as a result of tribal grants offered as part of the Environmental Information Exchange Network.

Tribes urge sustained funding for tribal access to the Information Exchange Network, with a minimum of a 10 percent tribal set-aside from overall Environmental Information Exchange Network funding, without restrictions for providing development and implementation support for tribes that are just coming on board and operations and maintenance funding to tribes with operating programs.

ENVIRONMENTAL PROTECTION AGENCY
Interior - Environment Appropriations Bill
Great Lakes Restoration Initiative

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

Tribes in the Great Lakes region have joined together to establish a tribal-federal-state collaboration, which stands as a model for replication across the country. The Great Lakes Restoration Initiative is the largest investment in the Great Lakes in two decades with more than 2,000 projects having been funded since its inception. An Interagency Task Force led by EPA has developed action plans to implement the Initiative. The most recent action plan covers fiscal years 2015 through 2019 and targets the most significant threats to the Great Lakes ecosystem, such as aquatic invasive species, nonpoint source pollution, and toxic substances. 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 2019 at the FY 2010 enacted level.
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 federal treaty and trust responsibilities. Federal support for tribal natural resources efforts, however, has not kept pace with tribal efforts and undervalues tribal ecological knowledge and natural resources management initiatives.

Federal investment in tribal natural resources management helps sustain tribal land, grow economies, and support continued prosperity. As tribal 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 community 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 resources 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 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 $39.661 million in FY 2017 to $52 million in FY 2019 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.
Tribal Climate Resilience Program

- Support FY 2019 funding at or above $30 million for the BIA Tribal Climate Resilience program.

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 567 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 Tribal Climate Resilience Program 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 2016 and FY 2017 Congress and the Administration provided $10 million for Tribal Climate Resilience. Tribes strongly support increasing this amount to at least $30 million in FY 2019 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 more than 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 the related funding.

Increasing the FY 2019 funding to at least $30 million would help identify impacts of climate change and enable tribes to begin to develop strategies to protect tribal homelands. America’s 567 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
• Provide $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. In FY 2016 the program received $6.469 million in funding, which is still insufficient 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 $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 predicted changes in water quality and quantity and now occurring as a result of climate change. 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 2016 funding for this program declined 25 percent, from $10.923 million to $8.180 million. Tribes request 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. In FY 2016 and FY 2017, funding was approximately $2.6 million. This is still short of the FY 2002 level. Tribes request that funding levels of $3 million be restored so that tribes can continue to support habitat and environmental requirements to protect endangered species, especially in light of increasing threats caused by climate change and human development.
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. Additionally, the BIA restored them to the budget request structure in FY 2011. For FY 2016, Congress restored funding to $9.3 million, and in FY 2017, Congress provided $11 million for TMD programs. While these investments are appreciated, an increase to $20 million for FY 2019 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 $5 million.
• Fund Fish Hatchery Maintenance at $6.582 million.
• Increase the Wildlife and Parks Tribal Priority Allocation to $10 million.

The 88 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 $5 million for Fish Hatchery Operations and $7 million for Fish Hatchery Maintenance in FY 2019 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 200 hatchery maintenance projects and supplements facility maintenance for 88 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 relatively flat for years, at approximately $5 million. Funding for Wildlife and Parks TPA should be increased to $10 million in FY 2019 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 around $5 million. Funding for the Natural Resources program should be increased by $5 million in FY 2019. 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, which was funded at $6.7 million in FY 2016, is the only funding stream designated to address invasive species on tribal trust land. In contrast, DOI spends considerably more each year to address invasive species on non-Indian lands. 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 on 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, an increase to $10 million in BIA’s Invasive Species Program for FY 2019 is an equitable and reasonable request.

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 $62.6 million enacted level for State and Tribal Wildlife Grants (TWG) in FY 2017 to help conserve and recover imperiled fish and wildlife, only $4.2 million was dedicated to competitive grants for Indian tribes. Since FY 2010, TWG funding has declined nearly 50 percent. Since the inception of the TWG program over thirteen 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. 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 PCSRФ 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. For FY 2017, $65 million was appropriated for the Fund, and tribes support an increase to $110 million for FY 2019 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 $28 million in FY 2016 and FY 2017.
NATIONAL PARK SERVICE PROGRAMS

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

National Park Service Deferred Maintenance

- Provide a minimum total of $383,028,000 for National Park Service deferred maintenance (comprised of repair and rehabilitation, cyclic maintenance and line item construction subaccounts).
- Support dedicated annual federal funding.
- Support National Parks deferred maintenance in any infrastructure proposal.

Established in 1916, the more than 400 units of the National Park System preserve our natural and cultural heritage. In fact, two thirds of our National Parks were created to protect cultural resources and tribes throughout the country have important cultural affiliations with National Park lands and sites.

Tribal members are also visitors to our parks and members of park gateway communities who depend on the economic contributions of parks. In 2016, the National Park System received an estimated 331 million visitors who spent $18.4 billion in local gateway communities. The contribution of this spending to the national economy was 318,000 jobs, $12 billion in labor income, $19.9 billion in value added, and $34.9 billion in economic output.

Unfortunately, due to high visitation, aging infrastructure and years of underfunding, the National Park Service (NPS) has a deferred maintenance backlog of $11.3 billion. The agency is regularly $250 to $320 million short of the $800 million in funding it estimates it needs each year to maintain assets at existing conditions. Robust annual appropriations will help parks address more backlog projects before they become more costly; keep parks accessible; support park gateway communities; and protect our nation’s irreplaceable cultural resources for future generations.

In addition to robust annual appropriations, the establishment of a dedicated federal fund that would direct resources to the NPS maintenance backlog each year is crucial. We propose funding to start at $50 million in the first year and gradually ramp up to $500 million in ten years. Piggybacking on the successful Centennial Challenge program, public-private matches would be encouraged by allowing maintenance projects with a non-federal match to be expedited.

Any potential national infrastructure proposal, such as the one proposed by the Administration, must include deferred maintenance provisions specific to the parks, recognizing that national park infrastructure needs significant updating.

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 exceeded 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 annual funding by $12.7 million for BIA Forestry Projects to initiate a BIA Forestry Workforce Development program.

- Increase overall base BIA Forestry funding (TPA and Forestry Projects) by $25 million as a first step toward providing the $254 million for management and fire-related support the BIA needs as minimum annual funding to achieve parity with other federal forestry programs.

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 approximately 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 U.S. 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 ACC 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 U.S. 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%, to approximately $415 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 2019 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 bipartisan legislative initiative proposed both in the 115th Congress and supported in previous budget justifications to have federal wildland fire costs exceeding the ten-year average of suppression costs be 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.

U.S. DEPARTMENT OF AGRICULTURE
Interior-Environment Appropriations Bill
U.S. 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 U.S. 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, U.S. 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 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.
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 infrastructure is also integral to many tribes' efforts to create jobs, infrastructure, and improve lives of their citizens. 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, most of which are located in rural areas.

Even with this substantial potential, there are very few commercial-scale energy projects operating in Indian Country. 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.

Investing in and empowering tribes provides strong returns and results not only for tribes, but also for rural communities. Within the last decade, the Department of Energy has deployed 43 energy programs in Indian Country valued at over $70 million. This investment is already paying significant dividends. For every $1 invested by the Department of Energy (DOE), tribes have seen a savings of $7.22 for a total of over $500 million in savings, equivalent to creating 13,700 jobs. Further, these projects have reduced the demand on diesel fuel in rural areas, saving rural households $240 each. Over 2,500 tribal buildings and 29,000 tribal citizens have seen their electric bills reduced by 58 percent. There is also a great demand for funding for energy programs that service Indian Country, particularly in areas where the cost of energy is 275 percent or higher than the national average.

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.76

This FY 2019 budget request identifies energy programs which would provide innovative, important 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.

### Key Recommendations

**DEPARTMENT OF THE INTERIOR**

Interiors - 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. In FY 2016, OIEED received 32 grant applications requesting more than $7 million in funding under this program and awarded $1.4 million to fund 16 projects.

To achieve the goals of the Energy Policy Act and in light of tribal interest in this program and implementation of the HEARTH Act, OIEED should be provided $5 million for 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.

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 over $7 per gallon. In FY 2016, LIHEAP was appropriated $3.37 billion total, with $36.88 million allocated to tribes and tribal organizations. This funding is well below the FY 2011 levels of $4.7 billion, with $51 million to tribes. Full funding is crucial to address the extreme need for heating assistance in Indian Country. Accordingly, funding for FY 2019 should be $51 million for tribes.
DEPARTMENT OF ENERGY
Energy and Water Development Appropriations Bill
Office of Indian Energy Policy and Programs (IE)
• Provide $30 million for DOE Office of Indian Energy (IE) Policy and Programs.

The Energy Policy Act of 2005 established the Office of Indian Energy and Policy Programs. Since its inception, the Office of Energy Indian 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. The Office of Indian Energy provides technical assistance, direct and remote education, policy research and analysis, and financial assistance to Indian tribes, Alaska Native Village and Regional corporations, and Tribal Energy Resource Development Organizations.

The resources the Office of Indian Energy provides assists tribes with many aspects of energy development, including planning, project development, transmission interconnection, utility formation, and intertribal coordination. Providing $30 million in funding to the Office of Indian Energy for FY 2019 will help tribes overcome the unique obstacles that hinder energy development in Indian Country.

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 for the 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. FY 2017 appropriations provided $9 million dollars to establish the program with $8.5 million for the credit subsidy cost and $500,000 for administrative expenses. Additionally, the funds must be used to support the development or expansion of generation projects that employ commercially proven and available renewable energy technologies.

Tribes continue to urge Congress to fund the program at the full authorization level of $2 billion. Additionally, appropriations language should not impose stricter limits on the use of program resources than those included in the Energy Policy Act of 2005.
HOUSING

Housing infrastructure in Indian Country still lags behind than the rest of the U.S. Tribal governments are still struggling to reduce the number of housing overcrowding and the long waitlist for housing. The Native American Housing Assistance and Self-Determination Act (NAHASDA), first enacted in 1994, was a major authorization for Indian tribes to self-determine their housing programs. It gave flexibility for Indian tribes to develop, construct and maintain housing for its members, transforming how federal housing programs addressed housing needs to tribal communities. The NAHASDA consolidated existing housing funds into a single block grant—the Indian Housing Block Grant—resulting in tens of thousands more housing units being constructed as well as increased tribal capacity to address related infrastructure and economic development challenges.

However, the current authorization of NAHASDA has been expired since 2013. There have been several reauthorizations introduced but have not been able to gain final approval in Congress. Without a NAHASDA reauthorization, funding is vital for the Indian Housing Block Grant; Indian Community Development Block Grant; Sections 184 and 184A Guaranteed Loan Program; Title VI Guaranteed Loan Program; NAHASDA’s Training and Technical Assistance Funding; and Title VIII Housing Assistance for Native Hawaiians.

Over 70 percent of existing housing stock in tribal communities is in need of upgrades and repairs, many of them extensive. A fast growing population in tribal communities will intensify existing housing needs. For example, from 2000 to 2010, the population of American Indians/Alaska Natives rose 18 percent, which is almost twice the population growth rate of the U.S. population in general. Poverty and unemployment rates – already high – have risen and remain consistently higher than the American population in general. The unemployment rate on reservations is 25 percent – nearly six times the official unemployment rate.

Other federal programs outside of the Department of Housing and Urban Development also address housing issues for Indian tribes. These include the 502 direct home loan program in the Department of Agriculture, the Housing Improvement Program in the Department of the Interior, and the Native American Direct Home Loan Program in the Department of Veterans Affairs.
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 tribal communities. These funds also assist tribal governments and TDHEs to leverage other funds, such as low-income housing tax credits. However, the IHBG has been level funded for over a decade. The IHBG would be funded at nearly $1 billion if it had kept pace with inflation since its creation in 1996, so at current levels, tribes are seeing their purchasing power with IHBG fund greatly diminished.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Transportation, HUD Appropriations Bill

• Fund the Indian Community Development Block Grant (ICDBG) at not less than $100 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 lands.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Transportation, HUD Appropriations Bill

• Fund Title VI’s Loan Guarantee Program at $2 million.

Title VI of NAHASDA assists IHBG 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 Loan Guarantee Program at $10 million.

The Section 184 loan program provides a 100 percent guarantee to private lenders in cases of home loan default. Indian tribes have successfully 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 Appropriation Bill

- Fund the Tribal HUD-Veterans Affairs Supportive Housing (HUD-VASH) Program at $7 million.

The HUD-VASH program is a successful program combating veterans’ homelessness; however, it does not provide direct funding opportunities for native veterans Indian tribes would like the same opportunity afforded to other local governments in providing affordable housing for its Veterans.

In FY 2015, Congress appropriated funding for a tribal HUD-VASH demonstration project to address at-risk, homeless Native veterans on tribal lands. This funding was the first time tribes and tribal Veterans organization could apply for HUD-VASH funding. HUD funded this program in FY 2015 at $5.9 million.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Transportation, HUD Appropriations Bill

- Fund NAHASDA’s Training and Technical Assistance 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 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 fourteen years.

DEPARTMENT OF AGRICULTURE
Agriculture Appropriations Bill
Rural Development, Rural Housing and Community Facilities Programs

- Set-aside $50 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 2016, of the 7,113 direct loans made nationally by Rural Development, only 12 of them were to American Indians or Alaska Natives on tribal land. Native community development financial institutions (CDFIs) have experience operating on tribal land. In addition, they provide extensive financial and homebuyer education to help their clients to become self-sufficient, private homeowners. The proposed demonstration relending program would increase the flow of mortgage capital to Indian Country by allowing Native CDFIs to be eligible borrowers under the 502 Direct Loan Program and enabling them to relend to eligible families for the construction, acquisition, and rehabilitation of affordable housing.
DEPARTMENT OF THE INTERIOR
Interior – Environment Appropriations Bill
Bureau of Indian Affairs
• Return the BIA’s Housing Improvement Program (HIP) to its previous appropriations level of $23 million so that it can be fully leveraged to support self-sufficiency through private homeownership.

The Housing Improvement Program is a home repair, renovation, replacement and new housing grant program administered by the Bureau of Indian Affairs and federally-recognized Indian tribes for American Indians and Alaska Native individuals and families who have no immediate resource for standard housing. In 2015, the BIA updated its regulations and expanded the eligible use of HIP funds to include down payment assistance for very low-income working families seeking to become private homeowners. This new activity expands homeownership opportunities for Native families and allows leveraging of federal housing funds to increase the number of families served and projects funded. To maximize this opportunity to improve self-sufficiency through private homeownership, the HIP program should be funded at $23 million, returning to its FY 2005 appropriations level.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Transportation, Housing and Urban Development Appropriations Bill
• Fund the Native Hawaiian Housing Block Grant at $20 million and maintain funding for the Section 184A Loan Guarantee at $1,000,000.

Since 2000, Native Hawaiian Housing Block Grant (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.

DEPARTMENT OF VETERANS AFFAIRS
Military Construction, Veterans Affairs, and Related Agencies Appropriations Bill
Veterans Benefit Administration
Native American Direct Loan Program
• Authorize the Secretary of Veterans Affairs (VA) to designate a portion of the proceeds from the VA guaranty funding fee to compensate third parties such as Tribally Designated Housing Entities, homeownership nonprofits, Native community development financial institutions (CDFIs), housing counseling agencies, and Tribal Veteran Service Officers to provide outreach, homebuyer education training, housing counseling, and other technical assistance as needed to Native American veterans seeking to become homeowners through mortgage financing.
• Authorize the Secretary of Veterans Affairs to designate a portion of the proceeds from the VA guaranty funding fee to compensate third parties such as Native community development financial institutions, Tribally Designated Housing Entities, and other homeownership nonprofits for providing loan packaging services for the Native American Direct Loan through an origination fee paid by the VA, calculated as one percent of the loan principal.
• Set-aside $10 million of existing program allocation from the VA’s Native American Direct Loan Program to establish a demonstration relending program for Indian Country which would allow Native community development financial institutions to borrow an intermediary loan through the Native American Direct Loan program and relend to qualified Native American veterans.
The Native American veteran housing loan program is authorized by 38 U.S.C. chapter 37, section 3761 to provide direct loans to Native American veterans living on trust lands. The loans are available to purchase, construct, or improve homes to be occupied as veteran residences, or to refinance a loan previously made under this program in order to lower the interest rate.

The program began as a pilot program in 1993 and was made permanent by Public Law 109-233, the Veterans Housing Opportunity and Benefits Act of 2006. However, the Department of Veterans Affairs lacks adequate staff resources to conduct outreach and provide the required level of technical assistance to deploy the Native American Direct Loan program to qualified Native American veterans.

By providing the appropriate authority to access a budget-neutral source of funding, the Secretary of Veterans Affairs can follow the practice of other federal direct loan programs to partner with and compensate third parties to provide homebuyer education, loan packaging, and other necessary technical assistance to help Native American veterans to fully access their VA benefits by obtaining mortgage financing through the Native American Direct Loan program. In addition, by setting aside $10 million of existing program allocation, VA can pilot a relending program that would allow Native CDFIs, who are more familiar with Native communities and the mortgage lending process on trust land, to deploy much needed mortgage capital to qualified Native American veterans on trust land.
The economy in Indian Country is intertwined with transportation infrastructure -- without safe and well maintained roads, bridges, and adequate public transportation, tribal governments would be unable to provide essential services to its citizens. Tribes have to provide construct, improve and maintain their transportation facilities that are used by tribal members and nontribal members.

The most recent National Tribal Transportation Facility Inventory (NTTFI) reports there are approximately 161,000 miles of roads and trails in Indian Country eligible for federal funding. Of those, Indian tribes own and maintain 13,650 miles of roads and trails, of which only 1,000 (or 7.3%) are paved, and 12,650 miles are gravel, earth, or primitive. Of the 29,400 miles owned and maintained by the BIA, 75% are gravel, earth, or primitive. All combined, the 42,000 miles of roads are still among the most underdeveloped, unsafe, and poorly maintained 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.

Another federal transportation program that is vital to infrastructure in Indian Country is the BIA Road Maintenance Program, which is funded an authorized under the Department of Interior and is separate from the Department of Transportation appropriation. The BIA Road Maintenance Program is critical to BIA owned roads and facilities. Currently, BIA is responsible for maintaining approximately 29,400 miles of roads in Indian Country including 900 bridges. However, funding for the BIA Road Maintenance received funding of about $30 million in FY 2017, while deferred maintenance has risen to over $290 million for FY 2017. The condition of these roads is increasingly concerning for tribal members and members of surrounding communities. The lack of sufficient infrastructure also hampers economic development opportunities for tribes. The integrity of the transportation infrastructure systems in Indian County includes not only TTP and Tribal Transit Programs but it also includes BIA owned roads and facilities which has a direct impact to tribal and surrounding non-tribal communities who commute daily.

According to a recent GAO Report published in May 2017, Better Data Could Improve Road Management and Inform Indian Student Attendance Strategies, the report found that BIA did not provide adequate documents on road maintenance such as cost estimate and no process for tribes to properly report on road maintenance. Accurate data on road maintenance is needed to adequately address the deferred maintenance.
It is imperative federal funding levels for Tribal Transportation Program (TTP), Tribal Technical Assistance Program (TTAP), Tribal Transit Program, and Bureau of Indian Affairs Road Maintenance Program are increased. For many tribal governments, this federal funding is the only source to improve or maintain their road systems.

**Key Recommendations**

**DEPARTMENT OF TRANSPORTATION**
Transportation, HUD Appropriations Bill
Tribal Transportation Program (TTP)
- Provide $495 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 providing safe and adequate transportation systems. These roadways and trails serve as the primary transportation thoroughfare for residents of and visitors to American Indian and Alaska Native communities. The Transportation Program is funded from the Highway Trust Fund and allocated through a statutory formula.

**DEPARTMENT OF TRANSPORTATION**
Transportation, HUD Appropriations Bill
Tribal Technical Assistance Programs (TTAPs)
- Provide $5 million for Tribal Technical Assistance Programs.

The Tribal Technical Assistance Program (TTAP) is the only program providing technical assistance and training for Indian tribal governments to build tribal capacity by providing training and certifying highway roads and technical experts who oversee and construct highways and roads in tribal communities. In fall 2016, the Federal Highway Administration (FHWA) announced the restructuring of the TTAP, and eliminated the seven TTAPs around the country who served all the 567 federal recognized tribes. In December 2017, the FHWA announced a two year pilot program and centralized the TTAP to the University of Virginia, Center for Transportation Studies (CTS) in Virginia. The entire restructuring has proceeded without proper tribal consultation, NCAI is concern about the restructuring of the TTAP with no tribal input. NCAI request an increase to $5 million to fund TTAP to improve tribal technical capacity for tribal transportation officials and to ensure proper tribal consultation is carried out by FHWA regarding the restructuring of the TTAP.

**DEPARTMENT OF TRANSPORTATION**
Transportation, Housing and Urban Development Appropriations Bill
Tribal Transit Program
- Provide $35 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 the funding for capital, operating, planning, and administrative expenses for public transit projects to meet the needs of public transportation 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 recent enacted transportation authorization, the Fixing America’s Surface Transportation (FAST) Act, P.L. 114-94, the Tribal High Priority Projects Program (THPP) was not authorized this very critical program is needed for the safety and welfare of tribal and surrounding non-tribal communities. This program is crucial to tribal governments to complete their highest priority projects, which often include efforts to repair and reconstruct facilities following an emergency or natural disaster.

DEPARTMENT OF THE INTERIOR
Interior - Environment Appropriations Bill
BIA Roads Maintenance
- Provide $35 million for the BIA Road Maintenance Program.

Currently, BIA needs approximately $290 million per year to maintain BIA-owned roads and bridges to an adequate standard. Costs to maintain these roads have risen sharply due to high inflation for construction. For FY 2017, $30 million was appropriated for BIA roads maintenance, and has remained steadily at round this amount for prior fiscal years, while need continues increase. It is critical for increase appropriate funding levels of $35 million for the BIA Road Maintenance program in FY 2019 to begin to address the growing roads and maintenance needs.
Preserving the history and traditions of our First Americans is necessary to preserving America’s history as a whole. 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 continues to remain a paramount priority for tribes. 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.

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.

Now in its 22nd year of existence, the Tribal Historic Preservation Office (THPO) program has grown from 12 participating Indian tribes to more than 180 tribal programs today. THPOs main responsibilities are to work with Federal agencies in complying with the National Historic Preservation Act (NHPA). 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 preserve and protect 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 NHPA, which requires government-to-government consultation regarding sacred places and objects.

Authorizing $15 million specifically for THPOs will ensure that grants from the Historic Preservation Fund keep pace with the cultural preservation needs of the country’s 567 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 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 local repatriation efforts in favor of government overhead. 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.

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 to implement recommendations from the GAO 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 three 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 and the Congress requested a Government Accountability Office study on this topic. 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. The GAO study is long overdue and will further highlight the issue of tribal sacred objects removed and held abroad.
ENDNOTES


20. FY 2016 Tribal Interior Budget Council, Tribal Caucus Estimation of Unmet Need in BIA


25. Indian Health Care Improvement Act, §103(2009).


ENDNOTES | BUDGET REQUEST


68. US Census Bureau. 2006 American Community Survey, Table B17024: Age by Ratio of Income to Poverty Level in the Past 12 Months


72. The mandatory funding for conservation programs is included in Title I of the appropriation for the Commodity Credit Corporation.


74. The report and acreage referenced here was pointed out in a letter, The Confederated Tribes of the Colville Reservation to Interior Secretary Ken Salazar, March 4, 2013.

75. See the Western Governors’ Association statement on Indian Water Rights at http://www.westgov.org/water-supply-transfers-drought for more information.


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American Indian Higher Education Consortium
Bureau of Indian Affairs Self-Governance Advisory Committee
Columbia River Inter-Tribal Fish Commission
Consortia of Administrators for Native American Rehabilitation
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
National Indian Child Welfare Association
National Indian Council on Aging
National Indian Health Service Tribal Budget Formulation Workgroup
National Indian Education Association
National Indian Health Board
National Tribal Environmental Council
National Wildlife Federation Tribal Lands Conservation Program
Native American Contractors Association
Native Community Development Financial Institutions Network
Native Public Media
Northwest Indian Fisheries Commission
Tribal Education Departments National Assembly
Tribal Interior Budget Council