EXECUTIVE SUMMARY

This Fiscal Year (FY) 2021 Indian Country Budget Request outlines federal programs and services that are critical components of strong tribal governments, economies, and communities. The programs highlighted in this document are an integral part of fulfilling the federal government’s treaty and trust obligations. They have been identified by experts at national and regional tribal organizations and through FY 2021 budget formulation consultations between tribal leaders and federal agencies.

Tribal nations are resilient and provide services to about two million people; however, we cannot continue to provide for our communities without our federal partners. The often partisan debates affecting the federal appropriations process have an outsized impact on the daily lives of American Indian and Alaska Native people who already contend with chronic underfunding of tribal programs and severe deficits in physical infrastructure – all of which fall under the federal treaty and trust obligations. NCAI urges Congress and the Administration to work on a bipartisan basis during the FY 2021 appropriations cycle to help Indian Country overcome these challenges to ensure the health, safety, and economic security of tribal communities.

FULFILLING PROMISES

Like all other governments, tribal nations strive to build strong economies and ensure the health and wellbeing of their citizens and all those who reside in their communities. As part of tribal nations’ responsibilities to their people, they provide a range of governmental services. These include education, law enforcement, judicial systems, healthcare, environmental protection, natural resource management, and basic infrastructure such as housing, roads, bridges, sewers, public buildings, telecommunications, broadband and electrical services, and solid waste treatment and disposal. Tribal nations are assuming greater levels of governmental responsibility to meet their citizens’ needs in culturally appropriate ways, but receive inadequate federal funding for roads, schools, police, and other public services.

Tribal nations seek only those things promised to them and their citizens by the solemn treaties and agreements reached between tribal nations and the United States. When tribal nations ceded millions of acres of land, the federal government promised
to safeguard their right to govern themselves, and to provide them adequate resources to deliver essential services effectively. These obligations are the foundation of the government-to-government relationship that exists between tribal nations and the United States.

In December 2018, the U.S. Commission on Civil Rights issued its report titled *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*. The report found that over the past 15 years, efforts undertaken by the federal government have resulted in only minor improvements across Indian Country, that federal programs serving Indian Country continue to be woefully underfunded, and that, in some ways, federal initiatives for Indian Country have regressed. *The Broken Promises* report emphasizes what tribal leaders have known for a long time – that the federal government is not living up to its treaty and trust obligations to tribal nations.

Heading into the FY 2021 budget cycle, tribal nations and citizens remain determined to overcome the challenges that tribal communities face across Indian Country. We urge our federal trustee to assist our efforts by making good on its promises. Doing so requires providing adequate funding for programs serving Indian Country and ensuring the funding reaches tribal communities on time, every time.

While prosperity in the minds of many Americans may evoke a version of the American Dream based solely on building personal financial wealth, prosperity for most Native people centers on the preservation and practice of Native cultures and languages, active participation in sacred clan and kinship systems, vibrant tribal communities, and close stewardship of tribal homelands. Despite several eras of hostile federal policies towards tribal nations and severe underfunding, tribal nations are making significant progress in their efforts to build sustainable tribal economies and rebuild tribal communities in accordance with their cultural values. If the United States lives up to its commitments to support Indian Country in the ways that it has promised, tribal nations will be able to accomplish so much more. Tribal nations call for the inclusion of the following recommendations in FY 2021 appropriations.

**SUPPORT FOR TRIBAL GOVERNMENTS**

*(MORE INFORMATION ON PAGE 28)*

Ensuring tribal nations have the tools and resources for effective governance is critical to fulfilling the promise of the Indian Self-Determination and Education Assistance Act (P.L. 93-638) (ISDEAA). ISDEAA promotes self-determination and self-governance, and this nation’s trust and treaty obligations, by enabling tribal nations to enter into contracts and compacts with the federal government to operate certain federal programs. Those tribal shares of federal programs make up the “base funding” for tribal governments and provide certainty and security to those governments. Congress must support tribal self-determination by increasing tribal base funding, providing funding directly to tribal nations as opposed to passing funds through states, providing formula based funding rather than difficult to navigate competitive grant programs, and promoting accurate data collection so that funding can better target the needs of Indian Country. Additionally, funding for Section 105(l) lease agreements must be provided through mandatory spending that does not affect discretionary spending caps on tribal programs.

### Support for Tribal Governments

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2021 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of the Interior (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>DOI/Indian Health Service (IHS)</td>
<td>Interior, Environment</td>
<td>ISDEAA Section 105(l) Lease Agreements</td>
<td>Provide such sums as may be necessary through mandatory spending.</td>
</tr>
</tbody>
</table>
PUBLIC SAFETY & JUSTICE
(MORE INFORMATION ON PAGE 31)

The public safety problems that continue to plague tribal communities are the result of decades of gross underfunding of 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. However, for the promise of these laws to be fully realized, they must be fully executed. 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.

Public Safety & Justice

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2021 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 Public Law (P.L.) 280 jurisdictions</td>
<td>$83 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Bureau of Indian Affairs (BIA) Law Enforcement and Detention</td>
<td>$553 million</td>
</tr>
<tr>
<td>Department of Justice (DOJ)</td>
<td>Commerce, Justice, Science</td>
<td>Tribal Grants: Eliminate competitive grant funding process and utilize Justice Department appropriations as base funding so that tribal nations can determine their own priorities</td>
<td>Use DOJ appropriations as base funding.</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Tribal Set-Aside from Office of Justice Programs (OJP)</td>
<td>Create a 10 percent tribal set-aside for all discretionary OJP programs.</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Tribal Youth Program under the Juvenile Accountability Block Grants Program</td>
<td>$25 million</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Tribal Set-Aside from Crime Victims Fund</td>
<td>Create a five 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>$3 million</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Community Oriented Policing Services (COPS) Tribal Law Enforcement</td>
<td>$52 million</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>
Department of Homeland Security (DHS) outreach and communication has vastly improved due to the consistent presence of tribal affairs points of contact. However, funding has stagnated for the past ten (10) years, which places Indian Country and the entire United States at risk until tribal nations 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 nations in protecting all citizens, Native and non-Native, within their jurisdictions. However, this obligation has not been met as shown in the recent report by the U.S. Commission on Civil Rights, which demonstrates the extreme shortfalls in programs that have a direct bearing on homeland security and emergency management. For instance, one of the report’s case studies identifies the lack of adequate housing on the Pine Ridge reservation, yet in 2018, the Federal Emergency Management Agency (FEMA) denied federal disaster assistance to the Oglala Sioux to meet basic tribal housing needs following a major winter storm due to an arbitrary FEMA monetary threshold.

Despite extreme funding shortfalls, tribal officials accept their duty to do the best they can to protect everyone in their jurisdictions. In many cases, the first and only responders to natural disasters and national threats are individuals employed by tribal nations. Until parity is achieved, tribal communities will be unable to fully participate in the national homeland security strategies, and will continue to unnecessarily and unfairly be a weak link in protecting vital infrastructure from domestic and international terrorist attacks, natural disasters, and related threats, placing all Americans at risk.

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### Homeland Security & Emergency Services

**Department of Homeland Security (DHS)**

- **Tribal Homeland Security Grant Program**: $40 million
- **Tribal Resiliency Continuity Funding**: $206.28 million
- **Western Hemisphere Travel Initiative, Tribal IDs**: $10 million

**DHS-FEMA**

- **Creation of National Tribal Advisory Council**: $2 million
- **Emergency Management Training**: $1 million
- **Tribal Cultural Sensitivity Training for Department of Homeland Security Personnel**: $10 million
- **Homeland Security and Emergency Management Curriculum at Tribal Colleges and Universities (TCUs) and Tribal Non-Profits**: $3 million
- **Tribal Homeland Security Centers of Excellence**: $2 million
EDUCATION
(MORE INFORMATION ON PAGE 42)

Access to quality education is more important today than it has ever been. It is an essential strategy for creating jobs and securing the nation’s future prosperity – particularly in tribal communities. An educated tribal 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 high unemployment, stimulate reservation economies through direct spending, and foster a greater entrepreneurial spirit among all tribal citizens to become more self-sufficient. Education cultivates personal growth and wellness, which in turn enhances social welfare and cohesion, and strengthens tribal communities – all of which are essential to protecting and advancing tribal sovereignty.

Extensive evidence confirms that tribal culture-based resources and opportunities in the classroom provide American Indian and Alaska Native students the critical skills and knowledge to lead communities in the 21st century. This means they must have ample, local access to quality educational opportunities.

To give tribal nations an essential foundation for economic growth and prosperity, the federal government must fulfill its trust and treaty responsibilities by adequately funding quality Native education and strengthening tribal self-determination in education. The requests below detail the minimum funding needed to improve a system that is currently struggling and underfunded.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2021 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept. of Education (ED)</td>
<td>Labor-Health and Human Services (HHS)-Education</td>
<td>Title I, Part A (Local Education Agency Grants)</td>
<td>$20 billion</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Student Assessment Systems under the Every Student Succeeds Act (ESSA)</td>
<td>$35 million to develop assessments and $20 million yearly for assessment and maintenance</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>State-Tribal Education Partnership (STEP) Program</td>
<td>$5 million</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Title VII Funding, ESSA (Impact Aid Funding)</td>
<td>$2 billion</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Indian Education Formula Grants, Every Student Succeeds Act (ESSA) (culturally-based education) Title VI, Part A, Subpart 1</td>
<td>$198 million</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Alaska Native Education Equity Assistance Program, Title VI, Part C</td>
<td>$42 million</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Native Hawaiian Education Program, Title VI, Part B</td>
<td>$42 million</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Indian Education Language Immersion Grants, Title VI, Part A, Subpart 3</td>
<td>$13 million</td>
</tr>
</tbody>
</table>
## Education

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2021 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Special Projects for Native Student, Including Native Youth Community Projects, Title VI, Part A, Subpart 2</td>
<td>$68 million</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Title III-Part A &amp; F grants under the Higher Education Act for TCUs</td>
<td>$75 million</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>TCUs: Adult/Basic Education</td>
<td>$8 million</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Tribally Controlled Post-Secondary Career and Technical Institutions</td>
<td>$12 million</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Tribal Education Departments (Department of Education)</td>
<td>$10 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribal Education Departments (Department of the Interior – DOI)</td>
<td>$10 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Construction/Repair of Bureau of Indian Education (BIE) Schools</td>
<td>$430 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Johnson O’Malley Program</td>
<td>$42 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Student Transportation</td>
<td>$73 million</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribal Grant Support Costs (Administrative Cost Grants)</td>
<td>$90 million</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Facilities Operations (BIE)</td>
<td>$109 million</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Facilities Maintenance (BIE)</td>
<td>$76 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Indian School Equalization Formula</td>
<td>$431 million</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Education Management: Education IT</td>
<td>$40 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIE Immersion Demonstration Grants</td>
<td>$5 million</td>
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<tr>
<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>TCUs’ Institutional Operations, Titles I, II, and III of the Tribally Controlled Colleges and Universities Assistance Act</td>
<td>$81.696 million</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>$10.71 million</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 Indian and Alaska Native (AI/AN) people 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 by the United States to tribal nations in exchange for land and peace. Unfortunately, as stated in the Broken Promises Report: Continuing Federal Funding Shortfall for Native Americans, which was released in December 2018 by the U.S. Commission on Civil Rights, “Due at least in part to the failure of the federal government to adequately address the wellbeing of Native Americans over the last two centuries, Native Americans continue to rank near the bottom of all Americans in health, education, and employment outcomes.”

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.
Tribal leaders on the National Tribal Budget Formulation Workgroup (TBFWG), representing all twelve IHS Areas, met on March 14-15, 2019, to develop the national Indian Health Service budget recommendations for the FY 2021 budget year. We want to thank our partners at the National Indian Health Board (NIHB) for providing the budget priorities highlighted below, which are consistent with TBFWG’s recommendations. For additional information on NIHB budget priorities, please contact Carolyn Angus-Hornbuckle, Esq., Chief Operating Officer, at chornbuckle@nihb.org.

**Healthcare**

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2021 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>HHS</td>
<td>Interior Environment</td>
<td>Total FY 2021 Indian Health Service Funding</td>
<td>Total: $9.145 billion</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Services: $6.825 billion</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>CSC: $922.3 million</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Facilities: $1.398 billion</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>On the TRAIL to Diabetes Prevention program</td>
<td>$1 million</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Health Resources and Services Administration (HRSA) Native Hawaiian Health Care Systems Program</td>
<td>$25 million</td>
</tr>
</tbody>
</table>

**CHILD WELFARE**

(MORE INFORMATION ON PAGE 66)

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 healthcare 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, tribal nations serve a critical role not only for tribal citizens living within their tribal lands, but also play an important role in helping state agencies provide services to tribal citizens living off tribal lands. The assistance tribal nations provide in this respect reduces state costs and administrative burdens.

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. Although important, the current federal investment in child welfare for both tribal nations and states has been heavily weighted, and limited in scope, towards crisis interventions that do not 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, such as out-of-home placement.

Recent changes in federal law provide an opportunity to create more balance in the federal child welfare finance system by providing new funding for prevention services for tribal nations and states. The funding, as part of the Bipartisan Budget Act of 2018, supports eligible prevention services to avert removal of children who were at risk of out-of-home placement. Accessing the funds require many tribal nations to develop new prevention services and infrastructure in child welfare. The investment can help spur reductions in out of home placements, reduce trauma to children and families, but to achieve these important goals, will require additional funding in FY 2021 outside of the new prevention funding.
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 produce a budget that empowers tribal nations to provide programs and services necessary to safeguard their children and strengthen their families. The recommendations below suggest funding increases that would provide tribal nations with more workable funding levels after years of little or no increase and improve outcomes for AI/AN 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 2021 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>$93 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Welfare Assistance</td>
<td>$80 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Indian Child Welfare Act On or Near Reservation Program</td>
<td>$22 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Off-Reservation Indian Child Welfare Act Program</td>
<td>$5 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Social Services Program</td>
<td>$55 million</td>
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<tr>
<td>HHS</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>$110 million (Tribal allocation: $3.3 million)</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Tribal Court Improvement grant program (authorized under Title IV-B, Subpart 2)</td>
<td>$3 million</td>
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<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Child Abuse Discretionary Activities (tribal nations and states eligible to compete for these grant funds)</td>
<td>$38 million</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Community-Based Child Abuse Prevention (tribal nations share one percent reserved from this amount with migrant populations)</td>
<td>$60 million ($600,000 shared with migrant populations)</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Child Welfare Services, Title IV-B, Subpart 1 (tribal allocation reserved from this amount)</td>
<td>$280 million (Tribal allocation: $5.5 million)</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Maternal Infant and Early Childhood Home Visiting Program (tribal allocation from reserved portion)</td>
<td>$420 million (Tribal allocation: $12.6 million)</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Substance Abuse and Mental Health Services Administration (SAMHSA) Programs of Regional and National Significance, Child and Family Programs</td>
<td>$8 million ($6.5 million reserved for Circles of Care grants)</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA Garrett Lee Smith Grants, State Tribal Youth Suicide Prevention and Early Intervention Grant</td>
<td>$40 million</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA Garrett Lee Smith Grants, Campus Suicide Prevention Program</td>
<td>$9 million</td>
</tr>
</tbody>
</table>
### Child Welfare

<table>
<thead>
<tr>
<th>AGENCY</th>
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</tr>
</thead>
<tbody>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA American Indian and Alaska Native Suicide Prevention</td>
<td>$5 million</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA Tribal Behavioral Health Programs (mental health and substance abuse programs)</td>
<td>$50 million ($25 million for each program)</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Children’s Mental Health Initiative -Systems of Care (tribal nations and states eligible to compete for these grant funds)</td>
<td>$135 million</td>
</tr>
</tbody>
</table>

### Elders

*(MORE INFORMATION ON PAGE 81)*

Elders are our culture bearers, and are held in the highest regard in tribal communities. However, it is these same elders in Indian Country that comprise the most economically disadvantaged elderly minority in the nation. Tribal nations have little or no access to the agencies, departments, ombudsman, or programs that are available to states for elder services. In addition, state programs seldom serve Native elders due to cultural and geographic barriers. Despite being insufficiently funded to meet existing elder needs in tribal communities, tribal nations have a history of strong program management and resourceful use of program dollars. Increased and dedicated funding is needed to address these disparities and build on tribal successes.

#### Elders

<table>
<thead>
<tr>
<th>AGENCY</th>
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</tr>
</thead>
<tbody>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Older Americans Act (Title VI- Part A, B), Native American Nutrition and Supportive Services</td>
<td>$43 million</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Older Americans Act (Title VI-Part C), Native American Caregiver Support Program</td>
<td>$12.1 million</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Older Americans Act (Title VII-Subtitle B), Protection of Vulnerable Older Americans</td>
<td>Create a five percent tribal set-aside and recommend tribal nations and tribal organizations be eligible for the Elder Justice Initiative.</td>
</tr>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Older Americans Act (Title V), Senior Community Service Employment Program</td>
<td>$434.371 million</td>
</tr>
</tbody>
</table>
DISABILITIES
(MORE INFORMATION ON PAGE 84)

AI/AN people have the highest rate of disabilities, yet have the lowest opportunity to access critically important programming. AI/ANs with disabilities deserve comprehensive care that includes access to culturally sensitive programs and quality resources. State-led and non-tribal programs contain multiple barriers for individuals with disabilities living on or near reservations and villages, including lack of cultural awareness, research, accommodations, and opportunities. Services needed by individuals with disabilities range and overlap with the need for transportation, home modification, long-term services and supports, and other crucial supportive services.

Programs specifically for tribal nations, like the American Indian Vocational Rehabilitation Services (AIVRS) program, ensure that accessible opportunities such as employment are available to AI/ANs with disabilities. However, these programs currently do not receive enough funding to support all of the programming and outreach required to service individuals with disabilities, leaving them without access to essential resources.

Disabilities

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>Appropriations Bill</th>
<th>Program</th>
<th>NCAI FY 2021 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Vocational Rehabilitation Services</td>
<td>$3.6 billion and award full tribal 2% set aside</td>
</tr>
</tbody>
</table>

ECONOMIC & WORKFORCE DEVELOPMENT
(MORE INFORMATION ON PAGE 86)

Creating economic and workforce development opportunities in Indian Country requires a comprehensive, multi-agency approach. Indian Country continues to face daunting challenges – notably high rates of unemployment and poverty – which primarily stem from longstanding shortfalls in federal funding obligations, and unnecessary barriers to private and philanthropic investments on tribal lands. Adequate federal funding, coupled with reduced regulatory burdens, will empower tribal nations’ efforts to develop robust, sustainable economies through increased access to capital resources and programs designed to train their workforces. These FY 2021 budget requests seek appropriation levels that are essential to the federal government honoring its trust responsibility to support tribal nations as they work to seed economic prosperity and increased job opportunities across their tribal communities and prepare their citizens to take advantage of those opportunities.

Economic & Workforce Development

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>Appropriations Bill</th>
<th>Program</th>
<th>NCAI FY 2021 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept. of Commerce (DOC)</td>
<td>Commerce, Justice, Science</td>
<td>Minority Business Development Agency</td>
<td>$42 million grant set-aside for Native business assistance</td>
</tr>
<tr>
<td>DOC</td>
<td>Commerce, Justice, Science</td>
<td>Office of Native American Affairs</td>
<td>$2 million</td>
</tr>
<tr>
<td>Small Business Administration (SBA)</td>
<td>Financial Services</td>
<td>Office of Native American Affairs</td>
<td>$2 million</td>
</tr>
<tr>
<td>Dept. of Defense (DOD)</td>
<td>Defense</td>
<td>American Indian Procurement Technical Assistance Program</td>
<td>$4.5 million</td>
</tr>
</tbody>
</table>
### Economic & Workforce Development

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2021 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOD</td>
<td>Defense</td>
<td>Indian Incentive Payment Program</td>
<td>$25 million</td>
</tr>
<tr>
<td>Treasury</td>
<td>Financial Services</td>
<td>Community Development Financial Institutions Fund</td>
<td>$30 million and waiver of non-federal match requirement for Native American CDFI 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 ten 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 (MSIPP) Tribal College Initiative (Advanced Manufacturing)</td>
<td>$5 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Office of Indian Energy and Economic Development’s Indian Loan Guarantee Program</td>
<td>$25 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Office of Indian Energy and Economic Development</td>
<td>$25 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Community and Economic Development Program</td>
<td>$1.4 million</td>
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<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Administration on Native Americans (ANA) Social and Economic Development-Related Grants</td>
<td>$40 million</td>
</tr>
<tr>
<td>Dept. of Labor</td>
<td>Labor-HHS-Education</td>
<td>YouthBuild Program</td>
<td>$89 million</td>
</tr>
<tr>
<td>(DOL)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DOL</td>
<td>Labor-HHS-Education</td>
<td>Employment and Training Administration, Indian and Native American Program (INAP)</td>
<td>$60.5 million</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 94)

Tribal communities are among the most underserved populations in the nation with respect to broadband deployment. Congress must create a Tribal Broadband Fund in order to empower new market opportunities and direct spending in Indian Country for its highest and best purpose. The Federal Communications Commission's (FCC) Office of Native Affairs and Policy states that, “[u]nderstanding the complexity of the digital divide in Indian Country requires an appreciation of the unique challenges facing Tribal Nations, which include deployment, adoption, affordability, and access to spectrum, as well as lack of investment dollars and access to credit and start-up or gap financing.” The ability for tribal nations to obtain credit and financing is limited by difficulty in collateralizing assets that are held in trust by the federal government that is coupled with the difficulty accessing investment dollars for use in tribal communities. Creation of a Tribal Broadband Fund will promote education, economic opportunity, health, public safety, and governance in tribal communities that continue to be the most unserved and underserved populations in the United States with respect to broadband deployment.

In order to address the digital divide in Indian Country, Congress must also create an interagency committee that focuses on the existing challenges in Indian Country, with representation from the FCC’s Wireless and Wireline Bureaus, USDA’s Rural Utilities Service, DOC’s National Telecommunications and Information Administration, and DOI’s Office of the Assistant Secretary for Indian Affairs. The goal of this committee should be to report on how to best coordinate federal resources from the various agencies to achieve broadband connectivity in Indian Country. This recommendation is consistent with the FCC’s National Broadband Plan, which recommends that “Congress should consider establishing a Tribal Broadband Fund to support sustainable broadband deployment and adoption on Tribal lands, and all federal agencies that upgrade connectivity on tribal lands should coordinate such upgrades with Tribal governments and the Tribal Broadband Fund grant-making process.”

Telecommunications

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2021 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>FCC</td>
<td>Financial Services</td>
<td>Tribal Broadband Fund</td>
<td>$1 billion</td>
</tr>
<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>Corporation for Public Broadcasting (CPB)</td>
<td>Labor-HHS-Education</td>
<td>American Indian and Alaska Native Public Radio Community Service grants</td>
<td>$7 million</td>
</tr>
<tr>
<td>CPB</td>
<td>Labor-HHS-Education</td>
<td>Native Public Media</td>
<td>$500,000</td>
</tr>
<tr>
<td>CPB</td>
<td>Labor-HHS-Education</td>
<td>Koahnic Broadcast Corporation</td>
<td>$500,000</td>
</tr>
</tbody>
</table>
AGRICULTURE & RURAL DEVELOPMENT
(MORE INFORMATION ON PAGE 97)

Agriculture is a major economic, employment, and nutrition sector in Indian Country. In 2017, there were at least 79,198 American Indian farm and ranch operators on more than 59 million acres of land. These farms and ranches sold $3.5 billion of agricultural products, including more than $1.4 billion of crops and $2.1 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 U.S. 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 2021 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>USDA Agriculture</td>
<td>Office of Tribal Relations</td>
<td>$1.5 million</td>
<td></td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>Rural Development</td>
<td>$3.2 billion</td>
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<tr>
<td>USDA Agriculture</td>
<td>Rural Utilities Service</td>
<td>$783.545 million</td>
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<tr>
<td>USDA Agriculture</td>
<td>Rural Housing and Community Facilities Programs</td>
<td>$28 billion</td>
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<tr>
<td>USDA Agriculture</td>
<td>Natural Resources Conservation Service (NRCS), Environmental Quality Incentives Program</td>
<td>$1.75 billion</td>
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</tr>
<tr>
<td>USDA Agriculture</td>
<td>NRCS, Conservation Stewardship Program</td>
<td>$725 million</td>
<td></td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>Federally Recognized Tribal Extension Program</td>
<td>$6 million</td>
<td></td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>Food Distribution Program on Indian Reservations (FDPIR)</td>
<td>$200 million</td>
<td></td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>FDPIR, Traditional Foods Market Development</td>
<td>$5 million</td>
<td></td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>FDPIR, Demonstration Project for Tribal Organizations</td>
<td>$5 million</td>
<td></td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>Industrial Hemp Production, Regulation, and Research</td>
<td>Amounts as necessary to implement authorizing provisions</td>
<td></td>
</tr>
</tbody>
</table>
Tribal nations and their citizens maintain strong physical, cultural, spiritual, and interdependent relationships with their homelands and natural resources. As a result, tribal communities 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. Tribal nations are still trying to achieve equity, and significant gaps remain. The federal government must ensure tribal nations 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 Environmental Protection Agency (EPA) tribal programs receive sufficient resources to achieve parity with states through sustainable, targeted base funding.

### Environmental Protection

(MORE INFORMATION ON PAGE 102)

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2021 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>EPA</td>
<td>Interior, Environment</td>
<td>Indian Environmental General Assistance Program</td>
<td>$99.5 million</td>
</tr>
<tr>
<td>EPA</td>
<td>Interior, Environment</td>
<td>Safe Drinking Water State Revolving Funds</td>
<td>Provide five percent set-aside for tribal nations</td>
</tr>
<tr>
<td>EPA</td>
<td>Interior, Environment</td>
<td>Clean Water Act State Revolving Fund, tribal set-aside</td>
<td>Provide $46.5 million 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 Section 106</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 Act Section 319</td>
<td>Eliminate cap on tribal funding and provide $13 million.</td>
</tr>
<tr>
<td>EPA</td>
<td>Interior, Environment</td>
<td>Exchange Network</td>
<td>Provide 10 percent set-aside for tribal nations.</td>
</tr>
<tr>
<td>EPA</td>
<td>Interior, Environment</td>
<td>Great Lakes Restoration Initiative, tribal allocation</td>
<td>$3 million</td>
</tr>
</tbody>
</table>
To varying degrees, tribal nation cultures, traditions, lifestyles, communities, foods, and economies depend upon diverse natural resources. Yet, many critical natural resources are disappearing faster than they can be restored. Given the state of the economy and national priorities, along with the increasing negative impacts of climate change, the vitality and sustainability of natural resources must be safeguarded, as it is vital to the health of American Indian and Alaska Native peoples and the strength of their economies.

Tribal nations can cite numerous examples of spearheading successful restoration and sustainable management projects of threatened and fragile natural resources and ecosystems. Foundational to these successes is a commitment to stewardship based in traditional knowledge, which requires complicated yet rewarding collaboration with states, regional organizations, local governments, and other stakeholders. Tribal nations, as proven and effective managers of their own resources, must be provided with appropriate funding and support that is consistent with its treaty and trust responsibilities toward tribal nations.

For tribal nations to fully manage their natural resources and establish and maintain natural resource management programs, funding for BIA natural resource programs must increase. BIA programs represent a significant source of funding to protect tribal lands. Further, BIA’s trust resource management practices should be modernized in a manner consistent with the Indian Trust Asset Reform Act (P.L. 144-178). Instead of being provided with increased funding, many of the BIA trust and natural resources programs discussed in this section have suffered substantial cuts over the past decade. The most supportive role the federal government can play is as a resource-provider – facilitating independent, self-governed decision-making by tribal nations.

### Natural Resources

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2021 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Rights Protection Implementation</td>
<td>$56.5 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribal Climate Resilience Program</td>
<td>$30 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Water Management, Planning, and Pre-Development Program</td>
<td>$10.5 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Water Resources Program (TPA)</td>
<td>$14 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Water Rights Negotiation/ Litigation program</td>
<td>$12 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Endangered Species Program</td>
<td>$4.5 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribal Management and Development Programs</td>
<td>$25 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Fish, Wildlife and Parks - Fish Hatchery Operations</td>
<td>$7 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Fish, Wildlife and Parks - Fish Hatchery Maintenance</td>
<td>$8 million</td>
</tr>
<tr>
<td>AGENCY</td>
<td>APPROPRIATIONS BILL</td>
<td>PROGRAM</td>
<td>NCAI FY 2021 REQUEST</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Fish, Wildlife and Parks - Wildlife and Parks Tribal Priority Allocation (TPA)</td>
<td>$10 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Natural Resources (TPA)</td>
<td>$12 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Invasive Species Program</td>
<td>$12 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Fish and Wildlife Service (FWS) Tribal Wildlife Grants Program</td>
<td>$12 million</td>
</tr>
<tr>
<td>DOC</td>
<td>Commerce, Justice, Science</td>
<td>Pacific Coastal Salmon Recovery Fund</td>
<td>$110 million</td>
</tr>
<tr>
<td>EPA</td>
<td>Interior, Environment</td>
<td>Geographic/Ecosystem Program in Puget Sound</td>
<td>$50 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Forestry (TPA and Forestry Projects)</td>
<td>$112 million</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Office of Wildland Fire, Fuels Management</td>
<td>$206 million</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Office of Wildland Fire, Disaster Fire Funding</td>
<td>Ensure wildfires are treated like other natural disasters and emergencies.</td>
</tr>
<tr>
<td>USDA</td>
<td>Interior, Environment</td>
<td>U.S. Forest Service (USFS)</td>
<td>Encourage support for expanded Anchor Forest initiatives.</td>
</tr>
<tr>
<td>USDA</td>
<td>Interior, Environment</td>
<td>USFS</td>
<td>Make USFS implementation of the Tribal Forest Protection Act a priority.</td>
</tr>
<tr>
<td>USDA</td>
<td>Interior, Environment</td>
<td>USFS</td>
<td>Appropriate additional funding to support P.L. 93-638 contracts for forestry.</td>
</tr>
</tbody>
</table>
ENERGY
(MORE INFORMATION ON PAGE 117)

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 both inside and outside of Indian Country. As part of a nationwide commitment to a diversified approach to energy development, energy infrastructure is essential to many tribal nations’ efforts to create jobs, build infrastructure, and improve lives of their citizens. DOI estimates that undeveloped traditional energy reserves on Indian lands could generate up to $1 trillion for tribal nations and surrounding communities, most of which are located in rural areas. In 2014, DOI reported that Indian energy resources provided over $1 billion in revenue to tribal nations and individual Indian resource owners. This sector of tribal economic development continues to grow, but remains relatively underdeveloped. For tribal nations to take the next steps to becoming serious contributors to their own and the United States’ energy futures, tribal nations need to be afforded greater control over their energy management decisions. One way to assist this goal is increased federal funding for tribal energy programs, particularly in areas where the cost of energy is 275 percent or higher than the national average.

There are three key components to future tribal success in this arena. First, the federal government must remove economic barriers to growth. Specifically, NCAI requests that where possible, Congress reduce or completely eliminate the 50 percent cost-sharing requirements that burden tribal nations. Second, the federal government must continue its commitment to technical and financial assistance programs that not only support infrastructure development but also the capacity of tribal programs and offices to carry out their responsibilities – including addressing staffing issues. Lastly, additional support is needed to bolster the tribal workforce in the energy sector in addition to existing liaison employees within the Department of Energy (DOE).

Energy

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2021 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>HHS</td>
<td>Labor-HHS-Education</td>
<td>Low Income Home Energy Assistance Program (LIHEAP)</td>
<td>$51 million tribal set-aside</td>
</tr>
<tr>
<td>DOE</td>
<td>Energy and Water Development</td>
<td>Office of Indian Energy Policy and Programs</td>
<td>$30 million</td>
</tr>
<tr>
<td>DOE</td>
<td>Energy and Water Development</td>
<td>Office of Indian Energy Policy and Programs – Credit Subsidy Costs</td>
<td>$2.5 million</td>
</tr>
<tr>
<td>DOE</td>
<td>Energy and Water Development</td>
<td>Office of Indian Energy Policy and Programs – Administrative Costs</td>
<td>$2 million</td>
</tr>
</tbody>
</table>

HOUSING
(MORE INFORMATION ON PAGE 120)

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. In 2013, the National American Indian Housing Council estimated that 70 percent of homes in Indian Country were in need of upgrades and repairs, many of them extensive. Households in Indian Country are more than twice as likely to be overcrowded, compared with the nation as a whole. According to the U.S. Department of Housing and Urban Development, between 2003 and 2015, the number of overcrowded households, or households without adequate kitchens or plumbing, grew by 21 percent. During that same period, the number of families in Indian Country with severe housing costs grew by 55 percent. As part of HUD’s 2017 Congressional Justifications, it explained that “the lack of housing and infrastructure in Indian Country is severe and widespread, and far exceeds the funding...
currently provided to [tribal nations]." 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 tribal nations to exercise self-determination at the local level.

Tribal programs under NAHASDA have been successful in allowing tribal nations the self-determination necessary to provide effective programs for their citizens. NAHASDA effectively replaced the various Indian housing programs under the 1937 Housing Act and consolidated federal housing funds through direct block grants to tribal nations and their Tribally Designated Housing Entities (TDHEs). Tribal nations 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 the construction of tens of thousands of new housing units, as well as increased tribal capacity to address related infrastructure and economic development challenges. Today, there are close to 500 TDHEs in Indian Country. 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 Programs; Title VI Guaranteed Loan Program; and NAHASDA’s Training and Technical Assistance Funding. In addition to NAHASDA and other programs administered by the U.S. Department of Housing and Urban Development (HUD), critical tribal housing funds are supported by programs within the U.S. Department of Veterans Affairs (VA), USDA, and DOI.

### Housing

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2021 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>HUD</td>
<td>Transportation, HUD</td>
<td>Indian Housing Block Grant</td>
<td>$955 million (but not less than $755 million)</td>
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<td>HUD</td>
<td>Transportation, HUD</td>
<td>Indian Community Development Block Grant</td>
<td>$100 million</td>
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<td>HUD</td>
<td>Transportation, HUD</td>
<td>NAHASDA Title VI Loan Guarantee Program</td>
<td>$2 million</td>
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<td>HUD</td>
<td>Transportation, HUD</td>
<td>Section 184 Loan Guarantee Program</td>
<td>$10 million</td>
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<tr>
<td>HUD</td>
<td>Transportation, HUD</td>
<td>Tribal HUD-Veterans Affairs Supportive Housing Program</td>
<td>Not less than $7 million</td>
</tr>
<tr>
<td>HUD</td>
<td>Transportation, HUD</td>
<td>NAHASDA Section 703 Training and Technical Assistance</td>
<td>$7 million</td>
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<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>Rural Development 502 Direct Loan Program for Tribal Relending Demonstration</td>
<td>$50 million tribal set-aside</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Housing Improvement Program</td>
<td>$23 million</td>
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<td>HUD</td>
<td>Transportation, HUD</td>
<td>Native Hawaiian Housing Block Grant</td>
<td>$20 million</td>
</tr>
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<td>HUD</td>
<td>Transportation, HUD</td>
<td>Section 184A Loan Guarantee</td>
<td>$1 million</td>
</tr>
<tr>
<td>VA</td>
<td>Military Const., VA</td>
<td>Veterans Benefit Administration, Native American Direct Loan Program</td>
<td>$10 million</td>
</tr>
</tbody>
</table>
TRANSPORTATION
(MORE INFORMATION ON PAGE 124)

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 tribal nations, the BIA, states and counties. Of those, tribal nations 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 BIA, 75 percent are gravel, earth, or primitive. When combined, the roads owned and maintained by tribal nations 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.

According to the December 2018 U.S. Commission on Civil Rights report evaluating the budgets and spending of federal agencies that administer Native programs, deficiencies in transportation system infrastructure in Indian Country diminishes opportunities for development, which further impairs the ability of tribal communities to thrive. Unmet needs in transportation infrastructure increases the safety risk on roads used by tribal and non-tribal motorists, and dampens the local and regional economies of the communities that rely on access to and use of roads and trails throughout Indian Country. Chronic underinvestment, and the growing backlog of critical infrastructure projects not only negatively impacts the social, physical, and mental wellbeing of tribal and neighboring communities, it hampers the ability of tribal nations to fully leverage their economic potential, and the ability of their citizens to fully participate in the American economy. Due to deficiencies in transportation funding for Indian Country, there are projects that have been shovel-ready for years, and in some cases decades, that remain unfunded. Investment in tribal transportation infrastructure is an investment in American infrastructure that promotes commerce and public safety.

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<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2021 REQUEST</th>
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</thead>
<tbody>
<tr>
<td>Dept. of Transportation (DOT)</td>
<td>Transportation, HUD</td>
<td>Tribal Transportation Program</td>
<td>$600 million (but not less than $565 million)</td>
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<tr>
<td>DOT</td>
<td>Transportation, HUD</td>
<td>Tribal Technical Assistance Programs</td>
<td>$5 million</td>
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<td>DOT</td>
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<td>Tribal Transit Program Formula Grants</td>
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<td>DOT</td>
<td>Transportation, HUD</td>
<td>Tribal High Priority Projects Program</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Road Maintenance</td>
<td>$75 million (but not less than $50 million)</td>
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</tbody>
</table>
HISTORIC & CULTURAL PRESERVATION
(MORE INFORMATION ON PAGE 127)

Increasing federal funding for the following programs remains a paramount priority for tribal nations, and is necessary to support the repatriation of sacred objects and ancestral remains, preservation of tribal cultures, and protection of sacred and historical tribal places. Preserving and protecting the histories, cultures, and traditions of tribal nations is also necessary for preserving America’s history as a whole.

Historic & Cultural Preservation

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2021 REQUEST</th>
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<tbody>
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<td>Interior, Environment</td>
<td>Tribal Historic Preservation Officer Program</td>
<td>$20 million</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Native American Graves Protection and Repatriation Act (NAGPRA)</td>
<td>$4 million</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Investigations into Failure to Comply with NAGPRA</td>
<td>Provide a 10 percent increase for investigations into failure of institutions to comply with NAGPRA, and create a line-item for investigations of complaints made by tribal nations.</td>
</tr>
</tbody>
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Introduction

Advancing Sovereignty Through Certainty & Security

This Fiscal Year (FY) 2021 Indian Country Budget Request outlines federal programs and services that are critical components of strong tribal governments, economies, and communities. The programs highlighted in this document are an integral part of fulfilling the federal government’s treaty and trust obligations. They have been identified by experts at national and regional tribal organizations and through FY 2021 budget formulation consultations between tribal leaders and federal agencies.

Tribal nations are resilient and provide services to about two million people; however, we cannot continue to provide for our communities without our federal partners. The often partisan debates affecting the federal appropriations process have an outsized impact on the daily lives of American Indian and Alaska Native people who already contend with chronic underfunding of tribal programs and severe deficits in physical infrastructure – all of which fall under the federal treaty and trust obligations. NCAI urges Congress and the Administration to work on a bipartisan basis during the FY 2021 appropriations cycle to help Indian Country overcome these challenges to ensure the health, safety, and economic security of tribal communities.

FULFILLING PROMISES

Like all other governments, tribal nations strive to build strong economies and ensure the health and wellbeing of their citizens and all those who reside in their communities. As part of tribal nations’ responsibilities to their people, they provide a range of governmental services. These include education, law enforcement, judicial systems, healthcare, environmental protection, natural resource management, and basic infrastructure such as housing, roads, bridges, sewers, public buildings, telecommunications, broadband and electrical services, and solid waste treatment and disposal. Tribal nations are assuming greater levels of governmental responsibility to meet their citizens’ needs in culturally appropriate ways, but receive inadequate federal funding for roads, schools, police, and other public services.

Tribal nations seek only those things promised to them and their citizens by the solemn treaties and agreements reached between tribal nations and the United States. When tribal nations ceded millions of acres of land, the federal government promised to safeguard their right to govern themselves, and to provide them adequate resources to deliver essential services effectively. These obligations are the foundation of the government-to-government relationship that exists between tribal nations and the United States.
In December 2018, the U.S. Commission on Civil Rights issued its report titled *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*. The report found that over the past 15 years, efforts undertaken by the federal government have resulted in only minor improvements across Indian Country, that federal programs serving Indian Country continue to be woefully underfunded, and that, in some ways, federal initiatives for Indian Country have regressed. The Broken Promises report emphasizes what tribal leaders have known for a long time – that the federal government is not living up to its treaty and trust obligations to tribal nations.

Even though the United States has yet to live up to the promises it made to tribal nations, tribal leaders continue to pursue goals for their citizens similar to those of U.S. national policy makers: building strong and prosperous nations through 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 governmental services, such as public safety, housing, education, and workforce development. Additionally, insufficient infrastructure, including roads, housing, health and education facilities, water and sewer systems, and broadband are significant hurdles to building strong tribal economies.

While prosperity in the minds of many Americans may evoke a version of the American Dream based solely on building personal financial wealth, prosperity for most Native people centers on the preservation and practice of Native cultures and languages, active participation in sacred clan and kinship systems, vibrant tribal communities, and close stewardship of tribal homelands. Despite several eras of hostile federal policies towards tribal nations and severe underfunding, tribal nations are making significant progress in their efforts to build sustainable tribal economies and rebuild tribal communities in accordance with their cultural values. If the United States lives up to its commitments to support Indian Country in the ways that it has promised, tribal nations will be able to accomplish so much more.

**PROVIDING CERTAINTY FOR TRIBAL NATIONS THROUGH THE FEDERAL BUDGET**

Budgeting and appropriating requires bipartisanship, which is vital to achieving all of Indian Country’s most ambitious and important goals. NCAI has advocated for a bipartisan approach to the federal government’s fulfillment of its treaty and trust responsibilities for more than 75 years. Tribal nations are sovereign governments with an inherent right to govern themselves as they see fit, and the entire federal government has a solemn obligation to uphold that right in the many ways that our treaties and other agreements prescribe. It is not one political party’s or one branch’s responsibility to uphold – it is America’s responsibility as a whole. When partisan gridlock upends the federal budget process, it constitutes a gross dereliction of the federal government’s duty to fulfill its treaty and trust obligations to tribal nations.

Federal spending negotiations over the last year emphasize the importance of providing certainty and security in the federal budget process for tribal nations. In the first month of 2019, America’s longstanding, legally-mandated obligations to tribal nations were interrupted by the longest partial government shutdown of the modern budgeting era. Agencies that provide critical government services to tribal nations were caught up in unrelated politics over funding for a southern border wall, and the welfare of tribal citizens hung in the balance. Tribal communities rely on federal funding to administer key tribal government services such as operating healthcare facilities, ensuring public safety, providing housing access, running nutrition and food distribution programs, and providing other social services. The 2019 government shutdown caused widespread destabilization of these programs and generated fear and anxiety among tribal citizens.

Although government shutdowns are prominent examples of the negative effects of breakdowns in the federal budget process, tribal nations also must regularly contend with uncertainty when planning and delivering services to their citizens because of short-term continuing resolutions. Since FY 1998, there has only been one year (FY 2006) in which the Interior, Environment, and Related Agencies Appropriations bill has been enacted before the beginning of the new fiscal year. As such, healthcare provided by the Indian Health Service (IHS) and services provided by the Bureau of Indian Affairs (BIA) are regularly impacted because both receive funding through Interior appropriations.
Moreover, in Indian Country, because of the large role public administration jobs play in tribal communities and economies – coupled with low average household wealth – shutdowns and other breakdowns in the federal budget process disproportionately hurt Native families. A single public administration salary may support an extended Native family, sending harmful ripples throughout a tribal nation and surrounding communities if that income stream is interrupted or lost. Additionally, uncertainty in the federal budget process creates challenges for tribal nations when they seek to recruit and retain professionals to work in healthcare and other skilled professions that are critical to fulfilling the federal government’s treaty and trust promises.

All of these impacts are made worse by the fact that Indian Country programs already face significant underfunding. As such, the lack of continuity in federal funding and the possibility of yet another political impasse is an ongoing cause for concern in Indian Country that tribal communities will continue to face significant hardships caused by a broken federal budget process.

Funding to fulfill the federal government’s treaty and trust obligations should not be discretionary, and funding for tribal programs must be appropriated on time. NCAI calls on the United States to fulfill its obligations to tribal nations no matter the political environment, and a significant step in the right direction is authorizing advance appropriations for IHS and the BIA. IHS and the BIA are the primary agencies responsible for providing critical services and resources to American Indians and Alaska Natives, in some cases directly and in others through compacts or contracts with tribal nations. Authorizing advance appropriations will ensure that services and resources that support the federal government’s treaty and trust obligations to Indian Country are not jeopardized by future federal budget impasses.

CONCLUSION

Heading into the FY 2021 budget cycle, tribal nations and citizens remain determined to overcome the challenges that their communities face across Indian Country. We urge our federal trustee to support our efforts by making good on its promises. Doing so requires providing adequate funding for programs serving Indian Country and ensuring the funding reaches tribal communities on time, every time. The NCAI FY 2021 Budget Request offers recommendations for ways the federal government – partnering with tribal nations – should meet the educational needs of Indian youth; provide adequate healthcare for both direct and self-governance tribal nations; ensure responsible resource development for the future; support safe and secure tribal communities; and supply the long-term investments in tribal public infrastructure and services required to ensure every American Indian and Alaska Native enjoys a good quality of life and has an opportunity to thrive.
SUPPORT FOR TRIBAL GOVERNMENTS

Ensuring tribal nations have the tools for effective governance is critical to fulfilling the promise of the Indian Self-Determination and Education Assistance Act (ISDEAA). Congress must support Indian self-determination by increasing tribal base funding, providing funding directly to tribal nations as opposed to passing funds through states, and promoting accurate data collection so that funding can better target the needs of Indian Country. ISDEAA promotes self-determination and self-governance through tribal nations’ ability to enter into contracts and compacts with the federal government to administer certain federal programs. Those tribal shares of federal programs make up the “base funding” for tribal governments and provide certainty and security to tribal governments.

Federal funding opportunities for tribal governments are increasingly offered through competitive grant models that are cost prohibitive to many tribal nations. In exchange for the land and resources that made the United States the most powerful country in the world, tribal nations paid, in full, for the programs and services they receive. Competitive grant models that require tribal nations to continuously apply, compete, and justify the need for federal funding are inconsistent with the federal government’s trust and treaty obligations to tribal nations. Competitive grant models also inherently create disparate treatment of tribal nations by the federal government based on which nations can afford to compete.
Key Recommendations

DEPARTMENT OF THE INTERIOR
Interior - Environment Appropriations Bill
Bureau of Indian Affairs (BIA)
• 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 BIA funding offered through grants. Allocating new funds via grant opportunities marginalizes and impedes the exercise of tribal self-determination. It also drains vital tribal government resources on grant writing, monitoring, and reporting that could otherwise be used to increase the quality of life for tribal citizens and in tribal communities.

When tribal nations are forced to apply for funding through grant opportunities at the 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 tribal nations under ISDEAA. For example, if a nation receives funds for a detention facility and also creates a culturally-appropriate rehabilitation or prevention program, they cannot use their detention funds for those programs even though it would lower incarceration rates in their community. Base funding for tribal governments through ISDEAA contracts and compacts allows greater flexibility to utilize federal funds in ways that best promote the shared policy goals of tribal nations and the federal government.

Moreover, Congress has historically underfunded programs intended to benefit American Indians and Alaska Natives. Therefore, BIA funding should be increased and distributed via formulas developed through consultation with all tribal nations.

DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF HEALTH AND HUMAN SERVICES
Interior - Environment Appropriations Bill
ISDEAA Section 105(I) Lease Program for BIA and IHS
• Provide funding for Section 105(I) lease agreements through mandatory spending.
• Fund Section 105(I) leasing in the amount of such sums as may be necessary.

ISDEAA was enacted to enhance tribal self-determination. As a result of this highly effective law, many tribal nations now administer programs that were previously administered by the federal government, which has resulted in the need for tribal facilities to house these programs. Section 105(I) of the ISDEAA provides that the Secretary of the Interior and the Secretary of Health and Human Services shall enter into leases with an Indian tribe or tribal organization for the administration and delivery of services under ISDEAA. Under Section 105(I), the Secretary of the Interior or Health and Human Services must compensate each Indian tribe or tribal organization that enters into a 105(I) lease. Compensation may include rent, depreciation based on the useful life of the facility, principal and interest paid or accrued, operation and maintenance expenses, and such other reasonable expenses that the Secretary determines, by regulation, to be allowable. The Maniilaq Ass’n v. Burwell decisions, in both 2014 (72 F. Supp. 3d 227 (D.D.C. 2014)) and 2016 (70 F. Supp. 3d 243 (D.D.C. 2016)), upheld this federal responsibility and tribal nations are now entering into leases at both the Department of the Interior and the Department of Health and Human Services to compensate for use of allowable facilities.

In the past several appropriations cycles, Appropriators have reaffirmed the mandatory nature of the funding. However, the inability to forecast the number of lease requests during a fiscal year has led to major shortfalls at the Indian Health Service, which further results in the reprogramming of funding from other critical programs and the need for Appropriators to make up the shortfalls. This has resulted in large injections of much-needed funding for the 105(I) lease program, but ultimately at the expense of crucial funding in other areas.
In the FY 2020 explanatory statement for the Interior, Environment, and Related Agencies regular appropriations bill, Appropriators acknowledge that estimates for lease costs resulting from Section 105 continue to increase and have the potential to increase quickly over a relatively short period of time. Rapidly escalating requirements for lease costs negatively impact the ability to use discretionary appropriations to support core tribal programs. Appropriators state in their FY 2020 explanatory statement that obligations of this nature are typically addressed through mandatory spending, but in this case, since they fall under discretionary spending, they are impacting all other programs funded under the Interior, Environment, and Related Agencies appropriations bill.\(^\text{16}\)

As part of FY 2020 funding, Congress has directed the Department of the Interior (DOI) and the Department of Health and Human Services (HHS) to consult with tribal nations, along with other relevant federal entities, to formulate long-term accounting, budget, and legislative strategies to address the situation.

In order to secure the Section 105(l) program in the long-term, funding for these leases should be classified as mandatory spending. Funding for Section 105(l) leases must be funded in the amount of such sums as may be necessary for both DOI and HHS. While DOI and HHS study what to do with respect to funding for Section 105(l) leases, each Department should continue to enter into Section 105(l) leases with tribal nations. No solution to the Section 105(l) funding issue should detrimentally affect funding or operation of any other tribal program. As such, funding for Section 105(l) leases must be mandatory spending that does not count against any discretionary caps on funding.
PUBLIC SAFETY & JUSTICE

Among the fundamental components of the federal government’s trust responsibility to tribal nations is the obligation to protect public safety on tribal lands. Congress and the United States Supreme Court have long acknowledged this obligation, which Congress reaffirmed in the Tribal Law and Order Act (P.L. 111-211) (TLOA) 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 Department of Justice (DOJ) study has 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. Over 90 percent of those committing such violent acts are non-Native. 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.

In 2018, the U.S. Commission on Civil Rights found that there continues to be “systematic underfunding of tribal law enforcement and criminal justice systems, as well as structural barriers in the funding and operation of criminal justice systems in Indian Country” that undermine public safety. Tribal justice systems simply need the resources to put their 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 Bureau of Indian Affairs (BIA) in 2017 submitted a report to Congress estimating that to provide a minimum base level of service to all federally recognized tribal nations: $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, The BIA is generally funding tribal law enforcement at about 20 percent of estimated need, tribal detention at about 40 percent of estimated need, and tribal courts at a dismal five percent of estimated need.
Due to the obvious inadequacy of the base funding provided by the BIA, tribal nations rely on short-term competitive grants in order to make up a portion of the shortfall. This is especially true with regard to funding for the non-incarceration aspects of justice systems, such as tribal courts, which as noted, are even more severely underfunded than policing and detention. The bulk of these grants are administered by DOJ. Tribal funding at DOJ has steadily declined in recent years, falling from approximately $165 million in FY 2010 to $115 million in FY 2017. Since FY 2018, the funding appeared to increase dramatically to $246 million. This increase reflects the fact that Congress included tribal governments in the annual disbursements from the Crime Victims Fund (established under the Victims of Crime Act of 1984 (P.L. 98-473)) for the first time, and directed $133.1 million to tribal governments to improve crime victim services on tribal lands. While this funding for crime victim services is sorely needed, it cannot be used for law enforcement, prosecution, or other criminal justice purposes, and it does not make up for cuts in those areas.

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. Well-functioning criminal justice systems, basic police protection, and services for victims are fundamental priorities of any government; tribal nations are no different.

**Key Recommendations**

**DEPARTMENT OF THE INTERIOR**

**Interior – Environment Appropriations Bill**

**Bureau of Indian Affairs (BIA)**

- Allocate $83 million in additional funding to the BIA to increase base funding for tribal courts, including courts in P.L. 83-280 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 2020 funding for tribal courts was $37.5 million for tribal courts generally and $14 million for tribal courts in P.L. 83-280 (“P.L. 280”) jurisdictions, or five percent of the estimated need.

Originally enacted in 1993, the Indian Tribal Justice Act (P.L. 103-176) (ITJA) 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 still be less than 10 percent of the overall need estimated by BIA. Despite numerous Congressional reauthorizations of the ITJA over the past couple of decades – most recently in TLOA – funds have never been appropriated to implement the Act. The ITJA does not differentiate between tribal nations subject to P.L. 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 BIA law enforcement and detention by at least $200 million over the combined FY 2020 funding level of $216 million for criminal investigations and police services and $105 million for detention/corrections.

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 over 50 million acres of tribal lands within 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. The U.S. Commission on Civil Rights recently noted that tribal nations have “less officers per capita than law enforcement agencies nationwide, leaving residents of Indian Country less safe and subject to higher rates of crime.”

The BIA recently conducted an analysis of law enforcement and detention needs pursuant to TLOA, and found that the total need for basic law enforcement and detention services in Indian country is $1.2 billion. This estimate includes tribal nations without regard to whether or not they are located in a P.L. 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 tribal nations in non-P.L. 280 jurisdictions. This has left tribal nations 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 for FY 2021.

**DEPARTMENT OF JUSTICE**

Commerce, Justice, Science Appropriations Bill

Tribal Grants across the Department of Justice

- Eliminate competitive grant funding process and utilize DOJ appropriations as base funding so tribal nations can determine their own priorities.

One of the most significant challenges faced by Indian Country with DOJ funding is that it is competitive funding awarded at the DOJ’s discretion. To obtain this funding, tribal nations – on behalf of their justice systems – must compete against each other under DOJ’s priorities and guidelines. In the end, this cannibalistic funding system unfairly disadvantages tribal nations with substantial need that may lack the financial and human resources to employ experienced grant writers. Moreover, tribal nations cannot count on funding continuing beyond the often very limited current grant period. Indian Country has numerous stories of successful programs disappearing at the end of a two- or three-year grant cycle, and the short lifetime of these programs makes it nearly impossible for researchers to identify and document evidence-based best practices for Indian Country.

Tribal nations have been asking for reforms to the DOJ grant-making process for years to reduce administrative inefficiencies, improve program effectiveness, and increase the ability of tribal nations to leverage available Department of the Interior (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 at the Office of Justice Programs (OJP). This approach gives DOJ considerable flexibility to work with tribal nations to determine how best to administer the appropriated funds. In FY 2017, Congress shifted from a lump sum for tribal assistance to a percentage set-aside model for the first time, creating a seven percent tribal set-aside from some Office of Community Oriented Policing Services (COPS) and OJP programs. However, Appropriators carved out several of the largest appropriation lines from the tribal allocation, resulting in an overall tribal funding decrease from FY 2016 levels. In FY 2018, Congress went back to the funding model used in FY 2016. The Administration’s budget request for FY 2020 included a seven percent tribal allocation from across a wider range of OJP and COPS programs; however, this was not ultimately adopted. If enacted, this would help restore funding levels for DOJ tribal justice programs to a more appropriate level.

**OFFICE OF JUSTICE PROGRAMS (OJP)**

- Create a 10 percent tribal set-aside from funding for all discretionary 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 effective and logical 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 tribal nations, enabling them to submit a single application for multiple 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. Given this, 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 tribal nations 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 tribal nations the flexibility to develop a comprehensive strategy on how best to spend those resources. It also would create new possibilities for coordinating BIA and DOJ funding to reduce inefficiencies and unnecessary administrative costs.

- **Provide a five percent set-aside for tribal nations from Crime Victims Fund disbursements.**

The Victims of Crime Act (P.L. 98-473) (VOCA) is the largest source of federal funding for crime victims. For the past three years, Congress has directed a portion of the overall disbursements from the Crime Victims Fund (CVF) to tribal nations. The five percent tribal set-aside included in the FY 2020 appropriations bill will direct $132 million to support and improve crime victim services on tribal lands. This funding has the potential to transform the crime victims services infrastructure on tribal lands, and it is imperative that it be appropriated on an annual basis to sustain the programs and services that will be developed. NCAI recommends that five percent of CVF distributions continue to be directed to tribal nations each year to ensure that tribal crime victims are able to access victim services and victim compensation. Further, NCAI has called upon the DOJ to do away with the competitive grant-making approach entirely for CVF tribal funding, and instead make distributions directly to tribal nations based on criteria developed in consultation with tribal nations.

- **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.**

American Indian and Alaska Native children are often overrepresented in juvenile justice systems. Once in the system, they are disproportionately detained, removed from their homes, and placed in secure confinement, often for non-violent offenses. Currently, there is little financial support for tribal youth programs, justice systems, and prevention programs. In particular, even though the statistics show that Native children are entering the juvenile justice system as a result of substance abuse and trauma, and that incarceration may not be the best option for them, tribal nations are left to cobble together funding for alternative, non-incarceration programs. The Tribal Youth Program (TYP) under the Juvenile Accountability Block Grants (JABG) program was one of the few programs through which tribal governments could regularly receive juvenile justice funding for all functions including prevention and diversion. NCAI urges Congress to restore the TYP 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 $3 million.**

In 2000, Congress enacted the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (P.L. 106-559). Sections 102 and 103 of this statute authorized DOJ, subject to available appropriations, to award grants to non-profit entities that provide civil and criminal legal assistance services pursuant to federal poverty guidelines to both tribal governments and their justice systems, and to indigent tribal citizens in need of legal representation. Among the entities authorized to receive grants under this statute are the Indian Legal Services programs connected with the Legal Services Corporation (LSC).

Since P.L. 106-559 was enacted, DOJ has awarded funding in a number of years to address one of the Act’s findings that “the provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems” by awarding grant funding under the Tribal Civil and Criminal Legal Assistance, Training, and Technical Assistance (TCCLA) program to the National Association of Indian Legal Services programs and their administering agent, the Native American Rights Fund (NARF). TCCLA has always been funded separately from DOJ’s CTAS program with a portion of the overall amount of funding Congress appropriates for assistance to tribal nations through DOJ.

The established Indian Legal Services programs, of which there are 24 programs that operate in 23 states, have been serving American Indian reservation and Alaska Native tribal communities for decades. These programs are an integral part of the legal
structure of the tribal communities they serve, with their attorneys well-versed in the uniqueness and complexities of Indian law, who are specialized legal practitioners, and who are familiar with arguing cases in tribal courts. Through both assistance to tribal judicial systems and individual representation, Indian Legal Services programs work to insure a sound legal infrastructure that provides the assurances of solid law and codes and legal representation to the tribal governments which operate a host of programs and services to all the residents of their homelands, to individual tribal citizens, and to non-Indians who do business, attend school, collaborate with tribal enterprises, and/or live in these tribal communities.

The Indian Legal Services programs have shared this TCCLA funding among themselves to provide civil and/or criminal legal assistance to thousands of individual American Indian and Alaska Native clients who meet the Act’s required federal poverty guidelines, as well as to assist more than 160 tribal nations and/or tribal judicial systems. In at least 46 tribal courts, these programs provide the only public defender service available. These Indian Legal Services programs assist tribal nations and their justice systems by providing such assistance as tribal court development, restructuring and improvement; development of tribal dispute resolution and peacemaker/mediation systems; drafting of tribal civil and criminal codes, including children’s codes, and tribal court desk books; implementation of TLOA and VAWA 2013; drafting of policies and rules of procedure; and training of law enforcement and tribal court and justice systems personnel, guardians ad litem, and locally based, culturally integrated lay tribal court advocates.

Services to individuals include domestic violence, pro se assistance, family member prisoner visitation, re-entry and expungements of certain criminal charges, child welfare, guardianship and adoption, free legal clinics and toll-free legal advice hotlines, alternatives to incarceration, reduced sentences for juvenile delinquents, and recruitment of volunteer attorneys to provide pro bono representation to tribal citizens. The work on behalf of Native juveniles served includes assistance in adoptions, Indian Child Welfare Act proceedings, delinquency proceedings, and birth certificate changes for tribal enrollment purposes.

In addition to FY 2020 funding of $3 million for TCCLA grant program, we request (1) bill language that provides that a specified tribal amount or set-aside of funding under various Office of Justice Program accounts shall be for “assistance to Indian tribes,” and (2) report language that states that one purpose of such funding is for tribal civil and criminal assistance.

**OFFICE OF COMMUNITY ORIENTED POLICING SERVICES**

- Increase funding of tribal law enforcement programs under DOJ’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 (P.L. 103-322), 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 tribal nations 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 to addressing the needs of tribal nations, and has become one of the primary resources available to tribal law enforcement agencies for developing a policing infrastructure and upgrading 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 required by the TLOA, the COPS Office described its practice of intermittent funding as “problematic,” especially “when referring to hiring of officers.”33 Hiring more tribal police officers is a top public safety priority. In FY 2020, COPS Office tribal funding was $27 million. 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 VAWA 2013, including the $5 million authorized for tribal implementation of VAWA special domestic violence criminal jurisdiction.

It is estimated that over 85 percent of American Indians and Alaska Natives will experience intimate partner violence, stalking, or sexual violence in their lifetime. Over 90 percent of these crimes are committed by non-Natives. This violence threatens the lives of Native women and children and the future of American Indian tribal nations and Alaska Native villages.

OVW provides funding to tribal nations to address violence against women in their communities. OVW’s largest source of funding for tribal nations 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 tribal nations 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 tribal nations to implement the new VAWA provisions and otherwise strengthen tribal justice systems. In FY 2020, $4 million was appropriated for these purposes. NCAI strongly urges Congress to refund VAWA provisions at a level of at least $5 million,

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 tribal nations 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 tribal nations, law enforcement officials, medical professionals, and victim advocates and should continue to be funded at $500,000.
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 nations 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 for the entire nation.

The Department of Homeland Security has shown that it provides $17.6 million in federal assistance and $4.4 million in homeland security grants daily to states. Tribal nations receive less than half of this daily allocation in the span of an entire year. The Department of Homeland Security provides approximately $14 million through grants to tribal nations per year. In stark contrast, while funding for tribal homeland security has not increased over the past decade, funding for non-profit homeland security grants has jumped significantly from $13 million in 2014 to $60 million in 2018. An increase in tribal homeland security funds is long overdue.

Additionally, with respect to the spend of homeland security and emergency management needs, on average, the federal government allocates $26.24 for each state resident annually, while only about $3.41 for each American Indian or Alaska Native citizen. In addition, state governors have access to federally funded state-centric programs like the Emergency Management Assistance Compact (EMAC), programs that exclude tribal nations.

Congress and the Administration have a trust obligation to assist tribal nations to protect all citizens, Native and non-Native, within their jurisdictions. Tribal nations must achieve greater parity with states for homeland security and emergency management purposes. Until equitable funding is achieved, 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 $40 million annually in additional funding for tribal direct grants for the next five years.*

Since 2003, Congress has allocated over $55 billion in homeland security grant funds to state and local governments. That averages to $3.2 billion per year. In contrast, tribal nations have only been allocated just over $80 million ($4.7 million per year average) 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 tribal nations to develop the necessary homeland security capacity to ensure the protection of all Americans.

Each year, tribal nations request at least four times more than the funding made available at the discretion of the Secretary of Homeland Security for THGSP, meaning there is generally a requested need of $4 for every $1 funded. Of those tribal nations that do apply, several could use the entire amount budgeted for THSGP on their own. This is the only resource for tribal nations to develop core capabilities to meet national preparedness goals.

NCAI strongly urges Congress to fund the THSGP at $40 million for the next five years. This would constitute a meaningful and effective increase over the $10 million that DHS has made available for tribal grants in recent years. For the past decade, Congress has appropriated a little more than $1 million per year for THSGP. Tribal nations are thankful that in recent years DHS has used discretionary funding to increase THSGP funding to $10 million. However, in FY 2020 for the first time, Congress appropriated $15 million for THSGP instead of leaving the additional funding up to the discretion of DHS. Congress increasing the funding for THSGP is an important step forward for Indian Country. NCAI now urges Congress to bring THSGP up to the current tribal nation request level of $40 million, which would greatly assist tribal nations in developing their homeland security and emergency management capacity. Congress also must allow DHS to reallocate funding to federally recognized tribal nations 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**

**Homeland Security, Tribal Resiliency Continuity Funding**

- *Provide $206.28 million to enable the 574 federally recognized tribal nations to develop basic level homeland security and emergency management programs.*

- *This would provide each tribal nation with an allocation of $360,000 annually to meet the minimum standards created by the Federal Emergency Management Agency (FEMA).*

Tribal nations are continuously being left further behind in meeting the core homeland security and emergency management capabilities and capacities. In contrast, for over 50 years the federal government has provided funding to state and local governments to develop and sustain the same core capabilities and capacities. Congress should provide funding sufficient for tribal nations to meet minimum standards that have been required by the Homeland Security Act (P.L. 107-296) and the Robert T. Stafford Act (P.L. 100-707), along with those standards developed by the Federal Emergency Management Agency (FEMA), the National Fire Administration, the National Fire Protection Association, the Emergency Management Accreditation Program, the Joint Commission, and other experts. We estimate that a minimum of 1.5 full-time equivalent (FTE) positions would be required at each tribal nation to meet these standards and requirements, which could be covered by $360,000 annually. This investment by the federal government would help to fulfill its trust responsibilities to tribal nations, and is estimated to provide
a return on investment of six dollars for every dollar invested.25 NCAI calls on Congress to establish and fully fund a tribal resiliency continuity program to empower tribal nations to build core homeland security and emergency management capacities and capabilities.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill
U.S. Customs and Border Protection (CBP)
Western Hemisphere Travel Initiative

• Provide $10 million to enable tribal nations to work cooperatively with DHS in developing tribal identification cards.
• Provide technical assistance and materials for tribal nations to produce tribal IDs.

Tribal nations have shown they 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 nations 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 tribal nations 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 tribal nations 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 tribal nations. Many tribal nations cannot afford the $14 or more per enhanced ID card for each of its citizens. CBP has begun to enter into agreements with tribal nations to issue ID cards. However, if this increase in border security is to continue, Congress must provide CBP with the necessary funding to provide printers, issuable card stock, and technical assistance to tribal nations. NCAI urges Congress to provide $10 million to CBP for direct assistance to all 574 federally recognized tribal nations for enhanced tribal ID efforts.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill
National Tribal Homeland Security Advisory Council

• Provide $2 million for the creation and operation of a DHS National Tribal Homeland Security Advisory Council.

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 newest 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 574 federally recognized tribal nations.

Congress created the 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. FEMA’s NAC advises the FEMA Administrator on all aspects of emergency management. The authorizing statute requires participation from tribal government experts, and in 2017, the FEMA Administrator appointed two tribal citizens to the NAC. However, those tribal citizens’ terms will end in 2020, leaving the NAC with no tribal input or representation.
Tribal nations are thankful that there are at least two tribal representatives on the FEMA NAC, but are greatly concerned that the FEMA NAC cannot consider all pressing tribal homeland security matters. For this reason, Congress must establish 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.

**DEPARTMENT OF HOMELAND SECURITY**

*Homeland Security Appropriations Bill*

**Federal Emergency Management Agency, Emergency Management Institute**

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

More tribal nations have developed and enhanced emergency management capability. FEMA released the final draft of the Robert T. Stafford Act tribal disaster declaration guidance early in January 2017. However, tribal nations still 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 reimburse, schedule, and ticket travel for tribal attendees because FEMA’s inability to cover travel up front currently prevents many tribal officials from participating in EMI trainings.

**DEPARTMENT OF HOMELAND SECURITY**

*Homeland Security Appropriations Bill*

**Department of Homeland Security, Tribal Cultural Sensitivity Training**

- *Provide $10 million for tribal nations to conduct tribal cultural sensitivity training with DHS personnel.*

DHS personnel interact with tribal nations and thousands of tribal citizens every day. However, they do not have required trainings for general or local tribal cultural issues, which may lead to misunderstandings, diversion of resources, and even the destruction of sacred cultural items. For example, tribal citizens may travel or even cross borders for religious or cultural purposes while transporting tribal cultural items as part of their ceremonies. When a CPB agent or Travel Security Administration (TSA) official encounters tribal cultural objects, they must handle them in a certain manner when they are inspected to avoid damaging items, which are sometimes hundreds of years old. However, tribal citizens often note that tribal cultural items have been confiscated or destroyed by CPB or TSA agents even when they try to explain the manner in which the item must be handled for inspection. Misunderstandings also may happen in the area of emergency management, as some tribal nations are unable to lay out a disaster preparedness plan in a western fashion without violating tribal customs or traditions. Many tribal nations have found inventive ways to create their preparedness plans without violating their customs or traditions, but without knowledgeable FEMA personnel, the plans may be discarded and vital resources may be lost.

When DHS personnel are stationed near one or several tribal nations, they are likely to encounter the same issues repeatedly without resolution. The best entities to provide cultural specific training to DHS personnel are local tribal nations to ensure that both tribal citizens and DHS personnel are equipped with the necessary knowledge to overcome obstacles. DHS also should consult and work with tribal nations to create a mandatory general tribal cultural sensitivity training for all DHS personnel. NCAI urges Congress to provide $10 million to enable tribal nations to conduct cultural sensitivity training for DHS personnel.
DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill

FEMA, 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. EMAC enables states to share resources during natural and man-made disasters, including terrorism. The 574 federally recognized tribal nations are not part of this agreement, and there is no Congressional mandate for them to be included. This is an issue as tribal nations are often the first, and in some cases, the only responders to natural disasters in their jurisdictions. It is important for tribal nations to develop their own tribal nation-to-nation emergency management assistance agreements similar to the EMAC system that Congress has provided for the states. The government-to-government relationship between tribal nations and the federal government demands such an endeavor. Eighty percent 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 tribal nations 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

Homeland Security Appropriations Bill

Department of Homeland Security

- **Provide $3 million for the development and delivery of homeland security and emergency management curricula at Tribal Colleges and Universities (TCUs) and tribal non-profits.**

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, almost no funding has been made available for tribal homeland security. Often curriculum is developed without the requisite tribal considerations and input, and the word “tribal” is simply inserted into such curriculum, and that is the extent of tribal pedagogical or cultural considerations. This presents major roadblocks when tribal nations are unable to use a multimillion dollar training curriculum because its core requirements have completely ignored their cultural needs. An investment in culturally appropriate trainings 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, such as disaster preparedness, but some aspects are more theory-based, for example combating violent extremism. Moreover, providing local training is an efficient and cost-effective mechanism to train local responders. For these reasons, we request that Congress provide $3 million for tribal nation emergency management trainings through TCUs and tribal 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. The centers are state-centric and do not consider culturally appropriate pedagogy or approaches. The creation of tribally run and operated centers, either at a tribal college or by a federally recognized tribal nation or consortium of tribal nations, will support tribal nations in developing community-based relevant and culturally appropriate strategies, training, and exercises. Some tribal nations have shared their plans to establish such institutions and this funding would 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 tribal nations. NCAI urges Congress to provide $2 million in funding for the establishment of a tribal homeland security centers of excellence.
Access to quality education is even more important today than it has ever been. 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 citizens 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 tribal nations the necessary foundation for economic success and prosperity, the federal government must live up to its trust responsibility by providing adequate support to provide for quality Native education and strengthen tribal self-determination in education. The requests below detail the minimum funding needed to sustain a system that is currently struggling and underfunded.

DEPARTMENT OF EDUCATION

Labor, HHS, and Education Appropriations Bill
Title I, Part A of the Every Student Succeeds Act (ESSA) Local Education Agency Grants
- Provide $20 billion for Title I, Part A.

Title I of the Every Student Succeeds Act (P.L. 114-95) (ESSA) provides critical financial assistance to local education agencies (LEAs) and schools with high percentages of children from low-income families, with the design and goal to ensure all children meet challenging state academic standards. Currently, there are more than 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, as well as to match the amount appropriated under the American Reinvestment and Recovery Act (P.L. 111-5) (ARRA), is necessary to meet the needs of Native students and students from low-income families.
DEPARTMENT OF EDUCATION
Labor, HHS, and Education Appropriations Bill
Student Assessment Systems under ESSA
- Provide $35 million to develop assessments and $20 million each year for assessment maintenance under ESSA. The Bureau of Indian Education (BIE) currently receives approximately $1.8 million annually through Title I-B of ESSA to support effective assessments.

Under the No Child Left Behind Act (P.L. 107-110), schools within the BIE participated in the assessment systems of the state in which they were located. Due to differences in state laws and assessment systems, this policy resulted in long-term delays and challenges ensuring student progress and achievement across the system. ESSA requires the BIE to define academic standards and develop an assessments system for Bureau-funded schools through a negotiated rulemaking process. The BIE must have access to adequate funding to develop and maintain high-quality, culturally relevant assessment systems that accurately measure the progress of Native students, as required by statute.

DEPARTMENT OF EDUCATION
Labor, HHS, Education Appropriations Bill
Section 6131 of ESSA
- Provide $5 million for the State-Tribal Education Partnership Program.

Native education researchers, experts, and advocates have long been calling for Native control of Native education. The State-Tribal Education Partnership (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 tribal nations under the Tribal Education Department appropriations. For tribal control of education to continue to succeed, the program should be funded at $5 million in appropriations in FY 2021. 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 tribal education departments and to increase tribal self-governance over the education of Native students. Under ESSA, state, tribal, and local controls are the clear trend. Funding STEP is a critical extension of the principle of local self-governance and sovereignty.

DEPARTMENT OF EDUCATION
Labor, HHS, Education Appropriations Bill
Impact Aid
- Provide $2 billion for Impact Aid, Title VII funding under ESSA.

Impact Aid provides direct payments to public school districts as reimbursement for the loss of traditional property taxes due to a federal presence or activity, including the existence of an Indian reservation. With nearly 93 percent of Native students enrolled in public schools, Impact Aid provides essential funding for schools serving Native students. Funding for Impact Aid must not be less than this requested amount. Furthermore, Impact Aid should be converted to a forward-funded program to eliminate the need for cost transfers and other funding issues at a later date.

DEPARTMENT OF EDUCATION
Labor, HHS, Education Appropriations Bill
Title VI, Part A of ESSA
- Provide $198 million for Title VI, Part A, Indian Education Formula Grants.

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. Increased funding is necessary to address this substantial gap in educational achievement between Native and non-Native students.

**DEPARTMENT OF EDUCATION**

Labor, HHS, Education Appropriations Bill
Title VI, Part C of ESSA
- Provide $42 million for Alaska Native Education Equity Assistance Program.

Increases are needed as this assistance program funds the development of curricula and education programs that address the unique educational needs of Alaska Native students, as well as the development and operation of student enrichment programs in science and mathematics. This funding is crucial to closing the gap between Alaska Native students and their non-Native peers, as 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 ESSA
- Provide $42 million for the 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 ESSA
- Provide $13 million total for Title VI, Part A, Subpart 3 funding with $5 million for Language Immersion Grants, in addition to the 20 percent set-aside from National Activities.

ESSA 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 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.

**DEPARTMENT OF EDUCATION**

Labor, HHS, Education Appropriation Bill
Title VI, Part A, Subpart 2 of ESSA
- Provide $68 million for Special Programs for Indian Children.

In Title VI of ESSA, 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. 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 ESSA’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.

**DEPARTMENT OF EDUCATION**

**Labor, HHS, Education Appropriations Bill**

**Tribal Colleges and Universities: Supporting Financially Disadvantaged Students**

- Provide $45 million for Title III, Part A discretionary grants and $30 million for Title III, Part F mandatory grants under the Higher Education Act for Tribal Colleges and Universities.

The Strengthening Institutions (Title III) of the Higher Education Act (P.L. 89-326) provides essential formula-based aid to TCUs. The program consists of two parts: discretionary grant funding through Title III, Part A, and mandatory grant funding through Title III, Part F. The goal of the Strengthening Institutions program is “to improve the academic quality, institutional management and fiscal stability of eligible institutions, in order to increase their self-sufficiency and strengthen their capacity to make a substantial contribution to the higher education resources of the Nation.”26 TCUs are employing these funds to address the critical, unmet needs of their students (who are primarily American Indian and Alaska Native) to effectively prepare them to succeed in a globally competitive workforce.

**DEPARTMENT OF EDUCATION**

**Labor, HHS, Education Appropriations Bill**

**Tribal Colleges and Universities: Adult/Basic Education**

- Provide $8 million for American Indian Adult/Basic Education at TCUs from existing funds appropriated for state block grants.

Despite an absence of dedicated funding, TCUs must find ways to continue to provide basic adult education classes for those Native students that the present K-12 Indian education system has failed. 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 $12 million for tribally controlled post-secondary career and technical institutions program funds under the Carl Perkins Career and Technical Education Improvement Act.

Section 117 of the Carl Perkins Career and Technical Education Improvement Act (P.L. 109-270) 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.
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 $20 million ($10 million through the Department of Education and $10 million through the Department of the Interior) to fund Tribal Education Agencies.

Ten million dollars should be appropriated to the Department of Education (ED), and $10 million should be appropriated to DOI 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 tribal nations, TEAs are best equipped to deliver education programs tailored to improve education parity for Native students. 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 BIE schools. Tribal nations exercising self-governance over education have been quite 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 $430 million for system-wide Bureau of Indian Education (BIE) school construction and repair.

This funding category includes school construction, facilities improvement and repair, and replacement school construction. Schools operating within the BIE system are woefully outdated and, in some cases, dangerous for students and staff. Currently, more than 60 BIE schools are rated in “poor” condition, which puts Native students at a significant, unfair disadvantage. DOI’s Office of Inspector General published in September of 2016 an evaluation, titled “Condition of Indian School Facilities,” that estimated the cost of fixing the dilapidated BIE schools at more than $430 million.

DEPARTMENT OF THE INTERIOR
Interior – Environment Appropriations Bill
Johnson O’Malley (JOM) Program

- Provide $42 million for full JOM funding.

The 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. In today’s dollars, considering inflation, that was $165 per student. However, that investment has steadily declined, and current funding provides less than $46 per student, less than 1/3rd of the value of what was originally appropriated in 1995. 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 begin to address needed increases in per student allocation for the future.

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

**DEPARTMENT OF THE INTERIOR**

**Interior – Environment Appropriations Bill**

**Tribal Grant Support Costs**

- Provide $90 million for Tribal Grant Support Costs for tribally controlled schools.

Tribal Grant Support Costs fund the administrative costs of existing tribally operated schools. 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 by allocating funding for administrative costs such as accounting, payroll, and other legal requirements. Schools must divert critical teaching and learning funding to cover any shortfalls in operational costs. Fully funding Tribal Grant Support Costs is consistent with NCAI Resolution PSP-09-048 and is the key to supporting true tribal self-determination in education.

**DEPARTMENT OF THE INTERIOR**

**Interior – Environment Appropriations Bill**

**Facilities Operations**

- Provide $109 million for BIE facilities operations.

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

**DEPARTMENT OF THE INTERIOR**

**Interior – Environment Appropriations Bill**

**BIE Facilities Maintenance**

- Provide $76 million for BIE facilities maintenance.

BIE schools use this funding for both preventative and routine upkeep, as well as for unscheduled maintenance of school buildings, grounds, and utility systems. Underfunding of maintenance continues to be an issue as buildings are in poor conditions and cannot maintain proper standards. As noted earlier, 60 of the BIE schools are considered in poor condition, and the backlog of required infrastructure maintenance is estimated at $430 million.

**DEPARTMENT OF THE INTERIOR**

**Interior – Environment Appropriations Bill**

**Indian School Equalization Program**

- 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 tribal nations.
DEPARTMENT OF THE INTERIOR
Interior – Environment Appropriations Bill
Education Management: Education IT
• Provide $40 million for Education IT.

According to the Federal Communications Commission’s 2019 report on Broadband Deployment in Indian Country, 36 percent of households on tribal lands lack access to fixed broadband; however, a recent 2018 GAO report identifies flaws in broadband deployment reporting, indicating that the lack of broadband in tribal communities is even greater than the FCC reports. This lack of broadband 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
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 to strengthen their language, improve academic outcomes, and become future leaders of their tribal nations.

DEPARTMENT OF THE INTERIOR
Interior – Environment Appropriations Bill
Juvenile Detention Education
• Provide $620,000 for juvenile detention education in BIA-funded facilities.

These critical funds were reinstated in FY 2017 at $499,000, reflecting the bipartisan support for funding to address juvenile justice issues. Funding the program at $620,000 level is essential for providing educational services to detained and incarcerated youth at 23 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’ Institutional Operations
• Provide $81.69 million for Titles I, II, and III and the technical assistance contract under the Tribally Controlled Colleges and Universities Assistance Act.

Title I: To fund the Tribally Controlled Colleges and Universities Assistance Act of 1978 (P.L. 95-471) (Tribal Colleges Act), which provides day-to-day operating funds for 28 TCUs, would require $81.69 million. The education of Native students is a trust responsibility of the federal government. For many Native students, TCUs are their primary means of receiving a higher education. Accordingly, since the Tribal Colleges Act was first funded in 1981, the number of TCUs has more than quadrupled, and enrollments have increased by more than 325 percent. 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 $7,384 per student.
**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 is needed for institutional operations costs for two tribally-controlled career and technical institutions.

**DEPARTMENT OF THE INTERIOR**

**Interior – Environment Appropriations Bill**

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

- **Provide $10.71 million for the Institute of American Indian Arts and Center for Lifelong Education and Museum.**

The Institute of American Indian Arts (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 and Southwest Indian Polytechnic Institute (Snyder Act)**

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

The BIE owns and operates two tribal post-secondary institutions: Haskell Indian Nations University (Haskell) located in Lawrence, Kansas, and Southwestern Indian Polytechnic Institute (SIPI) located in Albuquerque, New Mexico. Both require an appropriate level of funding, and NCAI urges Congress to provide $25 million in funding.

**DEPARTMENT OF THE INTERIOR**

**Interior – Environment Appropriations Bill**

**TCU Infrastructure Improvement**

- **Provide $35 million for TCU construction, renovation, and infrastructure development (25 U.S.C. § 1813)**

We urge Congress to fund section 113 of the Tribal Colleges Act and establish a new infrastructure development program for TCUs. A key part of the mission of TCUs is to prepare American Indians and Alaska Natives and other rural community members to be self-sufficient members of the nation’s workforce. For TCUs to realize this goal, they must have the facilities necessary to educate and train students for 21st-century jobs. A recent TCU needs assessment revealed a need of $120 million to address current TCU shovel-ready projects and facilities rehabilitation.
In 1994, TCUs achieved federal land-grant status through the passage of the Equity in Educational Land-Grant Status Act (P.L. 103-382). However, the 35 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. In FY 2018, funding for extension programs at the 1994 Land-Grant Institutions equaled only 2.1 percent of that appropriated for the 1862 (state) Land-Grant Institutions and 14 percent of that appropriated for the 1890 (19 Historically Black Colleges and Universities) Land-Grant Institutions. In the area of research, funding for 1994 Land-Grant Institutions equaled 1.5 percent of that appropriated for the 1862 Land-Grant Institutions and just seven percent appropriated for the 1890 Land-Grant Institutions. Appropriations at the requested levels outlined below for each of the 1994 land-grant institution programs is a small but critical step in addressing disparities that exist in the current land-grant system.

1994 Extension Program
- Provide $9 million for the 1994 Extension Grants Program.

The 1994 Extension Program is designed to complement the Federally Recognized Tribe Extension Program (FRTEP). 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 $5.8 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 $6 million in Educational Equity Grant Program funding for 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. Through the recent reauthorization of the Farm Bill (the Agriculture Improvement Act of 2018 (P.L. 115-334)), Red Lake Nation College (RLNC) was designated as a 1994 land grant institution, bringing the total to 35. With the addition of RLNC, funding distributed by formula, such as this program, must be increased to accommodate new institutions.
1994 Native American Institutions Endowment Fund (Corpus Payment)

- Provide a $15 million payment to the corpus of the 1994 Land-Grant Institutions Native American Endowment Fund.

The Native American Institutions Endowment Fund, housed and administered by the U.S. 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 35 eligible 1994 institutions amounts to approximately $4.6 million (FY 2018).

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 addresses the ongoing need for improved facilities at the 1994 Land-Grant Institutions. From the annual interest yield, an administrative fee of four percent is deducted by the Department of Agriculture, and the remainder is distributed to the 1994 Land-Grant Institutions. Because only the annual interest yield is dispensed, only the interest – not the appropriated payment amount – is scored as budget outlay; yet the additional interest available to the TCU Land-Grant Institutions (1994) will yield dividends in community-based programs.

Rural Development: Essential Community Facilities at Tribal Colleges and Universities Grant Program

- Provide $8 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 $8 million each year to support construction, improvement, and maintenance of their facilities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Head Start

- Provide $10.81 billion in total funding for Head Start, which includes Indian Head Start.

Head Start has played and continues to play an instrumental role in Native education. Head Start funds provide early education to more than 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 $1 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).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Head Start, Tribal Colleges and Universities Head Start Partnership Program

- Provide $8 million for Tribal Colleges and Universities Head Start Partnership Program.

The TCU-Head Start Partnership Program, as reauthorized in the Improving Head Start for School Readiness Act of 2007 (P.L. 110-134), supported 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 at a minimum hold 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. In 2017, 75 percent of Head Start teachers nationwide held the required bachelor’s degree; but less than 42 percent of Head Start teachers in Indian Country met the requirement, and only 70 percent of workers in Indian Country met the associate-level requirements or were enrolled associates programs, compared to 90 percent nationally. This disparity in preparation and teaching demands our attention. American Indian and Alaska Native (AI/AN) children deserve – and desperately need – qualified teachers. TCUs are ideal catalysts for filling this inexcusable gap. From 2000 to 2007, HHS 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, 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, TCUs 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 $15 million for Native language programs with $6 million designated to fund Esther Martinez Language Immersion 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 $15 million as part of the appropriation to the Administration for Native Americans for Native language preservation activities. The appropriation should also include $6 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
Commerce, Justice, and Science Appropriations Bill
Education and Human Resources (EHR)
- Provide at least $16 million to the Tribal Colleges and Universities Program.

In FY 2012, the National Science Foundation (NSF) awarded $5.1 billion in science and engineering funding to the nation’s institutions of higher education. TCUs received $9.7 million, or less than one-fifth of one percent of this funding. Although this program is indicated as TCU-specific, mainstream institutions that are considered Alaska Native and Hawaiian serving are eligible to compete and receive funding under this program, thereby further reducing TCUs’ chances for accessing these funds. This disproportionate distribution trend has yet to be recognized and addressed. Since FY 2001, modest funding has been allocated to the TCU initiative administered under the NSF-EHR. This competitive grants program enables TCUs to enhance the quality of their STEM instructional, research, and outreach programs. TCUs that have been awarded an NSF-TCUP grant are expected to complete a comprehensive program needs analysis and to develop a plan for addressing both their institutional and NSF goals, with a primary goal being significant and sustainable expansion and improvements to STEM programs. Through NSF-TCUP, TCUs have been able to establish and maintain programs that represent a key component of the career pipeline for the American Indian and Alaska Native STEM workforce.
HEALTHCARE
Reducing Disparities in the Federal Healthcare Budget

The federal government’s obligation to provide healthcare was prepaid by tribal nations. The United States assumed this responsibility through a series of treaties with tribal nations, exchanging compensation and benefits for tribal nations’ land and resources, and to obtain peace. The Snyder Act of 1921 (25 U.S.C. § 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 (AI/ANs).

Yet, the federal government has never met this responsibility. Appropriations for IHS have never been adequate to meet basic patient needs, and healthcare is delivered in mostly third world conditions. The Indian healthcare delivery system faces significant funding disparities, notably in per capita spending between the IHS and other federal healthcare programs. IHS has been and continues to be a critical institution in securing the health and wellness of tribal communities. In FY 2017, IHS per capita expenditures for patient health services were just $4,079, compared to $9,726 per person for health care spending nationally.

New healthcare insurance opportunities and expanded Medicaid in some states may increase healthcare resources available to AI/ANs. However, these new opportunities are no substitute for fulfillment of the federal trust responsibility, and the budget gap will remain. The FY 2021 budget for IHS should support tribal self-determination, uphold the trust relationship, and work to reduce health disparities for Indian people.

The Indian Health Care Improvement Act’s (P.L. 111-148) (IHCIA) enactment and permanent authorization in 2010 provided a foundation for tribal nations, tribal organizations, and Urban Indian Organizations (UIOs) to protect Indian health by advocating for appropriations for authorized programs. In renewing the IHCIA, Congress reaffirmed the duty of the federal government to AI/ANs declaring, “it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians.” Presently, 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.

The underfunded status of the Indian healthcare system has resulted in a health crisis within tribal communities. Infant mortality, suicides, and preventable deaths plague tribal communities. Treatment of chronic diseases like diabetes, auto-immune
deficiencies, cancer, and heart disease quickly erode our limited resources leaving few dollars for prevention. Further, failing infrastructure creates unsafe and unsanitary living conditions and severely compromises the quality of care. 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 Indian Health Service (IHS) budget to grow sufficiently to meet the documented needs of tribal nations over a twelve-year period, the federal government must commit $37.6 billion based on the FY 2018 estimate of 2.9 million AI/ANs eligible to be served by IHS, Tribal, and Urban health programs. Given the lack of adequate budget increases over the past fourteen years, the amount of time to reasonably phase-in the Needs-Based Budget of $37.6 billion has been extended to twelve years.

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 $9.145 billion for the IHS in FY 2021, a 46 percent increase over the FY 2019 enacted levels.
- Increases above the FY 2019 enacted amount planning base of $5.8 billion include:
  - an increase of $681.5 million to maintain current services and other binding obligations ($257 million for full funding of current services and $424.5 million for binding fiscal obligations); and an increase of $2.7 billion for program expansion.

The FY 2021 tribal budget request addresses funding disparities between the IHS and other federal health programs (Figure 2) while still providing for current service costs.

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 in healthcare services and prolong the state of emergency facing IHS. To address this situation, the following budget increases are necessary.

Source: The National Tribal Budget Formulation Workgroup’s Recommendations on the Indian Health Service Fiscal Year 2021 Budget.
Table 1 – FY 2021 Summary of the National Tribal Budget Formulation Recommendation

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<th>FY 2021 NATIONAL TRIBAL BUDGET FORMULATION RECOMMENDATIONS</th>
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<td>SERVICES</td>
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<td>Hospitals and Health Clinics</td>
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<td>Dental Services</td>
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<td>Mental Health</td>
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<td>Alcohol &amp; Substance Abuse</td>
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<td>Purchased/Referred Care</td>
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<td>Indian Health Care Improvement Fund</td>
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<td>Health Education</td>
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<td><strong>Total, Preventative Health</strong></td>
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<td>FACILITIES</td>
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<td><strong>Total Services &amp; Facilities</strong></td>
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<td><strong>Contract Support Costs</strong></td>
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<td><strong>Total, Contract Support Costs</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: REQUEST INCREASE OF $729.5 MILLION**

Adequate funding for Hospitals and Clinics (H&C) is the top priority for FY 2021, as this budget line provides the base funding for the 650 hospitals, clinics, and health programs that operate on Indian reservations and within tribal communities, predominantly in rural and remote areas. This is the core funding that makes available direct medical care services to AI/ANs in the United States. Increasing H&C funding is necessary as it supports medical care services provided at IHS and tribally-operated facilities, including emergency care, inpatient and outpatient care, medically necessary support services, such as laboratory, pharmacy, digital imaging, information technology, medical records, and other ancillary services. In addition, H&C funds provide the greatest flexibility to support the required range of services needed to target chronic health conditions affecting AI/ANs such as heart disease and diabetes, treatment and rehabilitation due to injuries, maternal and child healthcare and communicable diseases including influenza, HIV/AIDS, and hepatitis.

It also supports the Domestic Violence Prevention Program, the IHS Quality Consortium for Federal Hospitals, the Improving Patient Care Initiative, Trauma Care at a limited number of facilities, Facility Staffing and Operations, and Tribal Epidemiology Centers. Tribal nations support the continuation of investments in direct medical care; however, it should not be at the expense of reducing other line items that support the delivery of healthcare, such as public health infrastructure and preventative services. These issues are addressed elsewhere in this report.

The demands on direct care services are a continuous challenge in our facilities. Indian Country experiences constant and increased demand for services due to population growth and the increased rates of chronic diseases that result in growing patient workloads. Adding rising medical inflation, difficulty in recruiting and retaining providers in rural healthcare settings, and the lack of adequate facilities and equipment, these resources are stretched thin. As a result, any underfunding of H&C equates to limited healthcare access, especially for patients that are not eligible for or who do not meet the medical criteria for referrals through Purchased/Referred Care (PRC) to the private sector that shall be discussed in another section of this report. For many in Indian Country, there are no alternatives other than the direct care provided at an IHS or tribal facility. For these reasons and the numerous access to care issues that tribal citizens experience, an increase of $729.5 million is not exorbitant, but realistic (and reasonable) in terms of fulfilling unmet needs across Indian Country.
MEDICAID REFORM AND INDIAN COUNTRY

Over 40 years ago, Congress permanently authorized IHS and tribal facilities to bill Medicaid for services provided to Medicaid-eligible AI/ANs 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.”

The Medicaid system is a critical lifeline in tribal communities. Efforts that decrease scarce Medicaid resources also jeopardize the ability to cover our cost of care, and further restrict the eligible patient population. This puts an unequal burden on the IHS budget which is dependent upon these resources to make up for funding shortfalls. The unique relationship between Medicaid and the Indian health system means that the Administration has the tools it needs to allow states to design Medicaid programs that best fit non-Indian populations while simultaneously respecting tribal sovereignty and maintaining Medicaid as a critical source of funds for the Indian health system. Like states, tribal governments are in the best position to address the unique needs of their citizens and the Indian health system that serves them.

Proposals in the President’s FY 2020 Budget Request will have major fiscal impacts on IHS and tribal health reimbursements that would devastate tribal health. We urge the Administration to work with tribal nations and strengthen its tribal consultation practices on issues like Medicaid work requirements, and block grants, so that fiscal strain doesn’t unintentionally fall back to IHS and tribal health programs.

DENTAL SERVICES: REQUEST INCREASE OF $210.4 MILLION

Oral healthcare access is one of the greatest health challenges tribal communities face. 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 of any population group in the country. On the Pine Ridge Reservation, the W.K. Kellogg Foundation found that 40 percent of children and 60 percent of adults suffer from moderate to urgent dental needs, including infections and other problems that could become life-threatening. Nationally, 59 percent of AI/AN adult dental patients have untreated decay, which is almost three times the rate of whites. It is not uncommon to hear stories of elderly patients waiting out in the cold for one of just a few dental appointments available in a day or for patients to wait for months to get an appointment. Patients get frustrated with this system and often abandon the search for care altogether. This delayed or deferred care has long-term impacts over a patient’s overall health and wellbeing.

The IHS Dental Program supports the provision of dental care through clinic-based treatment and prevention services, oral health promotion, and disease prevention activities, including topical fluoride application and dental sealants. The demand for dental treatment remains high due to the significant dental caries rate among AI/AN children. Funds are used for staff salaries and benefits, contracts to support dental services, dental lab services, training, supplies, and equipment. These funds are needed primarily to improve preventive and basic dental care services, as over 90 percent of the dental services provided by IHS/Tribal and Urban (I/T/U) health delivery systems 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 Tribal Budget Formulation Work Group has prioritized increased access to dental care year after year. Yet the state of oral health for AI/ANs has not been substantially improved and is failing tribal communities. Tribal nations as sovereign nations have been searching for innovative solutions to address the unique barriers that keep oral healthcare out of reach for many tribal citizens. Tribal communities have pioneered an important part of the solution. In Alaska, the use of Dental Health Aide Therapists (DHATs) over the last decade have 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. DHATs 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 DHATs have expanded dental care to more than 45,000 Alaska Natives, and elementary schools in Alaska with relationships with DHATs have started cavity-free clubs.

Language in the 2010 IHCIA amendments has been interpreted to limit expansion of DHATs in the lower 48 without state legislation authorizing DHATs as a provider. This limitation has not deterred tribal nations from advocating for and pursuing opportunities to incorporate DHATs into their programs. Several tribal nations in Washington and Oregon announced in 2015 that they would use DHATs as part of their dental care provision teams. Two Oregon tribal nations and the Urban Indian Health Program established DHAT programs under state pilot project legislation. The first Oregon student returned from training in the summer of 2017 and is providing services in her community. The Swinomish Indian Tribal Community in Washington operates its own dental licensing board to license dental professionals at the Tribe, including a DHAT. Since introducing a DHAT to the dental team in January 2016, Swinomish’s dental clinic has increased its patient load by 20 percent, increased complex rehabilitative care by 50 percent, 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 DHATs as a provider for the tribal nations in the state. This prompted the Port Gamble S’Klallam Tribe to hire a DHAT at the end of the year. Notably, eight more students from Washington, Idaho, and Oregon are in the Alaska DHAT Training Program with anticipated graduations in 2020.

While these are positive steps for these tribal nations, all tribal nations in Indian country should have access to DHATs. The TBFWG continues to request that IHS use its dental service funds to expand DHATs to tribal nations in the lower 48 within the existing law. In guidance issued by the agency in January 2014, IHS erroneously noted that any DHAT expansion in tribal communities can only occur if a state legislature approves. However, as Swinomish has demonstrated, tribal nations, as sovereign nations, do not need approval from the state to license and employ DHATs. IHS should revise, update and re-issue guidance on the use of DHATs in tribal communities. The revised guidance should clarify that the limitation in IHCIA applies only to the proposed national expansion of the Community Health Aide Program (CHAP), and does not otherwise prevent tribal healthcare programs from providing DHAT and other dental midlevel services in their communities. With IHS’s commitment to national expansion of the CHAP and the formation of the CHAP Technical Advisory Committee, IHS should issue a comprehensive report detailing the effects of DHATs on clinics in Alaska. Programs like Southeast Alaska Regional Health Consortium (SEARHC) could serve as an important example of what dental programs with a whole suite of dental health aide providers could look like. Finally, IHS should commend tribal nations in Idaho, Washington, and Oregon for being on the forefront of public health dentistry and taking the lead in their states at the cutting edge of health policy.

Mental Healthcare is a significant priority for FY 2021. Tribal leaders recommend a $286.7 million increase above the FY 2019 enacted budget for total funding of $398.4 million. This increase would mean a 278 percent increase in funding for behavioral health services in Indian Country. This significant increase is needed to allow tribal communities to further develop innovative and culturally appropriate prevention and treatment programs that build upon the resiliency factors and inherent strengths already existing in tribal communities. AI/AN people continue to demonstrate alarming rates of psychological distress throughout the nation. However, inadequate funding resources limits the ability of tribal nations 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 their lack of cultural sensitivity. Furthermore, studies are suggesting that American Indians and Alaska Natives do not receive the services they need to help reduce the disparate statistics. These health services include 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. The goal in the emergency setting is to stabilize patients and assess and refer them to the appropriate level of care. Many communities and areas lack a sufficient number of hospital beds for patients with mental health emergencies requiring further hospitalization, which puts pressure on emergency rooms and urgent care services to provide this care beyond initial stabilization.

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 Resource and Patient Management System (RPMS) Behavioral Health Management Information System. Proper funding levels would allow for earlier interventions reducing the need and therefore costs associated with these services, allowing for more efficient use of resources that are also associated with better outcomes and improved quality of life. Additionally, funding for protective transition center(s) is critically needed for homeless individuals and families as they lose employment due to illness or other compounding factors. Further, individuals and families fleeing domestic violence situations also need temporary shelter that offers safety and counseling services that will assist and support them in stabilizing their crises.

Suicide continues to plague AI/AN communities. Suicidality 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. AI/ANs, more than any other racial or ethnic group, suffer the highest burden of suicide rates, which has been increasing since 2003. In the 18 states participating in the National Violent Death Reporting System (NVDRS), the suicide rate among AI/ANs in 2015 was 21.5 per 100,000, more than 3.5 times higher than those among ethnic groups with the lowest rates.44

Lack of behavioral health resources is evident in the disproportionate number of suicides, acts of domestic violence, and drug and alcohol addiction in Indian Country. The Centers for Disease Control and Prevention (CDC) reported in 2018 that from reviewing data from 2003-2014, approximately 70 percent of AI/AN decedents resided in non-metropolitan areas, including rural areas. The residential status can affect the circumstances surrounding suicide. For example, AI/AN decedents were less likely than white decedents of having received a mental health diagnosis or having a mental health treatment plan. The high rate of suicides among AI/AN youth highlights the need for early prevention. In addition, programs that focus on individual life skills development and interpersonal social-emotional learning programs to promote healthy relationships and conflict resolution might address the higher occurrence of intimate partner problems preceding AI/AN suicides. Also, the need for prevention, such as establishing survivor support groups, are key to interrupting or reducing the potential of suicide contagion.45

An increase in funding and subsequent staffing would allow a greater percentage of the population to be screened, seen by behavioral health specialists, and, most importantly, treated.

**ALCOHOL AND SUBSTANCE ABUSE: REQUEST INCREASE OF $242.7 MILLION**

Closely linked with the issue of mental health is that of alcohol and substance abuse in tribal communities. Indeed, AI/AN communities 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 2021. NCAI recommends a program increase of $242.7 million above the FY 2019 enacted budget for a total of $503.9 million. 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 tribal traditions and community ties. 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 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. These approaches also incorporate traditional healing techniques designed to improve outcomes and align the services provided with 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. New approaches are also needed to reduce significant health disparities in motor vehicle death rates, suicide rates, rates of new HIV diagnoses, binge drinking and tobacco use. There is also a need for funds to provide alternative treatment modes such as physical therapy, behavioral health, and buy-in to pain treatment utilizing alternatives to overused and abused medications – along with development and support of regional treatment centers. Currently, waiting lists are indicative of our treatment programs for alcohol, illegal, and prescription drug use.

Individuals seeking alcohol abuse treatment are falling through the cracks when our programs are not able to intake more patients. We need these funds to increase the number of residential substance abuse treatment beds to increase access to care. Adult and youth residential facilities and placement contracts with third party agencies are funded through the IHS budget for alcohol and substance abuse treatment. Providing this treatment is costly to the community and program funding is not consistent or stable. While a number of tribal nations have been successful in finding grants and other non-IHS resources to manage alcohol and substance abuse outpatient programs, the long-term sustainability of these programs is tenuous. IHS is in a unique position to assist tribal nations to plan, develop, and implement a variety of culturally responsive treatment options to help individuals become and stay sober.

Methamphetamine, opioid, and heroin use is high in many IHS regions, with limited treatment facilities available. Tribal nations and tribal entities are developing initiatives to combat the opiate epidemic. Tribal leaders in the Bemidji Area have declared a “state of emergency” with the growing epidemic of increased abuse of alcohol and drugs, including meth and opioids. 36 Tribal nations in Washington are taking a stand against opioid addictions, and tribal entities in Alaska have declared a “war on alcohol and drugs.” 37 The combined effect of alcohol and drugs is devastating tribal communities. 38 The average age of death for those dying due to alcohol addictions at the Wind River reservation is 38; for those addicted to alcohol and drugs the average age of death is 33. 39

In FY 2008, Congress appropriated $14 million to support a national methamphetamine and suicide prevention initiative to be allocated at the discretion of the IHS director. Today, that funding continues to be allocated through competitive grants, despite tribal objections. For over a decade, tribal nations and their leaders have noted that IHS reliance on grant programs is counter to the federal trust responsibility, undermining self-determination tenets. Some tribal nations receive some funding, others do not. Grants create a “disease du jour” approach, where funding is tied to only one identified hot topic issue. If an area, for example, is suffering more from alcohol addictions than from meth or opioids, that area cannot redesign the available programs to meet its needs.

Because grant funding is never guaranteed, vulnerable people and communities often regress when grant resources run out. The needed increase must be applied to IHS’s funding base, and HHS and IHS must move away from the ineffective use of grants in order to stabilize programs and ensure the sustainability of care for our struggling tribal communities.
Breaking the cycle also 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. Alcoholism is a terminal disease. In fact, if left untreated, addiction places considerable burden on the health system through unintentional injuries, chronic liver disease, cirrhosis, and facilitates the transmission of communicable diseases such as HIV and Hepatitis C, both having catastrophic effects on the Indian health system and youth.

According to a study in 2009-2010, AI/ANs were almost twice as likely to need treatment for alcohol and illicit drugs as non-Native people. The study found that AI/ANs needed treatment at a rate of 17.5 percent compared to the national average of 9.3 percent. 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). The increased number of patient visits to private sector emergency departments also puts an increased burden on PRC services.

In addition to the funding needed to support detox and rehabilitation services, tribal nations have reported a critical need for aftercare services. Time and again, tribal citizens are re-entering the community or reservation without access to professional support services to prevent them from falling into the same behaviors that led to the past abuse. Additional funding would be directed to support groups, sober-living opportunities, job placement, and other resources to encourage a clean and drug-free lifestyle.

Smoking and smokeless tobacco is often the first drug that individuals experiment with and research demonstrates that it increases the risk of illegal drug use. Smoking rates are significantly higher among AI/ANs than those of non-AI/AN populations. Moreover, cigarette smoking is linked to approximately 90 percent of all lung cancers in the U.S., and it is a leading cause of death among AI/AN people. Such chronic illnesses exacerbate individuals’ mental well-being and overall health and wellness. Increased funding will support the need for prevention and education on this topic and particularly target youth. As noted in the FY 2017 Tribal Budget report, domestic violence rates in tribal communities are alarming, with 39 percent of AI/AN women experiencing intimate partner violence – the highest rate in the U.S. The need to address issues of violence and sexual and domestic abuse against AI/AN women is critical in breaking the cycle. The National American Indian/Alaska Native Behavioral Health Strategic Plan provides a comprehensive approach to address alcohol and substance abuse and its tragic consequences, including death, disabilities, families in crisis and multi-generational impacts through IHS, tribal and urban Indian alcohol and substance abuse programs.

**ADVANCE APPROPRIATIONS FOR IHS**

With the ongoing polarization in Congress, passage of a timely budget has become increasingly difficult and Continuing Resolutions (CRs) have become the appropriators’ solution of choice in an effort to avoid a government shutdown. Since FY 1998, there has been only one year (FY 2006) when the Interior, Environment, and Related Agencies budget, which contains the funding for IHS, has been enacted by the beginning of the fiscal year.

The negative consequences for the Indian Health Service and tribal nations have been substantial. Under CRs, annual funding levels are uncertain and timing of payments are unknown. Health services must be limited to the funding in hand, new grant awards are put on hold, and provider recruitment grinds to a halt. In short, funding delays for health services can be measured in lives lost. Tribal health programs cannot enter into contracts with outside vendors and suppliers. In some cases, tribal health programs are forced to take out private loans to cover the costs of expenses between the start of the fiscal year and the time when Congress passes a full budget. All these inefficiencies take away funds from an already starved health system. Advance appropriations can help mitigate such catastrophic effects. For these same reasons, Congress now provides advance appropriations for the Veterans Administration medical accounts.
Advance appropriations would identify the level of funding available for IHS in the appropriations process one or more years before it is applicable. Thus, advance appropriation provides more certainty to operate the Indian healthcare delivery system. This change in the appropriations schedule will allow Indian health programs to effectively and efficiently manage budgets, coordinate care, enter into contracts, and improve health quality outcomes for AI/ANs. Advance appropriations for IHS would support the ongoing treatment of patients without the worry if – or when – the necessary funds would be available. Healthcare services require consistent funding to be effective. Advance appropriations will help the federal government meet its trust obligations to Indian Country and bring parity to this federal healthcare system at no additional cost.

NCAI has testified at several hearings during 2019 about the effects of the 2019 government shutdown and ongoing CRs. In addition to advocating for Congress and the Administration to uphold its treaty and trust obligations by providing full funding for tribal programs, NCAI continues to request that the Administration support Advance Appropriations for IHS in its FY 2021 Budget Request.

IHS FACILITIES: REQUEST INCREASE OF $377.107 MILLION

The Indian Health Service system is comprised of 45 hospitals (26 IHS-operated, 19 tribal) and 552 outpatient facilities (76-IHS operated, 476 tribal). At these facilities, there were an estimated 39,367 inpatient admissions and 13.8 million outpatient visits in 2018.

On average, IHS hospitals are 40 years of age, which is almost four times as old as other U.S. hospitals, whose average age is 10.6 years. A 40-year-old facility is about 26 percent more expensive to maintain than a 10-year-old facility. IHS facilities are grossly undersized – about 52 percent – for the patient populations, which has created crowded, even unsafe conditions for patients, staff, and visitors. In many cases, the management of existing facilities has relocated ancillary services outside the main health facility, oftentimes to modular office units to provide additional space for primary healthcare services. Such displacement of programs and services creates difficulties for staff and patients, increases wait times, and creates numerous inefficiencies within the healthcare 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; and increasing patient and staff safety.

At current rates of funding, if a new facility was built today, it would not be replaced for 200 to 250 years. The absence of adequate facilities frequently results in either treatment avoidance, delayed treatment, 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 indicated that outdated facilities directly threaten a patient’s 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).
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.”

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). Tribal nations 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 citizens. However, disparities still exist. The progress made as a result of SDPI is at risk due to shorter authorization periods, flat funding, and more tribal nations needing access to SDPI funds, as reported in the Indian Health Service Special Diabetes Program for Indians 2011 Report to Congress. Tribal nations 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 tribal nations not currently funded to develop programs. SDPI 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 HEALTH CARE IMPROVEMENT ACT**

IHCIA was permanently reauthorized as part of the Patient Protection and Affordable Care Act (P.L. 111-148) (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 healthcare 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 that is now a standard of practice. Replicating these same improvements for tribal nations in the IHCIA was a critical focus of the reauthorization effort. Tribal nations 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.

Presently, the certain IHCIA programs have not been fully implemented and funded. A plan must be put in place to ensure that the intended outcomes of IHCIA are actually realized. It is critical that additional funds are allocated so the full implementation of IHCIA.

**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 IHS. The federal government’s trust responsibility extends to the whole federal government, not just IHS or the 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 illnesses.
To that end, tribal nations support increased funding specifically dedicated to tribal nations at other HHS agencies. Tribal nations 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 tribal communities have difficulty meeting the service population requirements, match requirements, or lack adequate capacity or resources to even apply for the grants. Denying tribal nations this stable source of funding 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**

- Provide $1.5 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 more than 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 healthy 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**

**Native Hawaiian Health Care Systems Program**

- Provide $25 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.
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 tribal nations 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 and 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.”

This recommendation above underscores the inequity in federal child welfare funding that tribal nations 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 two percent of the United States population under the age of 18 and four percent of the child welfare population.

Across Indian Country, tribal nations 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, many tribal nations work simultaneously in numerous jurisdictions across the country, to improve coordination with state and private child welfare agencies and court systems. Tribal nations’ enduring service to children, families, and communities persists in the face of elevated risk factors for child abuse and neglect.

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.” The recommendations below suggest funding increases that would provide tribal nations with sufficient child welfare funding and provide necessary support in tribal efforts to heal children and families.
Key Recommendations

DEPARTMENT OF THE INTERIOR
Interior – Environment Appropriations Bill
Bureau of Indian Affairs Indian Child Protection and Family Violence Prevention Act

• Appropriate $93 million for the three discretionary grant programs under this law ($30 million for the Indian Child Abuse Treatment Grant Program, $60 million for the Indian Child Protection and Family Violence Prevention Grant Program, and $3 million for the Indian Child Resource and Family Service Center Program), which will provide vital new funding to help tribal nations prevent and treat child abuse and neglect in their communities.

The Indian Child Protection and Family Violence Prevention Act (P.L. 101-630) (ICPFVPA), 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 ICPFVPA authorizes funding for two tribal programs: (1) the Indian Child Protection and Family Violence Prevention Program, which funds prevention programming, investigations, 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. The ICPFVPA also authorizes funding to create Indian Child Resource and Family Service Centers in each of the BIA regional areas. These centers – staffed by multi-disciplinary 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. Representative Gallego (AZ) and Representative Cook (CA) recently introduced, H.R. 4957, a bipartisan bill to reauthorize the ICPFVPA. H.R. 4957 updates key terms, increases the authorization levels for the Indian Child Abuse Treatment Grant Program and the Indian Child Protection and Family Violence Prevention Program, and streamlines the Indian Child Resource and Family Services Centers into one national center.

There is an incredible need for family violence prevention and treatment resources in American Indian and Alaska Native (AI/AN) communities. As recently recognized by Congress in the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4), AI/AN women are more likely than any other population to experience intimate partner violence. A DOJ study found that more than four in five AI/AN adults have experienced some form of violence in their lifetime. Among AI/AN women, 55.5 percent have experienced physical violence by intimate partners in their lifetime, and 56.1 percent have experienced sexual violence. Over 90 percent of the offenders are non-Native. 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 to 70 percent of cases, men who abuse their partners also abuse their children, while child abuse investigations reveal violence against the mother in 28 to 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, be involved in the juvenile and criminal justice systems 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.

Tribal nations, like states, need adequate resources to effectively prevent and respond to child abuse and neglect in their communities. However, unlike states, tribal nations do not have meaningful access to HHS Child Abuse Prevention and Treatment Act Program (CAPTA) grant programs. The programs authorized under ICPFVPA were created to fill this gap, but without appropriations for them, tribal nations are left without funding for child protection and child abuse prevention services.
## BIA Indian Child Protection and Family Violence Prevention Program

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- **Child Abuse Treatment**: $10 million
- **Child Abuse and Violence Prevention**: $30 million
- **Child Resource Centers**: $3 million

## DEPARTMENT OF THE INTERIOR

**Interior – Environment Appropriations Bill**

**BIA Welfare Assistance Program**

- Increase funding level 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 twice the unemployment rate for the total population. 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. The crippling of Native economies before the self-determination era left tribal communities with few economic opportunities, high unemployment, and overwhelmingly impoverished.

The General Assistance Program provides short-term monetary assistance for basic needs such as 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. The needs of those who rely on this program far exceeds the funding that Congress provides.

The Child Assistance Program provides payments for children who must be cared for outside their homes in foster care, adoptive, or guardianship placements, especially for those children who are not eligible for other federal child welfare services like those funded under the Title IV-E Foster Care and Adoption Assistance program. 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.

The Child Assistance Program is the primary funding source dedicated to support these homes. Insufficient funds too often require tribal nations 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. We strongly urge Congress to increase the funds for this program, as the needs are much greater than previously appropriated amounts.

The current funding for the Welfare Assistance Program also does not begin to meet the needs of tribal communities. For example, in FY 2016, based on BIA Financial Assistance and Social Service Reports (FASSR), actual Welfare Assistance expenses were $93 million, leaving tribal nations with an out-of-pocket shortfall of $18 million. We know that this shortfall has since grown. 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.

### BIA Welfare Assistance Program

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### DEPARTMENT OF THE INTERIOR

**Interior – Environment Appropriations Bill**

**BIA Tiwahe Initiative Program**

- Fully fund the Tiwahe Initiative in FY 2021 at the FY 2020 level, and consider making the program permanent and expanding needed resources for all tribal nations.

BIA’s Tiwahe Initiative was established in 2015 to improve the health and wellbeing of families in tribal communities, and to reduce poverty, substance abuse, domestic violence, and associated outcomes such as youth suicide. The Tiwahe Initiative includes two components: one featuring a recurring funding increase for all tribal nations that operate Social Services and ICWA programs; and another containing additional Tiwahe funding support for demonstration/pilot programs at six tribal locations (representing 61 tribal nations and Alaska Native villages) to develop improved coordination and delivery of services (which could offer a model for other tribal nations). Tiwahe funding includes BIA programs of Social Services, ICWA, Courts, Housing Improvement Program (HIP), Job Placement & Training, and the Public Safety Recidivism Reduction Initiative.

Tiwahe was intended as a five-year demonstration program, and upon completion of the five-year program period, if tribal nations evidenced success through performance measures identified in their Tiwahe plans, the program and funding would thereafter continue. The Tiwahe Initiative has provided critical investments to strengthen families and communities and has proven successful.

Congress has supported the Tiwahe Initiative since it began, citing the importance of providing culturally appropriate services with the goals of empowering individuals and families through health promotion, family stability, and strengthening tribal communities as a whole. FY 2019 was the fifth year of the Tiwahe Initiative, and participating tribal nations report that the program has helped them conduct more effective analysis of community needs and program redesign to support families and family self-sufficiency. It is in the interest of all tribal nations that operate Social Services and ICWA programs, the tribal demonstration sites, and all of the children and families benefitting from the initiative that Congress fully fund the Tiwahe Initiative in FY 2021 at the FY 2020 level. NCAI further requests that Congress expand the program with more resources for all tribal nations and make the Tiwahe program permanent.

### 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 $22 million.

As the Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence 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 regrettably still occur today, ICWA provides protections to tribal nations 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 implement 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 receive the best possible services in tribal and state systems and allow tribal nations 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 and $62 million would be required to fully fund tribal child welfare programs on or near reservations. Adjusted for inflation, this would be $193 to $459 million in today’s dollars. Current funding levels fall far short of this estimate. As AI/AN children are still being removed from their families and tribal nations in high numbers through efforts of those who seek to circumvent the law and ignore the best interest of AI/AN children, NCAI urges Congress to increase the Indian Child Welfare Act On or Near Reservation Program appropriations to $22 million. Additionally, the Tribal Interior Budget Committee has placed ICWA funding as its top priority for FY 2021.

- 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 tribal nation, but also with urban Indian child welfare programs. These programs provide assistance to states and the child’s tribal nation, and provide culturally appropriate child welfare services. For this reason, ICWA authorizes child welfare funding for urban Indian programs. From 1979 to 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 living off-reservation increased. This funding must be reinstated. NCAI recommends a $5 million appropriation to support AI/AN children and families living off-reservation.

### BIA Indian Child Welfare Act Program

<table>
<thead>
<tr>
<th>Program</th>
<th>FY 2018 ENACTED</th>
<th>FY 2019 ENACTED</th>
<th>FY 2020 ENACTED</th>
<th>FY 2021 RECOMMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>BIA Tiwahe Initiative Program</td>
<td>$263,000</td>
<td>$270,000</td>
<td>$270,000</td>
<td>$1 million</td>
</tr>
<tr>
<td>On-Reservation ICWA Program</td>
<td>$19.08 million</td>
<td>$19.154 million</td>
<td>$14.431 million</td>
<td>$22 million</td>
</tr>
<tr>
<td>Off-Reservation ICWA Program</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$5 million</td>
</tr>
</tbody>
</table>
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 and navigate 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 tribal nations 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 tribal nations. The contracts, or annual funding agreements, state that the BIA will provide technical support with social services issues as needed. Contrary to these agreements, tribal nations report insufficient or nonexistent technical support. In some cases, tribal nations could wait up to three weeks before receiving a response, or they might receive no response at all.

As the BIA 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 successful Tiwahe Initiative (which decreased crime in implementing tribal communities by 56 percent over three years) 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 tribal nations 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.

<table>
<thead>
<tr>
<th>BIA Social Services Program</th>
<th>FY 2018 ENACTED</th>
<th>FY 2019 ENACTED</th>
<th>FY 2020 ENACTED</th>
<th>FY 2021 RECOMMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$52.832 million</td>
<td>$53.084 million</td>
<td>$51.474 million</td>
<td>$55 million</td>
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</table>
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 $110 million to provide additional access to tribal nations who are currently not eligible to apply based upon the funding formula.

The Promoting Safe and Stable Families Program provides funds to tribal nations 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 tribal nations under each program. All tribal nations 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 tribal nations with approved plans. Based on this formula, tribal nations who would qualify for less than $10,000 are not eligible to receive any funding. This means that many tribal nations, typically those 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. Tribal nations 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 tribal nations 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 tribal nations 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 tribal nations are ineligible for this formula grant. Increasing this program to $70 million (still $130 million below the authorized appropriation) could help dozens of new tribal nations access this funding and augment the programming of the 130 tribal nations and consortia currently funded.

Tribal nations are also eligible to apply for the Tribal Court Improvement Program, a competitive grant program authorized under Promoting Safe and Stable Families. This program is authorized for $30 million of mandatory funding plus 3.3 percent of all discretionary funds. A $1 million tribal set-aside was created in the 2011 Child and Family Services Improvement and Innovation Act (P.L. 112-34). 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 tribal nations and states to work together to improve child welfare coordination and to improve outcomes for AI/AN children.

Promoting Safe and Stable Families Program, Title IV-B Subpart 2 program discretionary funds
(tribal nations eligible for three percent allocation from total amount)

<table>
<thead>
<tr>
<th>FY 2018 ENACTED</th>
<th>FY 2019 ENACTED</th>
<th>FY 2020 ENACTED</th>
<th>FY 2021 RECOMMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>$99.765 million</td>
<td>$99.765 million</td>
<td>$92.515 million</td>
<td>$100 million</td>
</tr>
<tr>
<td>$2.9 million</td>
<td>$2.9 million</td>
<td>$2,775,450</td>
<td>$3.3 million</td>
</tr>
<tr>
<td>$1 million</td>
<td>$1 million</td>
<td>$1 million</td>
<td>$3 million</td>
</tr>
</tbody>
</table>
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 tribal nations’ recent eligibility for these funds through a competitive grant process.

Child Abuse Discretionary Activities, including the 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. Tribal nations have access to this program through a competitive grant process that includes states and other entities. However, 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.70

The Attorney General’s Advisory Committee on American Indian and 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 tribal nations 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.”71 The Child Abuse Discretionary Activities Program is the only funding available to help tribal nations 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 (P.L. 111-320) 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

<table>
<thead>
<tr>
<th>FY 2018 ENACTED</th>
<th>FY 2019 ENACTED</th>
<th>FY 2020 ENACTED</th>
<th>FY 2021 RECOMMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>$33 million</td>
<td>$33 million</td>
<td>$35 million</td>
<td>$38 million</td>
</tr>
<tr>
<td>Dependent upon grantees awarded</td>
<td>Dependent upon grantees awarded</td>
<td>Dependent upon grantees awarded</td>
<td>Increase will fund tribal grantees</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTH AND HUMAN SERVICES
Labor, HHS, Education Appropriations Bill
Child and Family Services
Community-Based Child Abuse Prevention
- Increase funding to $60 million, so that more tribal nations 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. Tribal nations 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 for 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 tribal nations 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.

<table>
<thead>
<tr>
<th>Community-Based Child Abuse Prevention</th>
<th>FY 2018 ENACTED</th>
<th>FY 2019 ENACTED</th>
<th>FY 2020 ENACTED</th>
<th>FY 2021 RECOMMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$39.764 million</td>
<td>$39.764 million</td>
<td>$55.66 million</td>
<td>$60 million</td>
</tr>
<tr>
<td>Tribal (amount shared with migrant populations)</td>
<td>$397,640</td>
<td>$397,640</td>
<td>$556,660</td>
<td>$600,000</td>
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</table>

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Labor, HHS, Education Appropriations Bill
Child Welfare Programs
Child Welfare Services (Social Security Act Title IV-B, Subpart 1)
- Restore funding to this vital program to $280 million to ensure that tribal nations have access to increased flexible Child Welfare Services Program funds for their services to children and families.

The Child Welfare Services Program provides funds that support child welfare program flexibility in the provision of community-based child welfare services. Tribal nations are eligible for this funding based on a formula grant. Tribal nations 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 tribal nations to provide cultural services to families along a continuum, from child protection to out-of-home placement. The Child Welfare Service Program is typically used by tribal nations for in-home services, support services for children in foster care, case management, and training and professional development. Tribal nations use this important funding to tailor their child welfare services to best fit their communities’ needs.

Of the 574 federally recognized tribal nations, 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 tribal nations are not participating.

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

<table>
<thead>
<tr>
<th>FY 2018 ENACTED</th>
<th>FY 2019 ENACTED</th>
<th>FY 2020 ENACTED</th>
<th>FY 2021 RECOMMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>$268.735 million</td>
<td>$268.735 million</td>
<td>$268.735 million</td>
<td>$280 million</td>
</tr>
<tr>
<td>~$6.329 million (estimated)</td>
<td>~$6.329 million (estimated)</td>
<td>~$6.329 million (estimated)</td>
<td>~$7.1 million (dependent on number of applicants)</td>
</tr>
</tbody>
</table>

**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 tribal nations).

The ACA set aside funds to support five-year grants for the Maternal, Infant, and Early Childhood Home Visiting Program. This innovative program included tribal nations at its inception with a three percent tribal set-aside and currently funds 23 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.
Maternal, Infant and Early Childhood Home Visiting Program

<table>
<thead>
<tr>
<th></th>
<th>FY 2018 ENACTED</th>
<th>FY 2019 ENACTED</th>
<th>FY 2020 ENACTED</th>
<th>FY 2021 RECOMMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$400 million</td>
<td>$400 million</td>
<td>$400 million</td>
<td>$420 million</td>
</tr>
<tr>
<td>Tribal</td>
<td>~$12 million</td>
<td>~$12 million</td>
<td>~$12 million</td>
<td>~$12.6 million</td>
</tr>
</tbody>
</table>

(estimated) (dependent on number of applicants)

CHILDREN’S MENTAL HEALTH

AI/AN children and communities grapple with complex behavioral health issues at higher rates than any other population. Tribal nations 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 challenges that tribal nations face that require resources 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 reliable way to transform these broken systems is to support tribal children’s mental and behavioral health programs with funding that reflects the need. Funding also must account for the understanding that effective mental and behavioral healthcare 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 tribal nations to integrate mental and behavioral health interventions throughout government services.

It is with this understanding that NCAI strongly recommends the following appropriations. The numbers provided below will help dozens of additional tribal nations 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 to $8 million, ensure that $6.5 million is reserved for the tribal Circles of Care program with funding for the tribal technical assistance center restored.

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 mental health programming for Native youth.

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 tribal nations 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 to healing AI/AN children. Since its creation in 1998, the Circles of Care program has helped more than 50 different tribal and urban Native communities. These programs have been incredibly successful. The majority of tribal nations who have received these grants have created long-term, sustainable systems of care for their children.

In 2017, SAMHSA awarded 13 new tribal Circles of Care grant programs, which continued through 2019. More than half of the 31 graduated Circles of Care grantees 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 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. One notable concern is in 2018, SAMHSA discontinued funding of tribal specific technical assistance services for the Circle of Care grantees through the long funded tribal-specific technical assistance center. This has left Circles of Care grantees with little opportunity to find and secure tribal specific technical assistance, which is critical to their success in establishing quality plans for children’s mental health services.

### SAMHSA Children and Family Programs (includes Circles of Care)

<table>
<thead>
<tr>
<th></th>
<th>FY 2018 ENACTED</th>
<th>FY 2019 ENACTED</th>
<th>FY 2020 ENACTED</th>
<th>FY 2021 RECOMMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$7.229 million</td>
<td>$7.229 million</td>
<td>$7.229 million</td>
<td>$8 million ($6.5 million dedicated to Circles of Care grants and a tribal technical assistance center)</td>
</tr>
</tbody>
</table>

+ Circles 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) Youth Suicide Prevention and Early Intervention and Campus Suicide Prevention Programs**

- Increase funding to $40 million for the Youth Suicide Prevention and Early Intervention and Campus Suicide Prevention grant program and $9 million for the Campus Suicide Prevention grant program to ensure current multi-year grantees can complete the grant cycle and allow for new tribal grantees in FY 2021.

The GLS State/Tribal Youth Suicide Prevention and Early Intervention Program provides four-, three-, and one-year grants to states, tribal nations, 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 support 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 funded at $9 million.

### Garrett Lee Smith Suicide Prevention Programs

<table>
<thead>
<tr>
<th></th>
<th>FY 2018 ENACTED</th>
<th>FY 2019 ENACTED</th>
<th>FY 2020 ENACTED</th>
<th>FY 2021 RECOMMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>State/Tribal Youth Suicide Prevention</td>
<td>$35.427 million</td>
<td>$35.427 million</td>
<td>$35.427 million</td>
<td>$40 million</td>
</tr>
<tr>
<td>Intervention Grant Program</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Campus Suicide Prevention Program</td>
<td>$6.488 million</td>
<td>$6.488 million</td>
<td>$6.488 million</td>
<td>$9 million</td>
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### 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 wellbeing 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 more than 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 more than 9,000 community members in prevention and mental health promotion. NCAI urges Congress to increase funding to $5 million to allow for more of these important activities to continue.
SAMHSA American Indian and Alaska Native Suicide Prevention

<table>
<thead>
<tr>
<th></th>
<th>FY 2018 ENACTED</th>
<th>FY 2019 ENACTED</th>
<th>FY 2020 ENACTED</th>
<th>FY 2021 RECOMMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$2.931 million</td>
<td>$2.931 million</td>
<td>$2.931 million</td>
<td>$5 million</td>
</tr>
</tbody>
</table>

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 FY 2019, SAMHSA funded Tribal Behavioral Health Grants at $40 million ($20 million in the Mental Health appropriation and $20 million in the Substance Abuse Prevention appropriation). NCAI recommends a combined $50 million in FY 2021 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 tribal nations are best able to serve these young people and help them heal before they reach adulthood.

There is growing evidence that Native youth who are culturally and spiritually engaged are more resilient than their peers. Research has revealed that 34 percent of Native adolescents preferred to seek mental or substance abuse services from a cultural or 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.

This funding provides flexible opportunities allowing tribal nations 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 tribal nations.
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, approximately 200 total projects have been funded, dozens of which have been in tribal communities. Currently, nine tribal communities are funded by 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. 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.

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 tribal nations to access these funds and create real systems change. For these reasons, funding should be increased to $135 million for FY 2021.
Elders are held in the highest regard in all tribal communities. However, American Indian and Alaska Native (AI/AN) elders are the most economically disadvantaged elderly minority in the nation and are at risk for exploitation, food insecurity, limited economic opportunities, neglect, and other factors that harm their health and wellbeing.

The Older Americans Act (P.L. 89-73) (OAA) is the major federal statute that authorizes social and nutritional services to AI/AN elders. These services are essential to providing tribal nations with the resources necessary to address the needs of their 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 nations have little or no access to the agencies, departments, ombudsman, and programs that are available to states. In addition, state programs seldom serve Native elders due to cultural and geographic barriers. Addressing these disparities and protecting and enhancing funding levels for these critical programs is necessary in order to ensure AI/AN elders receive consistent and effective care and support.
Key Recommendations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Older Americans Act – Title VI

- Provide $43 million for Parts A (Grants for Indian Programs) and Part B (Grants for Native Hawaiian Programs).

Programs under Title VI of the OAA are the primary vehicle for providing nutrition and other direct supportive services to American Indian, Alaska Native, and Native Hawaiian elders. In FY 2017, 271 tribal nations and tribal consortia were served under the OAA, Part A and Part B grants. Less than half of the Part A and Part B grants given to tribal nations are less than $100,000 each. This funding level does not provide tribal nations with enough funding to provide adequate services to their tribal elders. As a result, many tribal elder programs 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. In addition to being unable to provide elder meals throughout the week, some Title VI programs are 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. Funding should be increased so that Native elders receive critical care and assistance.

- Provide $12.1 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 more than 240 tribal nations as well as tribal consortia that serve more than 400 tribal nations. Through the Native American Caregiver Support Program, many AI/AN elders and families are able to access the services they need to ensure their caregivers receive the support and services necessary as they provide care for their loved ones. With more than 230,000 American Indian and Alaska Native elders participating, this program cannot be effective if it is not adequately funded. Funding must be increased to ensure Native elder caregivers are receiving and accessing support services that ensure the needs of those they care for are effectively and adequately addressed.

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 five percent tribal set-aside for the Protection of Vulnerable Older Americans so that tribal nations and tribal organizations can carry out elder justice activities consistent with the Older Americans Act (Title VII, Subtitle B).

- Recommend that tribal nations 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 an incredibly complex jurisdictional landscape. OAA Title VII – Subtitle B authorizes a program for tribal nations, public agencies, and 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 OAA, appropriations for these programs are necessary because tribal nations have no additional source of mandatory federal funding for elder protection activities. As a result of this issue, a five
percent tribal set-aside should be created under Subtitle B to ensure that tribal nations have access to funds at a comparable level to states. It is further recommended that tribal nations 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

- Restore funding for the Senior Community Service Employment Program (SCSEP) to the FY 2015 level of $434.4 million 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. SCSEP promotes self-sufficiency and economic enhancement, and is the only federal workforce development program for low-income tribal elders 55 and older. SCSEP provides elders with services and training that allow them to gain necessary skills to re-enter the workforce and transition to regular employment. Restoring SCSEP funding to its FY 2015 level of $434.4 million is critical for older adults. Each year, SCSEP provides jobs for about 67,000 elders in every state. Protecting and enhancing funding levels for this critical program is necessary in order to ensure tribal elders continue to receive the skills and resources necessary for self-sufficiency and economic achievement.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

- Fully implement the Indian Health Care Improvement Act and promote long-term services and supports (LTSS) within Indian Country

As the Native elder population continues to grow, it is important to prepare for the increased demand for LTSS. Generally, elders prefer to age within their homes and communities and pass along knowledge that is essential to Native people. The caregiving usually falls upon family members, because AI/AN households tend to be multigenerational. Caregiving is satisfying but can also be stressful emotionally and financially. Elders cannot continue to afford these services out of pocket. LTSS encompasses a full range of services from in-home community-based services to long-term care. To support and enhance LTSS, the following is needed:

- 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 tribal aging services and supports to ensure that tribal elders will age in place in their own communities.
- Provide services and support for tribal adults with disabilities, who require a range of services such as transportation, home modification, medical, in-home, and other crucial supportive services.
- Work with HHS in developing culturally appropriate healthcare services for tribal elders with dementia diseases such as Alzheimer’s disease. These healthcare services should also provide caregiver support services.
American Indians and Alaska Native (AI/AN) people have the highest rate of disabilities and the lowest opportunity to access programming. AI/ANs with disabilities deserve comprehensive care, including culturally sensitive programs and quality resources. State-led and non-tribal programs feature multiple barriers for individuals with disabilities living on or near reservations and villages, including a lack of cultural awareness, research, accommodations, and opportunities. Services needed by individuals with disabilities range and overlap with the need for transportation, home modification, LTSS, and other crucial supportive services.

A critical program established for AI/ANs with disabilities is the American Indian Vocational Rehabilitation Services (AIVRS) through the U.S. Department of Education, Rehabilitation Services Administration (RSA). This program was established through the Rehabilitation Act of 1973, amended in 2015 (as amended P.L. 114-95), to establish and promote workforce programming for individuals with disabilities. Congress recognized in Title I that work “fulfills the need of an individual to be productive, promotes independence, enhances self-esteem, and allows for participation in the mainstream of life in the United States.” However, Section 121, which provides employment opportunities for AI/ANs, is critically underfunded leaving many individuals with disabilities unable to access these services.
Key Recommendations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill
Rehabilitation Act – Title I
American Indian Vocational Rehabilitation Services

- Provide $3.6 billion for Vocational Rehabilitation (VR) Services

Consistent with Section 121(c) of the Rehabilitation Act, the Department is required to reserve a percentage of funds for vocational rehabilitation state grants to support training and technical assistance to tribal governments under the American Indian Vocational Rehabilitation Services (AIVRS) program. Specifically, the Rehabilitation Services Administration is required to reserve not less than 1.8 percent and not more than 2 percent of the funds set aside from the State VR program for the AIVRS program to provide training and technical assistance to tribal nations that have received AIVRS grants under section 121(a) of the Act. AIVRS awards grants to a select number of tribal nations to assist them in increasing their workforce capacity while providing culturally focused vocational rehabilitation services for AI/ANs with disabilities on or near a reservation. In FY 2019, there were 88 AIVRS programs across 26 states. Every year, in a staggered system, tribal nations that are ending their five-year grants must reapply. However, funding has been inconsistent and the number of grants have fluctuated. AI/ANs with disabilities should not have to fear that after five years they will no longer be able to access services because of reduced funding or a grant’s termination. It is critical that AIVRS is well funded to provide for individuals with disabilities that need vocational rehabilitation.
Increasing infrastructure development and economic and workforce development opportunities in Indian Country requires a comprehensive, multi-agency approach. Indian Country continues to face daunting challenges – notably high rates of unemployment and poverty – which primarily stem from longstanding shortfalls in federal funding obligations and unnecessary barriers to private and philanthropic investments on tribal lands. Adequate federal funding, coupled with reduced regulatory burdens, will empower tribal nations’ efforts to develop robust, sustainable economies through increased access to capital resources and programs designed to train their workforces. These FY 2021 budget requests seek appropriation levels that are essential to the federal government honoring its trust responsibility to support tribal nations as they work to seed economic prosperity and increased job opportunities across their tribal communities and prepare their citizens to take advantage of those opportunities.

**Key Recommendations**

**DEPARTMENT OF COMMERCE**

*Commerce, Justice, Science Appropriations Bill*

Minority Business Development Agency (MBDA)

- Provide $42 million for the MBDA.
- Continue the initiative to provide MBDA support for Native American Business Enterprise Centers.

Established by Executive Order in 1971, the 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 at least 50 percent. Providing funding at a minimum of $42 million will enable the MBDA to continue supporting its MBDA Business Centers (MBCs), and set aside sufficient funds within its budget to continue grant support for entities qualified to provide the business,
financing, and procurement technical assistance services that Native businesses need to develop stronger private sector capabilities and contribute to the national economy. The MBDA should also continue to support federal contract awards to Native American contractors, track Native as well as other 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 (P.L. 106-464) (the 2000 Act). However, since its establishment, ONABD has had to rely on minimal resources from the MBDA to coordinate federal programs for financial and technical assistance to increase business, expand trade, and support economic development on tribal lands. For example, the FY 2016 budget request for the MBDA noted the absence of stand-alone appropriations to support ONABD since it was created by the 2000 Act, and also the lack of appropriations to implement other aspects of the 2000 Act and the Indian Tribal Regulatory Reform and Business Development Act of 2000.

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 ONABD through Commerce’s Departmental Management budget would fulfill Congress’ intent for this Office to direct Commerce’s broad authorities to expand business development, trade promotion, and tourism within Indian Country, and externally facilitate the regulatory reforms determined necessary to enhance such economic development and commercial expansion. 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 tribal nations, tribal enterprises, and Native businesses; and enhancing business and financial management training.

**SMALL BUSINESS ADMINISTRATION**

Financial Services Appropriations Bill  
Office of Native American Affairs  
- Fund the United States Small Business Administration’s (SBA) Office of Native American Affairs at a minimum of $2 million.

SBA’s Office of Native American Affairs (ONAA) provides vital assistance to tribal nations and Native-owned businesses in navigating the SBA’s business assistance, procurement-related, and lending programs. Recent FY budgets have provided SBA line-item funding of $2 million for “Native American Outreach” to facilitate ONAA’s outreach to and coordination with tribal communities and businesses to connect them with business tools and other important resources for tribally-owned corporations and individual Native entrepreneurs. For example, SBA’s FY 2014 Annual Performance Report noted the successes of its Native American outreach, including more than 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 its outreach to Native people, advance successful initiatives like its tribal and business executive training, and ensure its participation in multi-agency workshops and Native supplier initiative events around the country. ONAA also can be instrumental in spurring business development with SBA loans, and initiating review of the extent to which SBA loan guarantees are used in financing business loans in Indian Country and ways to increase such usage.
Further, ONAA has been integral in facilitating Native American contractors’ participation in the SBA’s 8(a) Business Development Program, HUBZone, women-owned business, veteran-owned and service-disabled veteran-owned 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 tribal 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 the $44 million funding for the Procurement Technical Assistance Program.

For decades, the Defense Logistics Agency (DLA) has supported the Procurement Technical Assistance Program (PTAP) by providing cooperative agreement assistance to Procurement Technical Assistance Centers (PTACs). Many of these centers are housed within educational institutions that help support their operations. Beginning in the early 1990s, DLA began to fund American Indian Procurement Technical Assistance Centers (AIPTACs) that serve more than one Bureau of Indian Affairs (BIA) area.

Six such AIPTACs have operated across the country, all 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 FY 2019 and 2020 funding set-aside of $4.5 million for AIPTACs is commensurate with the amount authorized per statewide PTAC and per AIPTAC (even though the service area of each AIPTAC is much larger than just one state). Congress has supported the continued growth of PTAP, funding the program at over $44 million for FY 2020. PTAP funding for FY 2021 should increase or at least remain level and thus maintain the $4.5 million set-aside for AIPTACs. In addition, the Department of Defense (DOD) should consider restructuring PTAP and related programs to ensure that AIPTACs are able to serve all states, as currently only about half of the country is being serviced.

**DEPARTMENT OF DEFENSE**

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

**Indian Incentive Program**

- Fund the Indian Incentive Payment (IIP) Program at a minimum of $25 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 DOD to make Indian Incentive Payments to contractors that subcontract work to Native-owned subcontractors under DOD contracts. From FY 2009 to FY 2018, Congress 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, for FY 2019 and FY 2020 Congress provided $25 million and specified the funding “shall be available for the incentive payments authorized by” 25 U.S.C. § 1544. For FY 2021, Congress should approve the same funding level and mandatory language regarding its usage.
DEPARTMENT OF THE TREASURY

Financial Services Appropriations Bill

Community Development Financial Institutions Fund

- Provide a minimum of $30 million for technical and financial assistance under the Native American CDFI Assistance (NACA) Program.
- Make permanent the waiver of the non-federal match requirement for the NACA financial assistance program.

The Native Initiative of the Community Development Financial Institution (CDFI) Fund is an important program that expands access to capital for individuals and small businesses in Indian Country. Each year, the CDFI Fund channels funding to the NACA program, which includes financial and technical assistance components. The NACA program makes awards that assist Native community development financial institutions (Native 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.

For FY 2018, the NACA program received 53 applications for Financial Assistance and Technical Assistance funding totaling $33.6 million, but the CDFI Fund was only able to award 38 organizations with funding totaling $15.1 million. With more than 70 federally certified Native CDFIs and many more 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 demand and demonstrated impact, Congress provided $16 million for FY 2020 and should strive to increase the annual allocation to at least $30 million for the NACA Program for FY 2021 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 $47 billion in Native communities.

DEPARTMENT OF THE TREASURY

Financial Services Appropriations Bill

New Markets Tax Credit (NMTC) Program

- Provide a 10 percent set-aside and revise ‘service area’ to include Indian Country.

In 2000, Congress established the NMTC Program to spur investment in projects located in low-income communities. According to the CDFI Fund, for every $1 invested by the federal government, the NMTC Program generates over $8 in private investment. Unfortunately, NMTC Program funding “has rarely made its way into Indian Country.” Between 2014 and 2017, as an example, only one Native Community Development Entity (CDE) received a funding allocation of $20 million of the $15 billion made available during that period. 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 Fund’s robust budget should include a 10 percent set-aside for Indian Country to ensure that Native CDEs (which can include Native CDFIs) 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

• Fund the Minority Serving Institutions Partnership Program (MSIPP) Tribal Colleges and Universities Initiative at $5 million.

Report language is needed to accompany the FY 2021 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) MSIPP, specifically for the Tribal Colleges and Universities Advanced Manufacturing Network Initiative. The 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. The goal of this initiative is to create reservation-based economic and employment opportunities through the design, manufacture, and marketing of high-quality products in partnership with tribal nations, major industry, and the National Laboratories. Full funding of the project will help establish 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 $25 million.

OIEED’s Division of Capital Investment oversees the Indian Loan Guarantee Program and loan subsidy program, and has authority to support surety bonding for tribal 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 that will have an economic impact on a Native American community or BIA service area. BIA-certified lenders are those willing and able to lend to tribal nations 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 $15 in private sector lending for every $1 in federal funds backing the guarantees. In response to persistent calls from Indian Country to fortify this key program, Congress has been increasing this program’s yearly funding, providing almost $12 million for FY 2020, with an aggregate cap of $183.4 million of guaranteed private sector loan financing. A higher level of $20 million for guarantee support should be provided for FY 2021 to accelerate the financing of business, economic, energy and infrastructure projects; support lines of credit for working capital and payrolls for hiring new employees; and provide assurances sufficient for sureties to issue performance bonds to tribal or other Native-owned business contractors performing infrastructure and other construction contracts.
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 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 tribal nations, tribal enterprises, and individual Indian-owned businesses for business development. The collaboration and direct relationship between OIEED and the Office of the Secretary has been key to OIEED’s effectiveness, and therefore, the structure should always be maintained. Further, to expand upon OIEED’s successful activities, there are other increased funding opportunities that would enable the OIEED to: (1) provide grants to tribal nations for feasibility studies for business and economic development projects; (2) expand the scope and usefulness of its Indian Loan Guarantee Program; (3) fund tribal nations to explore adoption of the Model Secured Transaction Agreement (MTSTA), enhance codes that tribal nations have already adopted, and work with host states to develop agreements to use state registries to record liens/financing statements arising from tribal codes.

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 tribal nations seeking to establish leasing/environmental programs pursuant to the provisions of the Helping Expedite and Advance Responsible Tribal Home Ownership Act (P.L. 112-151) (HEARTH Act) because such grants can be used to establish the tribal regulatory programs necessary to qualify under that HEARTH Act.

Funding lapsed after FY 2011 for the Native American Business Development Institute 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 tribal nations pursuing significant infrastructure projects. Congress must provide at least $1.4 million for FY 2021 to restore the level of funding provided for this assistance in FY 2011.
**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Labor, HHS, Education Appropriations Bill**

**Administration on Native Americans**

- Provide $40 million for Social and Economic Development-Related Grants

The Administration on Native Americans (ANA) promotes social and economic self-sufficiency, as well as native languages, in communities through various competitive grants. The largest portfolio of ANA’s grants supports Social and Economic Development Strategies (SEDS) and other grants include SEDS for Alaska grantees (SEDS-AK), SEED for sustainable employment, I-LEAD for youth initiatives, and Native American Building Initiative (NABI) grants. In FY 2018, ANA disbursed about $31.6 million in Social and Economic Development-related grants. Yet, to enable ANA to prioritize certain grants and technical assistance to new applicants for these grants, some additional funding for staffing should accompany a larger budget to fund Social and Economic Development-related grants. For FY 2021, at least $40 million should be provided for Social and Economic Development-related grants and related staffing needs and technical assistance requirements.

**DEPARTMENT OF LABOR**

**Labor, HHS, Education Appropriations Bill**

**Employment and Training Administration, YouthBuild Program**

- Maintain YouthBuild Program funding at a minimum of $89 million for FY 2021 (consistent with Section 171 of the Workforce Innovation and Opportunity Act (WIOA)).

The YouthBuild program is a workforce development program that provides significant academic and occupational skills training and leadership development to youth ages 16 to 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 148,000 YouthBuild students have built 32,000 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.

It is critical that Congress fund the YouthBuild program at a minimum of $89 million for FY 2021, and that Native youth receive program support from this funding pool commensurate with their percentage of the eligible participant population as well as their identified needs.

**DEPARTMENT OF LABOR**

**Labor, HHS, Education Appropriations Bill**

**Employment and Training Administration, Indian and Native American Program**

- Fund the Department of Labor’s Indian and Native American Program at a minimum of $60.5 million.

Reducing the education and employment disparity between Native peoples and other groups requires a concentrated effort that provides specific assistance to enhance education and employment opportunities, creates pathways to careers and skilled employment, and prepares and maintains a pathway for Native people to join the nation’s middle class. The WIOA Section 166 program serves the training and employment needs of nearly 30,000 American Indians and Alaska Natives through a network of 121 grantees funded under the Comprehensive Service Program (Adult) and the
Supplemental Youth Service Program (Youth) alone.

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. Tribal 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 the Division of Indian and Native American Programs (DINAP) 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 Temporary Assistance for Needy Families, and Tribal Vocational Rehabilitation programs). 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. Congress should reject outright the proposal to eliminate the stand-alone funding mechanism for WIOA Section 166 workforce development programs in favor of formula funding for Native people in need of such programming, which would effectively amount to a decrease of nearly $50 million in funding support for this population.

**DEPARTMENT OF LABOR**

**Labor, HHS, Education Appropriations Bill**

*Native American and Employment Training Council*

- Fund the Native American Employment and Training Council at $125,000 from non-Indian and Native American Program resources.

WIOA also authorizes the Native American Employment and Training Council to advise the Secretary on the operation and administration of DINAP, but it uses funds that are intended for DINAP grantees. The Secretary should use other streams of funding to support the Council. Without an increase in funding, many tribal nations are unable to access the support and training activities for employment opportunities in Indian Country.
Tribal access to modern communications networks supports economic development, tribal governance, healthcare, education, and public safety in tribal and surrounding communities. Consultation in federal decision-making that impacts tribal nations, greater representation in telecommunications infrastructure and media, and increased access for tribal citizens to mobile and fixed broadband internet will foster economic and community development in tribal communities that can, among other benefits, increase the efficiency and impact of certain federal programs and services by delivering them more proactively and cost-effectively. Unfortunately, many tribal communities continue to disproportionately lack broadband access, which directly inhibits tribal nations’ ability to support economic opportunity and a good quality of life for their citizens. According to the Federal Communications Commission (FCC), geographic remoteness, a lack of necessary infrastructure, complex permitting processes on tribal lands, and jurisdictional issues involving state governments and sovereign tribal governments create additional burdens to broadband deployment that are unique to Indian Country.

Tribal communities are among the most unserved or underserved populations with respect to broadband deployment. Congress must create a Tribal Broadband Fund to empower new market opportunities and direct spending in Indian Country. The FCC’s Office of Native Affairs and Policy states that, “[u]nderstanding the complexity of the digital divide in Indian Country requires an appreciation of the unique challenges facing Tribal Nations, which include deployment, adoption, affordability, and access to spectrum, as well as lack of investment dollars and access to credit and start-up or gap financing.” The ability of tribal nations to obtain credit and financing for broadband infrastructure development is limited by their difficulty in collateralizing assets that are held in trust by the federal government and difficulty accessing investment dollars for use in tribal communities. Creation of a Tribal Broadband Fund would promote education, economic opportunity, health, public safety, and governance in tribal communities that currently face a severe broadband deficit.

To address the digital divide in Indian Country, Congress also must create an interagency committee with representation from the FCC’s Wireless and Wireline Bureaus, U.S. Department of Agriculture’s (USDA) Rural Utilities Service, Commerce’s National Telecommunications and Information Administration, and DOI’s Office of the Assistant Secretary for Indian Affairs to address how best to coordinate federal resources from the various agencies to enhance broadband connectivity in Indian Country. This recommendation is consistent with the FCC’s National Broadband Plan, which recommends that “Congress should consider
establishing a Tribal Broadband Fund to support sustainable broadband deployment and adoption on Tribal lands, and all federal agencies that upgrade connectivity on tribal lands should coordinate such upgrades with Tribal governments and the Tribal Broadband Fund grant-making process.”

According to a September 2018 Government Accountability Office (GAO) report on broadband internet access on tribal lands, FCC methodology for measuring and reporting broadband access overestimates broadband deployment on tribal lands, indicating that the digital divide between Indian Country and the rest of the United States is even greater than previously reported. Policies and investments focused on the deployment of broadband and the adoption of new technologies will provide increased opportunities for tribal nations to build thriving economies, comprehensive public safety networks, strong public media systems, and other necessary infrastructure.

**Key Recommendations**

**FEDERAL COMMUNICATIONS COMMISSION**

**Financial Services Appropriations Bill**

**Tribal Broadband Fund**

- Provide $1 billion per year for the Tribal Broadband Fund.

Congress must create a Tribal Broadband Fund to support the development of broadband infrastructure across Indian Country, which will empower new market opportunities and direct spending in Indian Country. Funding is needed for deployment, adoption, affordability, and access to spectrum licenses, including recurring expenses throughout Indian Country. Resources from the Tribal Broadband Fund should be eligible for use on all tribal lands, including off-reservation trust lands. The Tribal Broadband Fund should seek to provide grants, loans, and loan guarantees that emphasize middle-mile connectivity that links local tribal community networks to other network service providers and the internet. The intent of the Fund should be to construct, operate, and maintain more reliable and resilient broadband networks throughout Indian Country.

**FEDERAL COMMUNICATIONS COMMISSION**

**Financial Services Appropriations Bill**

**Office of Native Affairs and Policy**

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

The 1934 Communications Act (P.L. 73-416), and subsequent amendments in the 1996 Telecommunications Act (P.L 104-104), 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 across 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 FCC-ONAP office was created without dedicated funding, and it was not until passage of the FY 2014 Omnibus that the office received $300,000 to support its tribal consultation and training directives.

FCC-ONAP must continue to receive ongoing and increased funding to support the staffing levels necessary to support the closing of 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 a necessary investment in the digital future of all tribal nations.
**FY 2023 ADVANCE APPROPRIATION (CPB/OMB REQUEST)**

**CORPORATION FOR PUBLIC BROADCASTING**

Labor, HHS, Education Appropriations Bill

**Grant Programs**

- Appropriate at least $7 million to fund American Indian and Alaska Native radio stations.
- Appropriate at least $500,000 for Native Public Media and $500,000 for Koahnic Broadcast Corporation.

Native radio stations are critical to the communities they serve because 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, Native 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. 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 forum where Native stories and issues are broadly heard are on Native radio stations.

NCAI supports the $445 million advance FY 2023 appropriation for the Corporation for Public Broadcasting (CPB). As such, NCAI opposes any reduction in appropriations that affect funding for Native public media organizations. 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 36 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. Funding for Native Public Media, Inc. and Koahnic ensures that Native radio stations stay on-air by maintaining compliance with FCC and other federal rules and regulations; providing the training and support Native broadcasters need; and sustaining the satellite delivery necessary for providing broadcast services to some of the most rural and remote locations across Indian Country.

NCAI supports an FY 2023 advance appropriation of $5 million in CPB funding for the 36 CPB-qualified Native radio stations serving federally recognized American Indian tribal nations and Alaska Native villages; and an FY 2022 advance appropriation of $500,000 for Native Public Media and $500,000 for Koahnic Broadcast Corporation for technical support services to Native radio stations.
Native peoples were this land’s first farmers, long before the establishment of the first American colony. To this day, agriculture remains a major economic force in Indian Country, especially as a job creator for rural, tribal communities. U.S. Department of Agriculture’s (USDA) 2017 Census of Agriculture counted at least 79,198 American Indian farm and ranch operators utilizing more than 59 million acres of land. These farms and ranches sold $3.5 billion of agricultural products, including more than $1.4 billion of crops and $2.1 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 nations and individual Native farmers and ranchers rely on active partnerships with USDA to sustain and advance common interests across the broad array of services that this federal agency provides for tribal governments.

USDA programs span a wide range of areas that impact 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 (USDA-RD) and the Rural Utility Service (USDA-RUS) 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 nations look to the myriad services, programs, and resources available from USDA to ensure sustained prosperity and economic security for 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.

The 2018 Farm Bill contained a historic number of new tribal provisions, several of which need increased funding, outreach, and technical assistance support to ensure full and proper implementation consistent with the intent of Congress. Additionally, it is worth noting that the 2018 Farm Bill extended tribal self-determination contracting under the Indian Self-Determination Education and Assistance Act of 1975 (P.L. 93-638) to two USDA programs in food procurement and forestry management.
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 USDA, especially since a vast majority of USDA’s services and programs impact tribal lands and communities. Often, when USDA decisions are being made, there is a need to open lines of communication between the agency and 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 impacted American Indian and Alaska Native (AI/AN) tribal governments and citizens. OTR also is responsible for coordinating policies affecting AI/ANs across other federal agencies, including working with agencies regarding the new P.L. 93-638 tribal self-determination provisions.

OTR has increased its responsibilities in these major areas:

- Pursuant to Memoranda of Understanding (MOUs) between 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 USDA’s 2012 Sacred Sites Report and corresponding MOUs between USDA and the Departments of the Interior, Energy, and Defense, as well as the Advisory Council on Historic Preservation.
- OTR supports USDA-RD and USDA-RUS 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 USDA-RD to provide greater flexibility and more favorable loan terms for much-needed electricity, water and waste disposal, telecommunications, distance learning, and broadband infrastructure on trust lands.
- OTR’s initial funding level of $1 million in FY 2010 was slashed in FY 2011 and FY 2012, and remaining at only around $500,000 annually through 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 across Indian Country. With OTR’s added responsibilities beginning in 2012, it is clear that OTR requires additional resources to carry out its many vital functions effectively.

For example, many of the new 2018 Farm Bill tribal provisions require direct engagement by OTR. Providing insufficient funding will not allow OTR to adequately fulfill its expanded scope of work, which includes implementing programs, providing technical assistance, and producing and disseminating curricula and informational materials to ensure tribal nations have the education and training they need. OTR has been responsible for coordinating and facilitating four additional tribal consultations on the 2018 Farm Bill, and those activities will only expand as more programs are implemented across USDA.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill
Rural Development, Rural Utilities Programs, and Rural Housing and Community Facilities Programs

- Provide a minimum of $3.2 billion to USDA Rural Development.

As tribal nations work to foster sustained economic security and community prosperity, 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 local commerce.
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, 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 $783.545 million to Rural Utility Services.

USDA-RD began implementing changes in 2012 designed to improve access to RUS funding for individuals living in Substantially Underserved Trust Areas (SUTA)—including tribal 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, originally authorized by the 2008 Farm Bill, still require additional funding for administration as well as for programs and loan authority within RUS. It is important that more funding is made 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.

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 the quality of life for Native peoples, and recent cuts to this budget makes it worse, exposing Native people to unhealthy water and its subsequent detrimental impacts to human health, economic development, and community morale.

- Include $1.5 million for USDA Rural Development Tribal Technical Assistance Program.

Lastly, the 2018 Farm Bill mandated the establishment of a Tribal Technical Assistance Program within USDA-RD designed to address the unique challenges Indian Country faces when seeking infrastructure, cooperative development, housing, and other development opportunities funded by USDA-RD. Funding for this newly established area is especially critical due to the unique circumstances surrounding lending and infrastructure deployment in tribal communities, which often leads to either misinformation provided to tribal nations or misinterpretation of tribal applications. Appropriating $1.5 million to establish this program will help eliminate these unnecessary barriers to development in Indian Country.

**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. USDA-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**

- Fund the Environmental Quality Incentives Program at a minimum of $1.75 billion as required by the 2018 Farm Bill.
- Fund the Conservation Stewardship Program at a minimum of $725 million. 93

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 nations. 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 tribal nations 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 consider their natural resources sacred and depend heavily upon them for economic, cultural, and spiritual sustenance. Historically, federal natural resources funding for tribal nations has been limited, as tribal nations 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 U.S. Department of the Interior bureaus. While working to sustain essential efforts amidst the harsh budget climate and potential cuts to funding, tribal nations should have access to new opportunities afforded by USDA’s NRCS programs. The 2008 Farm Bill authorized the Secretary of Agriculture to provide up to 90 percent of the costs associated with planning and implementing conservation practices for tribal nations. In addition, up to 30 percent of such payments may be provided in a short-term advance for purchasing materials or contracting. Tribal nations also are included in a five percent set-aside of Environmental Quality Incentives Program (EQIP) funds and a five percent set-aside of Conservation Stewardship Program acres for socially disadvantaged farmers or ranchers. Since the Wildlife Habitat Incentives Program was rolled into EQIP in the 2014 Farm Bill, NCAI requests that the funding levels continue to steadily increase for EQIP, which provides financial and technical support to tribal nations 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. The CSP program is an important resource for tribal nations.

**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 $15 million.

Congress mandates research and extension services in every county in the nation. These services support farmers, natural resources managers, youth (via 4-H youth programs), and communities by providing a FRTEP agent to liaise with other USDA programs, provide training in farm and ranch business management, supervise 4-H and youth development activities, and coordinate special training programs, including application of new agriculture technologies. While there are more than 3,100 extension offices available to farmers nationwide, fewer than 30 extension agents serve Indian reservations, with current funding of only $3 million available to 1862 and 1890 Land-Grant Institutions and the University of the District of Columbia. With the 2018 Farm Bill making 1994 Tribal Colleges and Universities eligible for the program _essentially doubling the pool of
increased funding is essential to ensure that FRTEP programs will continue to serve tribal farmers and ranchers, and that those services can be expanded to newly eligible institutions. An increase to $15 million would begin to address this persistent inequity and allow for additional service by more than 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
- Appropriate $200 million for the Food Distribution Program on Indian Reservations (FDPIR).
- Appropriate $5 million to develop a traditional foods market for FDPIR.
- Appropriate $5 million for the 638 Tribal Self-Governance Demonstration Program for Tribal Organizations.

The Food Distribution Program on Indian Reservations is currently serving approximately 276 tribal nations and is a critical food assistance program, particularly in areas that do not have easy access to Supplemental Nutrition Assistance Program (SNAP) offices or authorized food stores. Through more than 100 Indian Tribal Organizations (ITOs), and three State Agencies, FDPIR provides USDA foods to low-income households and the elderly living on Indian reservations and to AI/AN households residing in eligible areas near reservations or in Oklahoma. The ITOs also provide employment to local and tribal personnel who administer the program. Since FY 2013, FDPIR participation has risen over 17 percent. Between FY 2015 and FY 2017 alone, monthly participants rose 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 meat-based proteins – and to improve program operations at ITO sites, many of which have lacked the administrative funds necessary to update critical equipment like refrigerators and freezers. In the 2018 Farm Bill, Congress authorized funds for USDA to purchase more traditional and locally grown foods for the program’s food package. The purchase of traditional and locally grown foods improves both the health of the food package and can stimulate the local and regional economy through agricultural production, especially when those foods are sourced from Native food businesses. Lastly, in the 2018 Farm Bill, Congress authorized a demonstration program wherein USDA can enter into 638 Self-Determination contracts with one or more tribal organizations for the food procurement of FDPIR foods. This promotes tribal sovereignty and enables tribal nations and organizations to tailor this vital program to meet the specific tribal cultural and nutritional needs through the foods they select for their food packages; in addition, it helps to support tribal food producers and expand production.

DEPARTMENT OF AGRICULTURE
Agriculture Appropriations Bill
Industrial Hemp Production, Regulation, and Research

The 2014 Farm Bill authorized pilot programs for hemp research at higher education institutions when done in accordance with state law. The lack of parity for tribal law and higher education institutions in Indian Country created ambiguity as to whether tribal nations could directly benefit from this program without authorization under state law. However, the 2018 Farm Bill legalizes industrial hemp production when done in accordance with enacted federal criteria and allows states and tribal nations to assume primary regulatory authority over such production after obtaining approval from USDA. For Indian Country to realize the full economic benefit of this innovative development, a robust appropriation is necessary for USDA to continue working in consultation with tribal governments to develop the tribal plan process necessary for tribal nations and tribal producers to begin industrial hemp production in Indian Country.
Tribal peoples maintain strong physical, cultural, spiritual, and other interdependent relationships with their homelands and natural resources. As a result, tribal peoples directly and often disproportionately suffer the 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. Tribal nations strive to achieve equity, but significant gaps remain.

Almost 40 years after the passage of the Clean Air and Water Acts, only 45 tribal nations have Environmental Protection Agency (EPA)-approved water quality standards, which are a cornerstone of the Clean Water Act (P.L. 92-500) (CWA). Nearly all states have been implementing the CWA 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 illustrates the unsafe living conditions facing many Native families. Significant gaps in environmental protection still remain in many areas of Indian Country that should be closed through the implementation of monitoring, regulatory, and on-the-ground activities.

Fulfilling the EPA’s Indian policy goals remains a challenge. The federal government must ensure tribal nations 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 adequate 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 Indian Environmental General Assistance Program (IGAP) to $99.5 million.

Program capacity-building is a top environmental priority identified by tribal nations as part of the EPA National Tribal Operations Committee National Tribal Caucus. IGAP is unique among federal programs in that it provides a foundation which tribal nations 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. IGAP 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 an on-the-ground presence to help confront profound climate change impacts, such as eroding shorelines, thawing permafrost, threats to subsistence resources, and the permanent relocation of Alaska Native communities.

This increased collaborative leveraging potential makes IGAP a wise investment of federal dollars. However, IGAP funding has not kept pace with the growth of tribal environmental programs over the years, forcing tribal nations to perform the expanded duties of growing programs with fewer funds. Furthermore, the average cost for tribal nations to sustain a basic environmental program was set at $110,000 per tribal nation in 1999 and has not been adjusted for inflation since that time. Tribal demand for program implementation includes the pressing need to establish climate change adaptation plans. A $175,000 per tribal nation 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

- The tribal set-aside for the Safe Drinking Water State Revolving Fund (SRF) should be increased to five percent of the national Drinking Water SRF.

The lack of access to safe drinking water and basic sanitation in Indian Country continues to threaten the public health of American Indian and Alaska Native communities. Approximately 12 percent of tribal homes do not have safe water or basic sanitation facilities. This is twenty times higher than the 0.6 percent of non-Native homes in the U.S. 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 inter-agency Infrastructure Task Force. This group’s mission is to address lack of access to clean and safe drinking water in tribal communities.

Tribal compliance with drinking water standards is consistently below those of other community water systems because tribal nations lack funding for operations and maintenance. The tribal set-aside from the Safe Drinking Water SRF should be increased to five percent.

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

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

- Increase the national Clean Water Act (CWA) State Revolving Fund (SRF) Tribal Set-Aside to $46.5 million.
- Permanently lift the funding cap on the CWA SRF Tribal Set-Aside for wastewater facilities.

In a report titled Drinking Water and Wastewater Infrastructure: Opportunities Exist to Enhance Federal Agencies Needs Assessment and Coordination on Tribal Projects, the GAO found that in FY 2016, according to IHS, $3.2 billion was needed to address existing tribal drinking and wastewater needs. Similarly, for FY 2016, the EPA estimated a $2.4 billion need for future infrastructure requirements over the next 20 years. Basic human health and environmental protection for thousands of tribal homes could be achieved with increased funding for sewage treatment construction programs.
CWA 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 tribal nations 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 tribal nations 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 tribal CWA implementation requires at least 20 percent of the national CWA Section 106 allocation to keep pace with the expansion of tribal programs.

Figure 3 shows the historical disparity between tribal and state allocations for Section 106 grants. The graph shows that the number of tribal nations developing their water quality programs has far outpaced the funding available to tribal nations to maintain water quality programs. The lack of adequate and continuous funding for implementation and enforcement hinders the effectiveness of tribal water programs.
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.

CWA Section 319 provides tribal nations with grants to develop and implement polluted runoff and other nonpoint source control programs that address critical water quality concerns identified in the Section 106 program and other monitoring programs. Only 45 of the 574 federally recognized tribal nations have such EPA-approved Water Quality Standards (WQS). This is compared to 96 percent of states that have WQS programs. 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, tribal nations 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
- Set aside a minimum of 10 percent of Environmental Information Exchange Network funding for tribal nations, without restrictions for start-up or basis infrastructure development.

The EPA Environmental Information Exchange Network is an innovative partnership among tribal nations, 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 Information Exchange Network and received several million dollars to develop the requisite information technology infrastructure. Tribal nations were brought in years later, with limited capacity and unequal access to resources. Both tribal nations and the EPA have recognized the importance of improving the flow of tribal data and environmental information. Tribal nations have been able to take a more active role in improving data collection as a result of tribal grants offered as part of the Information Exchange Network.

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

ENVIRONMENTAL PROTECTION AGENCY
Interior - Environment Appropriations Bill
Great Lakes Restoration Initiative
- Maintain funding at $3 million for tribal nations as part of the Great Lakes Restoration Initiative.

Tribal nations 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. More than 2,000 projects have been funded since its inception. An Inter-agency Task Force led by EPA has developed action plans to implement the Initiative. The most recent action plan covers fiscal years 2020 through 2024 and targets the most significant threats to the Great Lakes ecosystem. These threats include 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 tribal nations. Funding for tribal nations under the Great Lakes Restoration Initiative should be funded in FY 2021 at the FY 2010 enacted level.
American Indians and Alaska Natives have nurtured, lived, and thrived off this land as first stewards since time immemorial. The cultures, traditions, lifestyles, communities, foods, treaty rights, and economies of tribal nations are inextricably linked to their natural resources. Yet many critical resources are disappearing faster than can be restored. In response to these global changes, NCAI supports broader incorporation of tribal traditional ecological and scientific knowledge into resource management practices. Native peoples have cultivated and developed ecological stewardship practices for millennia. They are sustainable and practical, and importantly, they are time-tested methods for not only pressing but also tribal cultural survival. Given the state of the economy and national priorities, coupled with the increasing and pressing negative impacts of climate change, the vitality and sustainability of natural resources is even more essential to the health of American Indian and Alaska Native peoples, communities, cultures, and economies.

Today, tribal nations are using their unique knowledge and skills in concert with modern resource management practices. This often occurs collectively with community and non-tribal organizations and produces tangible outcomes and model programs of excellence. Tribal nations and their communities can cite many examples where they have shaped the successful restoration and sustainable management of fragile natural resources. These successes come from a commitment to stewardship and often require complex and long-term collaboration with states, regional organizations, local governments and other stakeholders in larger ecosystem management efforts.

Tribal nations, 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. As a result, tribal ecological knowledge and natural resources management initiatives are under-funded.

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, food and water systems, and their abilities to manage those resources, tribal nations and tribal citizens are free to turn to other needs: creating jobs; building supportive infrastructure; and forming healthy tribal and neighboring community relations. 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 tribal nations to fully use their natural resources and to establish and maintain natural resource management programs, funding for Bureau of Indian Affairs (BIA) natural resource programs must increase, as they represent a significant source of funding to protect tribal lands. Further, Bureau of Indian Affairs’s trust resource management practices should be modernized in a manner consistent with the Indian Trust Asset Reform Act. Instead, tribal funding opportunities have declined incrementally over decades, and more precipitously than other natural resources programs in DOI. Tribal nations 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. For example, per acre funding for Forest Service lands is three times the per acre funding for tribal forest lands; and per acre funding for DOI’s invasive species program is five times the per acre funding for BIA’s Invasive Species Program.

**Key Recommendations**

**DEPARTMENT OF THE INTERIOR**

**Interior - Environment Appropriations Bill**

**BIA Rights Protection Implementation**

- Increase funding to $56.5 million for the BIA Rights Protection Implementation.

The Bureau of Indian Affairs (BIA) Rights Protection Implementation Program has a clear and direct relationship to the federal government’s trust responsibility to tribal nations. 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 tribal nations, but to surrounding communities as well. 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 cooperative programming are essential aspects of a sustainable economic approach to national development.

In particular, there are 49 tribal nations 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 tribal nations 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 $41.743 million in FY 2020 to $56.5 million in FY 2021 would be a wise investment, and is consistent with the federal trust responsibility. This funding is essential for the protection of tribal economic, subsistence, cultural, and medicinal practices, as well as the sustenance of healthy productive tribal nations and their surrounding states, local governments, and neighboring communities.

**DEPARTMENT OF THE INTERIOR**

**Interior - Environment Appropriations Bill**

**Tribal Climate Resilience Program**

- Support FY 2021 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 nations do not have sufficient personnel to implement programs for climate adaptation. Despite having some of the most pristine habitat in the United States, tribal nations have been historically underfunded for wildlife and natural resource management and conservation. There are 574 federally recognized tribal nations and more than 300 reservations in the United States. Tribal nations 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 tribal nations.

The inequity in the funding supporting tribal nations 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 annually or no dedicated funding at all. 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. From FY 2016 to FY 2019, funding improved, with Congress and the Administration providing approximately $10 million in each of those years. Due to climate-based threats increasing in both intensity and frequency, tribal nations strongly support increasing this amount to at least $30 million in FY 2021 to assist tribal nations in building their capacity to design and implement natural resource management programs to address climate change. DOI holds more than 56.2 million acres of land in trust for tribal nations and individual Native people. Despite the amount of tribal land DOI oversees, tribal nations, via the BIA, have consistently received less than one percent of the related funding.

**DEPARTMENT OF THE INTERIOR**

**Interior - Environment Appropriations Bill**

**BIA Water Resources Tribal Priority Allocation (TPA) and Water Management, Planning and Pre-Development Programs**

- Provide $10.5 million for the BIA Water Management, Planning, and Pre-Development Program.
- Provide $12 million for the Water Resources TPA Program.

Funding from the BIA Water Management, Planning, and Pre-Development Program is used to assist tribal nations in protecting and managing their water resources. However, from FY 2003 to FY 2012, funding for this program declined 30 percent from $8.298 million to $5.789 million. In FY 2020, the program received $8.525 million. Although this amount returns program funding to its 2003-2012 level, this is still insufficient to meet tribal needs and honor treaty rights. Funding should be $10.5 million.

The Water Resources TPA Program allows tribal nations and BIA regional offices to provide for the protection and management of tribal water resources. Funding is used for the administration and management support of individual tribal water programs. Tribal nations use funding to participate in the management and use of regional water resources appurtenant to tribal and/or Indian trust lands, including public domain allotments. Under this program, funds are also provided to support tribal nations’ diverse water management needs. Funding for the Water Resources TPA Program has not increased in decades and should be increased to $12 million in FY 2021.

**DEPARTMENT OF THE INTERIOR**

**Interior - Environment Appropriations Bill**

**BIA Water Rights Negotiation/Litigation Program**

- Provide $12 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 tribal nation. The inability to access quality water and exercise tribal water rights continues to create significant health, cultural, economic development, farming and ranching, and governance challenges for tribal nations and other communities, especially in light of major environmental events of the past few years. The Water Rights Negotiation/Litigation Program should be funded at $12 million so that water rights can be protected and disputes resolved.
DEPARTMENT OF THE INTERIOR
Interior - Environment Appropriations Bill
Bureau of Reclamation Water Settlement Fund
- Permanently authorize the Reclamation Water Settlement Fund (RWSF).

A permanent extension of the RWSF would help ensure that the time-tested Indian water rights settlement process can continue into the future without the threat of losing settlement funding by a date certain. The RWSF, codified at 43 U.S.C. § 407, is only authorized to receive deposits beginning in FY 2020 and until FY 2029. Presently, the fund is heavily relied upon by currently enacted and future Indian water rights settlements.

The RWSF will be a vital resource for funding infrastructure projects, such as irrigation canals, dams and storage reservoirs, treatment facilities, and distribution facilities, tied to Indian water rights settlements. These infrastructure projects ensure that wet water reaches tribal lands and Native peoples for domestic, commercial, municipal, agricultural and industrial uses. Importantly, future Indian water rights settlements are currently authorized to tap into the RWSF for infrastructure needs only until FY 2034 when the fund expires.

However, the process of preparing for water settlements, actually negotiating settlement language, and implementing settlements is a years-long process, many times spanning decades. Each water settlement is unique and individual, and takes into account minute hydrological details; specific population considerations; historical considerations; political, legal, and scientific realities; consideration of the federal trust responsibility; and present and future water uses. For this reason, having a sunset date of 2034 for the Reclamation Fund unduly burdens the settlement process, placing a timeclock on the water settlement process that may only be achieved in some instances. In other instances, sunsetting of the Fund could leave parties at the table during negotiations, only to have critical funding resources removed from the process, potentially unraveling any progress made and resulting in overall water uncertainty.

For these reasons, NCAI strongly urges Congress to permanently authorize the RWSF to ensure funding resources are available for all current and future enacted Indian water rights settlements. This approach ensures a future of water security, which is a paramount concern for regions combatting severe drought and water shortages in particular. Also, even though Indian water settlements often take years to finalize and ultimately ratify through congressional action, they are by far the preferred vehicle for determining water rights and achieving water certainty.

DEPARTMENT OF THE INTERIOR
Interior - Environment Appropriations Bill
BIA Endangered Species Program
- Restore funding to $4.5 million for the BIA Endangered Species Program.

The BIA’s Endangered Species Program is the only program that provides tribal nations 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 FYs 2016, 2017, and 2018, funding was approximately $2.6 million. This is still short of the FY 2002 level. Tribal nations request an annual funding level of $4.5 million so that tribal nations 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 tribal nations to manage reservation fish and wildlife resources across the nation are Tribal Management and Development (TMD); Fish, 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 species. These programs also employ more than 500 local tribal staff to assist the United States in meeting its trust responsibility to tribal nations.

**DEPARTMENT OF THE INTERIOR**

**Interior - Environment Appropriations Bill**

**BIA Tribal Management and Development Program**

- Increase appropriations to $25 million for base and programmatic funding for the BIA Tribal Management and Development Program.

From FY 2002 to FY 2012, funding for the Tribal Management and Development Program (TMD) declined 17 percent from $9.3 million to $7.7 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 and 2018, Congress provided $11 million for TMD programs. While these investments are appreciated, an increase to $25 million for FY 2021 is necessary for substantially strengthening tribal conservation successes and meeting the federal government’s trust responsibility. Of the $25 million requested, $5 million should be set aside for Conservation Law Enforcement Officers. The remaining $20 million requested will support the base and programmatic operations of the TMD program, which the BIA has recognized as a critical need for tribal nations 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 $7 million.
- Fund Fish Hatchery Maintenance at $8 million.
- Increase the Wildlife and Parks TPA to $10 million.

The 88 tribal fish hatcheries across Indian Country provide essential jobs, food, fish species preservation, and revenue for tribal nations, as well as cultural support and opportunities for tribal youth to pursue environmental careers. Tribal standards in fisheries management are high because tribal nations are highly dependent upon these operations, and they recognize their responsibility to steward and sustain tribal 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 tribal hatchery and rehabilitation costs. In this context, funding levels of $7 million for Fish Hatchery Operations and $8 million for Fish Hatchery Maintenance in FY 2021 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 tribal nations 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 support 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 tribal nations, and cover a broad array of diverse fisheries, wildlife, conservation enforcement, public use, habitat management and related programs. Tribal nations, through a local priority setting process, determine any changes in annual funding and performance. The base 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 2021 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 TPA*
  - *Increase funding to $10 million for the Natural Resources TPA.*

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 TPA program has remained flat for the last several years. Funding for the Natural Resources program should be increased to $10 million in FY 2021. This investment will substantially increase tribal land and resource management capabilities and increase economic independence through generating revenues for tribal economies.

**DEPARTMENT OF THE INTERIOR**
*Interior - Environment Appropriations Bill*
  - *Increase funding to $12 million for the BIA Invasive Species Program.*

The Invasive Species Program provides critical funds to tribal nations to control noxious and invasive species. The impacts of invasive species have a particularly disproportionate impact upon tribal nations because such species affect plants, animals, and other wildlife that are essential to tribal citizens for sustenance, medicines, ceremonies, cultures, and economic health.

This BIA program, which was funded at $6.7 million in FY 2018, 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-tribal 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 impacts invasive species have on tribal nations, the significant disparity in funding between non-tribal and tribal land under DOI’s jurisdiction, and the contiguous nature of many tribal and non-tribal DOI land areas, an increase to $12 million in BIA’s Invasive Species Program for FY 2021 is an equitable and reasonable request.

**DEPARTMENT OF THE INTERIOR**
*Interior - Environment Appropriations Bill*
  - *Increase funding to $12 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 tribal nations. The TWG program was originally established because tribal nations were unfairly excluded from an equitable apportionment under the Federal Aid in Sport Fish and Wildlife Restoration Acts. These Acts deliver more than $1 billion each year for conservation to the states, the territories, and the District of Columbia. Historically, the funding level for TWG has been set far too low to adjust for this inequity. Since FY 2010,
TWG funding has declined nearly 50 percent. Since the inception of the TWG program over thirteen years ago, tribal nations on average 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 tribal nations address fish and wildlife conservation and climate change influences on natural resources. Given past underfunding of this initiative, tribal nations request an increased appropriation to at least $12 million.

**DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY**

Commerce, Justice, Science Appropriations Bill  
Pacific Coastal Salmon Recovery Fund  
- Provide $110 million to the Pacific Coastal Salmon Recovery Fund (PCSRF).

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

This fund created a 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 2020, $65 million was appropriated for the PCSRF. Tribal nations support an increase to $110 million for FY 2021 as a wise investment in a program that produces beneficial economic, ecological, social, and cultural results for tribal nations and their state and federal partners.

**DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY**  
Commerce, Justice, Science Appropriations Bill  
Salmon Management Activities  
- Provide $25.9 million for NOAA Mitchell Act Hatchery Programs.

Mitchell Act hatchery production is intended to mitigate for fish and habitat loss caused by the federal hydropower dam system on the Columbia River. Funding for these programs supports the operation and maintenance of hatcheries that release between 50 and 60 million (previously more than 110 million) juvenile salmon and steelhead in Oregon and Washington. These programs provide fish production for tribal treaty and non-tribal commercial and recreational fisheries in the Columbia River, and also contribute to ocean fisheries from Northern California to Southeast Alaska. Additionally, full production from the Mitchell Act hatcheries dampens the impact of Canadian and Alaskan ocean fisheries on Washington fisheries under the terms of the Pacific Salmon Treaty Act of 1985.

NCAI requests $25.9 million for the Mitchell Act Hatchery Programs. The FY 2018 appropriations provided a total of $20.2 million. The request for an additional $5.7 million in Mitchell Act funds above the FY 2018 funding level is to ensure that mitigation hatcheries operate at a full production level to meet federal obligations. This program is funded through the Salmon Management Activities account.
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 tribal nations and tribal consortia and local communities to address environmental and human health risks and for tribal capacity building and project implementation. Tribal nations 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.

FORESTRY

Tribal nations 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 more than 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.

Tribal nations 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 tribal nations operate the only sawmills in their region and are major employers for tribal and non-tribal communities. Additionally, several tribal nations are engaging in biomass projects to generate renewable energy and jobs for tribal people and the surrounding community.

In 2015, 539,000 acres of Indian forest lands burned. In the same year on the Colville, Yakama, Nez Perce, Warm Springs, and Spokane reservations, 338,110 forest acres were damaged and tree mortality was approximately 1.2 billion board feet of tribal trust timber. The tribal nations suffered approximately $521 million in lost revenue, and the Department of the Interior estimated the rehabilitation costs would exceed $100 million. The 2015 fires alone crippled 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 governments by $50 million to initiate a long-term emergency governmental operations support program for tribal nations whose forest-based revenues have been diminished by wildland fires in their trust forests. BIA is to consult with affected tribal nations on support distribution, with any undistributed funds to remain available until expended.

DEPARTMENT OF THE INTERIOR
Interior - Environment Appropriations Bill
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 accelerate delivery of funds to on-the-ground projects. The post-fire recovery and rehabilitation funding should be continued annually through FY 2021 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, and most recent, decadal independent assessment of the status of Indian forests and forest management, the Indian Forest Management Assessment Team (IFMAT III) Report (June 2013), 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 tribal 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 tribal nation’s sustainable harvest limit, the tribally determined AAC reflects tribal policy decisions regarding the desired balance of multiple use considerations involving economic development, ecology, and cultural values. Failure to harvest the full tribally-designated AAC has serious consequences for the ability to maintain the health and productivity of the trust corpus (decreased productivity, increased threats from wildfire, insects, and disease) and for the jobs, income, water, soils, fish, wildlife, and plants that are vital to sustain tribal communities. According to statistics from the BIA’s Branch of Forest Resources Planning (BOFRP), in 2014 only 437 million board feet (MMBF) was harvested, just 60 percent of the AAC of 723 MMBF. This represented a loss in immediate stumpage revenue of over $41 million and more than 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 tribal nations 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 tribal nations 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 tribal nations 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 investments.

**DEPARTMENT OF THE INTERIOR**

**Interior - Environment Appropriations Bill**

**DOI Office of Wildland Fire**

- Increase DOI’s Office of Wildland Fire Management Preparedness budget by 25 percent, to approximately $415 million, to better assure adequate national firefighting preparedness due to expanding wildland fire.
- 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 nations 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 (CSCs), with directions that DOI offices and agencies be transparent and consult with tribal nations on getting CSCs to them.
- Increase Fuels Management funding to $206 million and direct that the funds be eligible to address burned and downed Indian trust timber.
- In Fuels Management, allow funds for Reserved Treaty Rights Lands to be used on tribal lands. Intended to benefit tribal nations, 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.

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. For example, in 2017, 9.8 million acres burned nationwide, in 2018 that number was approximately 8.8 million acres, and from January 1 to November 22, 2019, approximately 4.6 million acres burned. Appropriated sums are often insufficient to cover these large and unpredictable costs. 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 2021 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 DOI forests. Additionally, in previous budget reports, NCAI has supported 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. Tribal nations 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. Tribal nations, BIA, U.S. Forest Service, state, and private stakeholders are all engaged, and there is interest in Anchor Forests from tribal nations and others across the United States.

Tribal nations that engage in timber harvesting are working to expand their participation in the management of neighboring at-risk federal forests through accelerated implementation of the Tribal Forest Protection Act (P.L. 108-278) (TFPA). Individual TFPA projects and Anchor Forest pilots involve non-tribal neighboring forests, and implementation relies largely upon support from sources other than the BIA. The 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.

U.S. DEPARTMENT OF AGRICULTURE
Interior-Environment Appropriations Bill
U.S. Forest Service
- Enter into P.L. 93-638 tribal self-governance contracts for demonstration projects for tribal management of adjacent Forest Service and Bureau of Land Management lands.
- Appropriate additional funding to support P.L. 93-638 contracts for forestry management.

TFPA authorizes the Secretary of Agriculture and the Secretary of the Interior to enter into contracts or agreements with tribal nations to carry out tribally proposed projects on Forest Service or Bureau of Land Management-managed lands under the following criteria: (1) the proposed project must take place on federally managed land bordering or adjacent to Indian forest land or rangeland under tribal jurisdiction; (2) the conditions on the federally managed land must pose a risk of fire, disease, or other threat to the neighboring Indian forest land or rangeland (or the tribal community), or the federally managed land must be in need of restoration; (3) the proposed project must not be part of a conflicting arrangement; and (4) the federally managed land presents a feature or circumstance unique to the proposing tribal nation (such as a treaty right or biological, archaeological, historical, or cultural circumstances).

The 2018 Farm Bill contains an important expansion of the P.L. 93-638 contracting authority to USDA Forest Service, allowing the Secretary of the Interior and the Secretary of Agriculture to carry out a “demonstration project” where tribal nations or tribal organizations may perform administrative, management, and other functions of programs of the TFPA through P.L. 93-638 contracts. Overall, the extension of P.L. 93-638 contracting authority to tribal forestry is noteworthy because forests and woodlands comprise 18.6 million acres (approximately one-third) of the total 56 million acres of tribal trust land. Previously, tribal nations only had the ability to enter into cooperative management agreements with USDA Forest Service. The 2018 Farm Bill’s authorization of this demonstration project is the first step towards a more fully realized self-governance authority for tribal nations in the area of federal forestry programs and land management.
ENERGY

Tribal energy resources are vast, largely untapped, and critical to America’s efforts to achieve energy security and independence, reduce greenhouse gases, and promote economic development for both Indian Country and the United States as a whole. For example, in 2018 the Office of Indian Energy reported that the utility-scale renewable energy potential on tribal lands is 6.5 times the national potential. As part of a nationwide commitment to a diversified approach to energy development, energy infrastructure is integral to many tribal nations’ efforts to create jobs, infrastructure, and improve lives of their citizens. DOI estimates that undeveloped traditional energy reserves on Indian lands could generate up to $1 trillion for tribal nations and surrounding communities, most of which are located in rural areas. In 2014, DOI reported that Indian energy resources provided over $1 billion in revenue to tribal nations and individual Indian resource owners.

Even with substantial potential, there are but a few commercial-scale energy projects operating in Indian Country. Tribal nations boast nearly a quarter of the nation’s on-shore oil and gas reserves and developable resources, one-third of the nation’s western low-sulfur coal, almost 3.5 percent of the nation’s wind energy, and approximately five percent of the nation’s total solar energy potential. Despite the energy potential in Indian Country, tribal nations face many challenges, including unique laws, regulations, and policies that apply to energy development on tribal lands. Additionally, many tribal nations are just beginning to construct adequate physical infrastructure, gain access to capital, and engage in workforce training specific to energy development. Given the historic, social, and economic impediments tribal nations and citizens face, and the relatively short time tribal nations have been involved in energy development, their successes are clear indicators of future potential.

Investing in and empowering tribal nations provides strong returns and outcomes for tribal and rural communities. For example, between 2010 and 2018, the Department of Energy’s (DOE) Office of Indian Energy Policy and Programs invested more than $70 million in more than 170 tribal energy projects valued at nearly $154 million. This investment is already paying significant dividends. The Office of Indian Energy Policy and Programs reports that these projects provide a collective tribal savings of more than $14 million each year.

Additionally, the National Renewable Energy Lab (NREL DOE) reports that the technical potential of tribal lands is about six percent of the total national technical generation potential. Tribal nations need access to robust capacity-building support and technical assistance programs. These programs are necessary to advance the 150-plus tribal energy projects that are currently proceeding through the development, financing, and construction stages. There are three key components to future tribal success
in this arena. First, removing economic barriers to growth. Specifically, NCAI requests that where possible, Congress reduce or completely eliminate the 50 percent cost-sharing requirement that burden tribal nations. Second, is a continued commitment to technical and financial assistance programs that not only support infrastructure development but also the capacity of tribal programs and offices to carry out their responsibilities – including addressing staffing issues. Lastly, additional support is needed to bolster the tribal work-force in the energy sector and to retain more liaison employees within DOE.

This FY 2021 budget request identifies energy programs providing innovative and important tools to support existing initiatives and facilitate new investment in tribal energy development. This budget request seeks to meet critical analytical and planning, capacity-building, and resource-management needs of tribal nations. Continued focus on developing tribal energy resources will contribute significantly to national energy security, clean energy projects that reduce greenhouse gas emissions, and tribal economic development and job creation.

**Key Recommendations**

**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 tribal nations 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 longstanding barriers to economic security, 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 2019, LIHEAP was appropriated $3.69 billion total, with $40.7 million allocated to tribal nations and tribal organizations. This funding is well below the FY 2011 levels of $4.7 billion, with $51 million to tribal nations. Full funding is crucial to address the extreme need for heating assistance in Indian Country. Accordingly, funding for FY 2021 should be a minimum of $51 million for tribal nations.

**DEPARTMENT OF ENERGY**

*Energy and Water Development Appropriations Bill*

**Office of Indian Energy Policy and Programs**

- **Provide $30 million for DOE Office of Indian Energy Policy and Programs.**

The Energy Policy Act of 2005 (P.L. 109-58) established the Office of Indian Energy Policy and Programs. Since its inception, the Office of Indian Energy Policy and Programs has established new programs and aligned efforts across DOE in close consultation with tribal nations in response to priorities identified by tribal nations and the DOE Indian Energy Working Group. The Office of Indian Energy Policy and Programs provides technical assistance, direct and remote education, policy research and analysis, and financial assistance to tribal nations, Alaska Native Village and Regional corporations, and Tribal Energy Resource Development Organizations.

The resources the Office of Indian Energy Policy and Programs provides assists tribal nations 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 Policy and Programs for FY 2021 will help tribal nations 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

- Provide additional 2.5 million for credit subsidy costs together with an additional $2 million in administrative funding for the Tribal Energy Loan Guarantee Program (TELGP).

The Energy Policy Act of 2005 (Section 2602(c)) authorized DOE to establish TELGP and 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. FY 2018 appropriations provided $1 million to the program for administrative costs. The funds must be used to support the development or expansion of generation projects that employ commercially proven and available renewable energy technologies. In 2018, DOE issued its first solicitation for TELGP. Tribal nations continue to urge Congress to aggressively fund the program by providing an additional $2.5 million for credit subsidy costs. Lastly, appropriations language should not impose stricter limits on the use of program resources than those included in the Energy Policy Act of 2005.
Housing infrastructure in Indian Country continues to lag behind the rest of the United States. Over 70 percent of existing housing stock in tribal communities is in need of upgrades and repairs, many of them extensive. In 2017, The U.S. Department of Housing and Urban Development (HUD) reported that, “the lack of housing and infrastructure in Indian Country is severe and widespread, and far exceeds the funding currently provided to tribes.” The lack of affordable housing contributes to homelessness and overcrowding in Native households and in tribal communities. Fifteen years after the U.S. Commission on Civil Rights’ initial 2003 report on federal funding and unmet need in Indian Country, the Commission found that the housing crisis in Indian Country has deteriorated even further. These findings underscore the need for robust funding increases through flexible programs that allow tribal nations to address the diverse and extensive housing infrastructure and financing needs of their communities.

The Native American Housing Assistance and Self-Determination Act (P.L. 104-330) (NAHASDA), first enacted in 1996, was a major authorization for tribal nations to self-determine their housing programs. It gave flexibility for tribal nations to develop, construct and maintain housing for their members, transforming how federal housing programs addressed housing needs in tribal communities. NAHASDA consolidated existing housing funds into a single block grant—the Indian Housing Block Grant (IHBG)—resulting in tens of thousands more housing units being constructed, as well as increased tribal capacity to address related infrastructure and economic development challenges. The IHBG is a formula-based grant that provides certainty and security for long-term housing and community development. Unfortunately, the IHBG has been mostly level-funded for 20 years, failing to even keep pace with inflation as housing needs continue to increase. Funding is vital for the IHBG; Indian Community Development Block Grant (ICDBG); Sections 184 and 184A Guaranteed Loan Programs; Title VI Guaranteed Loan Program; NAHASDA’s Training and Technical Assistance Funding; and Title VIII Housing Assistance for Native Hawaiians.

While the IHBG is the largest single source of federal funding for housing development and assistance, programs promoting housing development, maintenance, and rehabilitation in tribal communities are also found at the U.S. Department of Veterans Affairs, U.S. Department of Agriculture, and U.S. Department of the Interior.
**Key Recommendations**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**
Transportation, HUD Appropriations Bill

- **Fund the IHBG program at $955 million but not less than $755 million.**

IHBG funding is important for housing development, construction, infrastructure, maintenance, and repair in tribal communities. These funds also assist tribal nations and tribally designated housing entities (TDHEs) to leverage other funds, such as low-income housing tax credits. However, the IHBG has seen mostly level funding over the past two decades. The IHBG would receive nearly $1 billion if funding had kept pace with inflation since its creation in 1996. At current levels, tribal nations’ purchasing power with IHBG funds is less than it was 20 years ago, as reports continue to highlight the deteriorating housing conditions in Indian Country.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**
Transportation, HUD Appropriations Bill

- **Fund the ICDBG at not less than $100 million.**

ICDBG funding provides tribal nations with the resources to improve infrastructure in their communities, which promotes economic and community development. The ICDBG funds provide key support to tribal economies and community development efforts that enable tribal nations to increase the variety of commercial, industrial, and agricultural projects on their lands and in their communities.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**
Transportation, HUD Appropriations Bill

- **Fund the NAHASDA Title VI 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 favorable lending rates that allow recipients to better leverage limited IHBG funds for housing development.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**
Transportation, HUD Appropriations Bill

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

The Section 184 Loan Guarantee Program provides a 100 percent guarantee to private lenders in cases of home loan default. Tribal nations have successfully participated in this program with an extremely low default rate. Using Section 184, tribal nations and citizens 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 not less than $7 million.**

The HUD-Veterans Affairs Supportive Housing (HUD-VASH) Program has been a national success because of its combination of rental assistance, case management, and clinical services for at-risk and homeless veterans. Unfortunately, this program is not fully available to Native veterans living on tribal lands. Prior to the creation of a Tribal HUD-VASH pilot program, tribal nations and TDHEs were not allowed to administer HUD-VASH vouchers, which resulted in greater hardship for Native veterans experiencing...
or at risk of experiencing homelessness. The Tribal HUD-VASH program seeks parity in treatment of veterans by allowing this successful program to be made available to Native veterans living on tribal lands. Congress decreased funding for the Tribal HUD-VASH Program in FY 2020 by 75 percent. NCAI joins the National American Indian Housing Council in calling on Congress to restore funding to its initial levels and allow more tribal nations to participate in the program.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Transportation, HUD Appropriations Bill

- **Fund NAHASDA’s Training and Technical Assistance at no less than $7 million.**

Building tribal capacity is essential for tribal nations 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 tribal nations and TDHEs to run their programs more efficiently and in compliance with applicable laws and HUD regulations. Training and technical assistance includes developing model policies that save tribal nations tens of thousands of dollars each year by sharing information about successful efforts undertaken by other tribal nations.

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. More than 14,400 housing professionals 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 relending program for Indian Country that is national in scope.**

U.S. Department of Agriculture (USDA) Rural Development (RD) has limited staff resources to provide Single Family Housing Direct Loans on tribal land. In FY 2019, of the 6,194 direct loans made nationally by USDA RD, just 127 were issued to Native American borrowers, and only six of those were for homes on tribal lands. In 2018, a 502 Direct Loan relending pilot program was announced, providing $2 million to two Native Community Development Financial Institutions (CDFIs) to relend to eligible Native families in North and South Dakota. In partnership with USDA-RD, the Native CDFIs were able to deploy more loans in two months than USDA-RD did in the same two reservation communities in the previous nine years. This pilot program has been successful, in part, due to Native CDFIs’ experience operating on tribal lands. In addition, Native CDFIs provide extensive financial and homebuyer education to help their clients become self-sufficient private homeowners. The proposed expanded relending pilot 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 enable them to relend to eligible families for the construction, acquisition, and rehabilitation of affordable housing. By expanding and making this pilot program permanent, USDA-RD will be able to partner with other Native CDFIs nationwide to deploy much-needed mortgage capital throughout Indian Country.

**DEPARTMENT OF THE INTERIOR**

Interior - Environment Appropriations Bill

Bureau of Indian Affairs

- **Return the BIA’s Housing Improvement Program (HIP) to its previous funding level of $23 million so that it can be fully leveraged to support self-sufficiency through private homeownership.**

HIP is a home repair, renovation, replacement, and new housing grant program administered by the BIA and federally recognized tribal nations 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 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 million.

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 $1 million of the VA’s program income generated from funding fee proceeds to compensate third parties to provide loan packaging and homebuyer education to Native veteran homebuyers.

- Authorize the VA Secretary to designate $10 million of existing program allocation from the Native American Direct Loan (NADL) program to establish a Native Veterans Home Loan Relending program that would allow Native CDFIs to obtain intermediary loans through the NADL program and relend to qualified Native American veterans.

The NADL program is a home loan program authorized by 38 U.S.C. § 3761 to provide direct loans to Native 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 to lower the interest rate. The program began as a pilot program in 1993 and was made permanent by P.L. 109-233, the Veterans Housing Opportunity and Benefits Act of 2006.

However, the VA lacks adequate staff and resources to provide the required level of technical assistance to help qualified Native American veterans to fully access this VA benefit. According to a 2019 study conducted by the South Dakota Native Homeownership Coalition, 75 percent of Native veterans interested in purchasing a home reported having no understanding or minimal understanding of the NADL program. In addition, 62 percent of those respondents were not even aware that the NADL program existed.

By providing the appropriate authority to access a budget-neutral source of funding, the Secretary can follow the practice of other federal loan programs to partner with and compensate third parties to provide homebuyer education, loan packaging, and other homebuyer readiness services. In addition, by setting aside $10 million of existing program allocation, the 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 this much needed mortgage capital to qualified Native veteran homebuyers.
TRANSPORTATION

The economy and wellbeing of Indian Country are dependent upon transportation infrastructure. Without safe and well maintained roads, bridges, and adequate public transportation, tribal nations would be unable to provide essential services to their citizens. Tribal nations construct, improve, and maintain transportation facilities that are used by tribal citizens and non-tribal citizens alike and require funding to promote public safety, economic development, and community wellbeing.

There are approximately 160,000 miles of roads and trails in Indian Country. Of those 160,000 miles, tribal nations own and maintain 13,650 miles of roads and trails, of which only 1,000 (7.3 percent) are paved and 12,650 miles (92.7 percent) are gravel, earth, or primitive. Of the 29,400 miles owned and maintained by the Bureau of Indian Affairs (BIA), 75 percent are gravel, earth, or primitive. Combined, the 42,000 miles of roads owned and maintained by tribal nations and the BIA are among the most underdeveloped, unsafe, and poorly maintained road networks in the nation. These roads are often the primary means of access to American Indian and Alaska Native communities by Native and non-Native residents and visitors alike. The lack of sufficient transportation infrastructure throughout Indian Country hampers economic development opportunities for tribal nations and their citizens and increases risks for all motorists who traverse these roads.

The Fixing America’s Surface Transportation (P.L. 114-94) (FAST) Act authorizes the Tribal Transportation Program (TTP) and the Tribal Transit Program, along with competitive grant programs that are offered to tribal and non-tribal applicants. The FAST Act is set to expire at the end of FY 2020. Reauthorized and subsequently appropriated amounts for tribal surface transportation programs must reflect the overall condition of roads throughout Indian Country, growing backlogs of deferred road maintenance, increasing risk to motorists, and the trust and treaty obligations of the federal government. In general, the TTP is the largest single source of federal funding to tribal nations for surface transportation infrastructure. TTP funds can be used for certain construction, maintenance, planning, and other limited non-construction activities such as transportation safety or transit activities. The TTP saw modest increases under the FAST Act; however, the backlog of deferred maintenance continues to grow, demonstrating the inadequacy of funding for tribal transportation programs as a whole.

Another federal transportation program that is vital to infrastructure in Indian Country is the BIA Road Maintenance Program. This program is funded and authorized under the Department of the 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. The BIA Road Maintenance Program received funding of about $36.06 million in FY 2020, while deferred maintenance backlog costs continue to rise.

The integrity of the transportation infrastructure systems in Indian Country includes BIA-owned roads and facilities that have a direct impact on tribal and surrounding non-tribal communities. In 2018, in coordination with the Tribal-Interior Budget Council, the BIA developed and conducted a road maintenance survey intended to develop data on road maintenance budget needs. The road maintenance survey included both tribal and BIA respondents. The survey found, in part, that the estimated value of deferred road maintenance for all respondents was $498 million. This finding begins to quantify the chronic underfunding of tribal transportation programs that led to such a staggering maintenance backlog statistic and demonstrates the need for a robust funding solution.

It is imperative federal funding levels for the TTP, Tribal Technical Assistance Program (TTAP), Tribal Transit Program, and BIA Road Maintenance Program are increased. For many tribal governments, this federal funding is the only funding source to improve or maintain road systems.

**Key Recommendations**

**DEPARTMENT OF TRANSPORTATION**

**Transportation, HUD Appropriations Bill**

**Tribal Transportation Program**

- Provide $600 million but not less than $565 million for the Tribal Transportation Program.

TTP oversees over 160,000 miles of roads and trails in Indian Country, which are owned by the BIA, tribal nations, states, and counties, in order to provide 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. TTP is funded from the Highway Trust Fund and allocated through a statutory formula.

**DEPARTMENT OF TRANSPORTATION**

**Transportation, HUD Appropriations Bill**

**Tribal Technical Assistance Programs**

- Provide $5 million for Tribal Technical Assistance Programs.

TTAP is the only program providing technical assistance and training to tribal nations to support the professional development of tribal transportation workforces. In fall 2016, the Federal Highway Administration (FHWA) announced the restructuring of TTAP, and eliminated the seven TTAPs around the country that served all federally recognized tribal nations. In December 2017, FHWA announced a two-year pilot program and centralized the TTAP at the University of Virginia, Center for Transportation Studies (CTS) in Virginia. The entire restructuring proceeded without proper tribal consultation. NCAI is deeply concerned about the restructuring of TTAP without tribal input. NCAI requests $5 million in TTAP funding to improve technical expertise for tribal transportation officials and to ensure proper tribal consultation is carried out by FHWA regarding its restructuring of TTAP.
DEPARTMENT OF TRANSPORTATION
Transportation, HUD Appropriations Bill
Tribal Transit Program
- Provide $50 million for the Tribal Transit Program Formula-Based Funding.

The Public Transportation on Indian Reservations (49 U.S.C. § 5311(c)(1)) (also known as the Tribal Transit Program) is a program that provides tribal nations with funding for capital, operating, planning, and administrative expenses to meet public transportation needs in tribal communities. Funding for the Tribal Transit Program is offered through both formula-based and competitive grant funding models. Competitive grant models are cost prohibitive for certain tribal nations to apply for and introduce uncertainty to any long-term public transportation planning that relies on such funds. The result is that those communities that need access the most are effectively barred from the competitive grant portion of the transit program. Congress should provide increases to the Tribal Transit Program under the formula-based grant model found at 49 U.S.C. § 5311(c)(1)(B).

DEPARTMENT OF TRANSPORTATION
Transportation, HUD Appropriations Bill
Tribal High Priority Projects Program
- Fund the Tribal High Priority Projects (THPP) Program at $30 million.

In the FAST Act, the THPP Program was not authorized. This critical program is needed for the safety and welfare of tribal and surrounding non-tribal communities. The THPP program is crucial for tribal nations to support completion of their top-priority projects, which often include reconstruction efforts as a result of an emergency or natural disaster.

DEPARTMENT OF THE INTERIOR
Interior - Environment Appropriations Bill
BIA Road Maintenance
- Provide $75 million but not less than 50 million for the BIA Road Maintenance Program.

Currently, BIA has a deferred maintenance backlog in excess of $300 million to maintain BIA-owned roads and bridges to an adequate standard. As part of a 2018 survey conducted by the BIA, the deferred maintenance backlog for all tribal and BIA respondents was estimated at $498 million. For FY 2020, $36.06 million was appropriated for BIA Road Maintenance, and has remained steadily around this amount for prior fiscal years, while road maintenance need continues to increase. The relatively high inflation of construction costs has further diminished the purchasing power of these inadequate road maintenance funds. Increased funding for the BIA Road Maintenance program is needed to begin to address public safety and commercial activity concerns that affect tribal communities and surrounding areas.
The protection and preservation of Native cultures and historic and sacred sites is a priority for tribal nations and relies on a complex federal statutory and regulatory system. 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. This success is due, in no small part, to the efforts of Tribal Historic Preservation Officers (THPOs) and other tribal administrators that take on these responsibilities absent formal Tribal Historic Preservation Offices. THPOs and other tribal heritage preservation professionals act as an essential bridge between tribal traditional cultures, ecological knowledge, and tribal sciences and the actions of federal agencies, private actors, and even international institutions. Increasing funding provided to these programs not only contributes to capacity building efforts, but also to the long-term health and well-being of tribal communities.

**Key Recommendations**

**DEPARTMENT OF THE INTERIOR**

- Interior - Environment Appropriations Bill
- Tribal Historic Preservation Officer Program
  - Provide $20 million for the THPO Program.

Created in 1996, the THPO program has grown from 12 participating tribal nations to more than 194 tribal programs. THPOs’ main responsibilities are to assist federal agency compliance with the National Historic Preservation Act (NHPA). The program is operated by the National Park Service and funded through the Historic Preservation Fund. THPOs provide essential technical and cultural expertise to the preservation and protection of a variety of tangible and intangible cultural resources of their respective tribal nations. They are active in recording oral histories, preserving and revitalizing Native languages, seeking the return of Native ancestral and sacred objects, and developing mitigation plans for impacted cultural resources. THPOs also have a critical role in the government-to-government relationship expressed through the unique Section 106 consultation process of the NHPA, which is designed to ensure the sanctity and sustainability of tribal sacred places, objects, and ideas.
Authorizing $20 million specifically for THPOs will ensure that funding from the Historic Preservation Fund keeps pace with the cultural preservation needs of the country’s 574 federally recognized tribal nations. This amount would provide approximately $103,093 to each existing Tribal Historic Preservation Office. This represents a modest increase in funding that still falls short of actual needs. As illustrated in the graph below, although the average annual funding has risen at that same proportional rate as the increase in the number of THPOs over time, the average apportionment to each THPO has slightly decreased since the program’s founding, except for a one-time increase in funding.

**FIGURE 4**

**HISTORIC PRESERVATION FUND APPROPRIATIONS FOR TRIBES**

The NAGPRA Section 10 program authorizes the Secretary of the Interior to award funds to tribal nations, Native Hawaiian Organizations, and museums to implement provisions of the Act, including the repatriation of human remains and other cultural items. Prior to FY 2013, an increased percentage of Section 10 funds were diverted to cover NAGPRA administrative costs under the National Park Service. Starting in FY 2014, Section 10 funding was reduced by 25 percent and funding for administrative costs was increased by a corresponding amount. This practice has diverted critical funds from tribal nations and their statutory and cultural responsibilities to return cultural heritage and patrimony to their homelands in favor of government overhead.

A tribal priority should be established under Section 10 to ensure that grant funding is awarded to tribal nations. Additionally,
Pursuant to 25 U.S.C. § 3003(b)(2), Congress should ensure that no Section 10 funding is used to initiate new scientific studies or other means of acquiring or preserving additional scientific information from Native American human remains or associated funerary objects. A separate line item should be created to fund repatriation of culturally-unidentifiable remains to further support tribal repatriation efforts. Because ancestral remains or items are at times initially listed as culturally unidentified, it often takes more resources to decipher inadequate or incomplete historic records to correctly determine the cultural affiliation of an ancestor or item and ensure it is returned to its proper home pursuant to 36 C.F.R. § 10.11. The National Park Service should restore funding for grants and staff in the NAGPRA program.

The failure of some museums to comply with NAGPRA has been an ongoing issue that inhibits and delays tribal repatriation efforts. Resources for law enforcement efforts have been sporadic and resulted in a backlog of uninvestigated allegations. 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 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 tribal nations against museums or other institutions.

- Provide adequate funding to federal agencies to carry out their NAGPRA responsibilities.

While tribal nations and museums are eligible for grant assistance to carry out their NAGPRA-based responsibilities, federal agencies lack a similar funding source. In the most recent GAO report to explore federal agency compliance with NAGPRA, agencies identified a lack of funding as one of the key reasons for their failure to fully comply with the requirements of NAGPRA. Congress should provide federal agencies with additional resources so they can carry out their statutory obligations.

![Figure 5: Uses of NAGPRA Grant Funding by Fiscal Year](chart)

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*See endnote 121 below.*

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**Figure 5**

**Uses of NAGPRA Grant Funding by Fiscal Year**

- **Grant Awards**
- **Alternative Use**
- **Transferred to National Register Programs**

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ENDNOTES


ENDNOTES


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- American Indian Higher Education Consortium
- Bureau of Indian Affairs Self-Governance Advisory Committee
- Columbia River Inter-Tribal Fish Commission
- Consortium 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 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 Tribal Caucus