



FISCAL YEAR 2016 INDIAN COUNTRY  
**BUDGET REQUESTS**

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# Promoting Self-Determination, Modernizing the Trust Relationship

## FISCAL YEAR 2016 INDIAN COUNTRY BUDGET RECOMMENDATIONS

The modern experiences of Native people reflect ongoing social and economic hardships due to a legacy of dispossession, attempted subjugation, and economic deprivation over centuries. Yet those hardships should not overshadow the successful resurgence of tribal sovereignty and self-determination – effective tribal control – in remedying the challenges that once seemed so insurmountable. While many conventional indicators, such as health status, income, poverty, and joblessness seem relatively dire, policymakers should appreciate the progress tribes have made in improving health and wellness in their communities and fostering economic development—growth which is rooted in and respectful of tribal cultures. Rebuilding nations and societies after generations of turmoil requires time, resources, and a commitment to the approaches that work. The approaches that work include respecting tribal self-determination and sovereignty, while honoring the promises made to Indian nations through the treaties negotiated and signed by our forebears. When the relationship between tribes and the US federal government affirms the treaty and trust obligations in the federal budget in addition to respecting tribal self-determination, tribal leaders and people rise to meet the challenge.

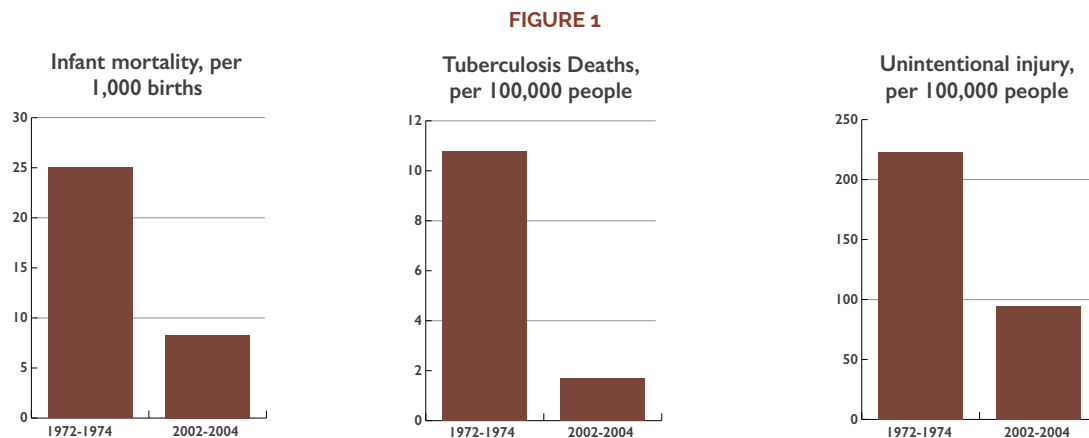
An effective tribal government, with all the necessary tools and resources to address the public service needs of their people, represents a key component for any balanced tribal nation. The leaders and citizens in Indian Country, living in cultures at once traditional and modern, carry the potential and insights to address the reverberations of historical trauma, the lingering effects of relocation, forced assimilation, broken treaties, and economic and political injustices generally. The trust relationship in the 21st Century must maintain the nation-to-nation treaty obligations, such as the provision of education, public safety, health care and more, while promoting tribal capacity and governance. That relationship has evolved over time to one of recognition of the self-governance potential of Native peoples and governments, but it is also one that needs to be modernized to reflect the needs of Native people today.

**The Federal Trust Responsibility:** *Treaties and laws have created a fundamental contract between Indian Nations and the United States: tribes ceded millions of acres of land that made the US what it is today, and in return tribes have the right of continued self-government and the right to exist as distinct peoples on their own lands. That fundamental contract – the federal trust relationship – ensures that tribal governments receive funding for basic governmental services. As governments, tribes must deliver a wide range of critical services, such as health, education, workforce development, and first-responder and public safety services, to their citizens. Tribal governments exist to protect and preserve their unique cultures, identities, and natural environments for posterity. The federal budget for tribal governmental services reflects the extent to which the United States honors its contract and its promises to Indian people.*

## Restoring Tribal Balance and Wellness

Many factors contribute to enhanced health status beyond improvements to the Indian Health Service itself: developing sanitation systems,<sup>1</sup> increasing tribal self-determination and accountability, easing housing overcrowding,<sup>2</sup> addressing transportation needs, lowering poverty rates, eliminating food insecurity,<sup>3</sup> and strengthening tribal child welfare programs,<sup>4</sup> for instance, all support health and wellness in Indian Country. Tribal nations and leaders often apply a holistic approach to healing, drawing on a sense of connectedness with culture, place, and land. The federal government, in meeting its treaty and trust obligations, plays a key role in Indian Country. If Congress shrinks away from its commitments, the ensuing shortfalls lead to grave impacts to the harmony of tribal communities. But when the federal government honors its commitments based in the trust responsibility, while promoting tribal self-determination, Native people and leaders can solve long-standing social and economic dilemmas.

Descriptions of American Indian/Alaska Native (AI/AN) health status often include discussion of intractable health disparities. However, while serious disparities persist, the trend in many health indicators should steer policymakers and leaders toward optimism. From 1972 to 1994, AI/AN life expectancy rose from 64 years to 73 years, reducing the disparity in life expectancy between the Native population and the overall US population from eight years to five years. From 1972 to 2004, the infant mortality rate declined from 25 to 8.3 per 1,000 live births, and the tuberculosis death rate declined from 10.8 to 1.7 per 100,000 people. The unintentional injury rate also declined from 223.2 to 94.8 per 100,000 people across the same time period (see [Figure 1](#)).<sup>5</sup>

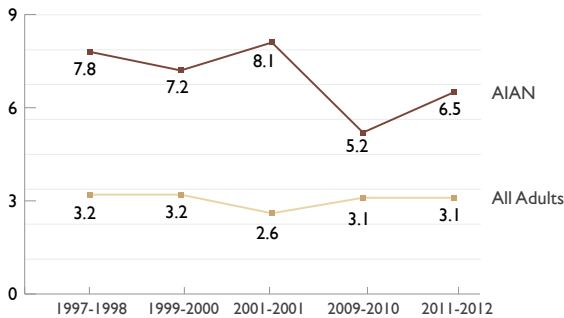


Source: Indian Health Service. (2009). *Trends in Indian health*, 2002–2003 Edition. Rockville, MD: Author.

While Indian Country has witnessed much progress in many health indicators, much work remains. For instance, in 2007, the National Center for Health Statistics noted that AI/AN people experience serious psychological distress one-and-a-half times more than the general population (see Figure 2). Centers for Disease Control and Prevention data reveal that the suicide rate for AI/AN adolescents and young adults from 15-34 is two-and-a-half times the national average for that age group. Unlike other groups where the suicide rate increases with age, AI/AN rates are highest among the youth and decrease with age (see Figure 3)<sup>6</sup>.

FIGURE 2

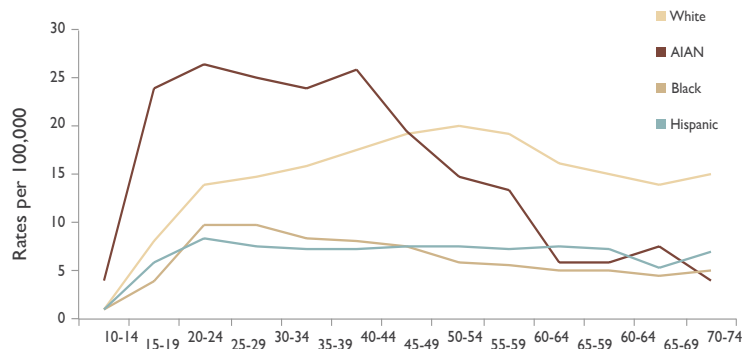
**Serious Psychological Distress**  
(Past 30 Days, Adults > 18 years)



Source: CDC, National Center for Health Statistics, National Health Interview Survey, Health, United States, 2013, Table 55

FIGURE 3

**Suicide Rates by Race/Ethnicity and Age, 2002-2006**



Source: American Psychiatric Association. (2014). Mental Health Disparities: American Indian/Alaska Natives Factsheet

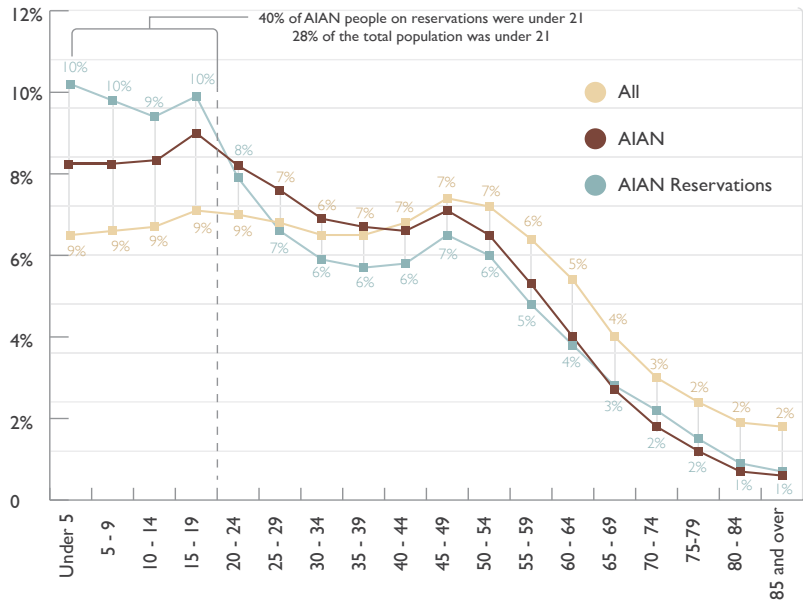
This trend is particularly disconcerting, given the demographics of Indian Country: 40 percent of AI/AN people on reservations were under 21 in 2010 compared to the US population, where 28 percent are under 21 (see Figure 4).

Many tribes recognize historical trauma as the root cause of disproportionate rates of depression, suicide, and reoccurring trauma from domestic violence and sexual assault. Historical trauma is the result of historical policies of genocide, boarding schools, relocation, and child welfare practices. These experiences, and the subsequent

loss of traditional kinship systems, traditional language, and spiritual practices and cultural values impact the core of self-worth and identity and has left a legacy of familial and community grief and a cycle of economic conditions that continue to contribute to extraordinary mental health needs.

FIGURE 4

**Age Distribution**



Source: 2010 Census AIAN Summary File, Table DP-1

Reflecting a desire to address these issues, tribal leaders identified mental health as a top health concern for FY 2016 in tribal budget consultations. Without a major infusion of resources in FY 2016, IHS and tribal programs will continue to have limited staffing for their outpatient community-based clinical and preventive mental health services. Further, any inpatient and intermediate services, such as adult and youth residential mental health services and group homes, which are sometimes arranged through states and counties, will have to be accessed off the reservations, leading to fewer Native people receiving mental health treatment (see Figure 5). The health budget recommendations include further details on program expansions, including dental health, alcohol and substance abuse, urban Indian health, and purchased and referred care—all identified as priorities by tribal leaders.

However, to make IHS program expansions meaningful, current funding levels must be maintained so existing services can still be provided. Moreover, on top of the FY 2013 sequestration cuts which devastated tribal communities throughout the United States, the IHS remains severely underfunded at only 59 percent of total need.

The issue illustrates the impact of unmet treaty and trust obligations in Indian Country, as well as the rippling effects of shortfalls in one area on others: unaddressed mental health problems in tribal communities lead to decreased productivity in the workplace,<sup>7</sup> lost earnings,<sup>8</sup> and early termination of schooling, which contributes to lifelong reductions in economic and social functioning, as well as poor health associated with low income status.<sup>9</sup> In fact, one study estimated that as many as 46 percent of high school dropouts might be attributable to the negative effects of prior mental disorders.<sup>10</sup> Mental health covers just one aspect of how important fulfilling the federal trust responsibility is to overall wellness and balance in Indian Country.

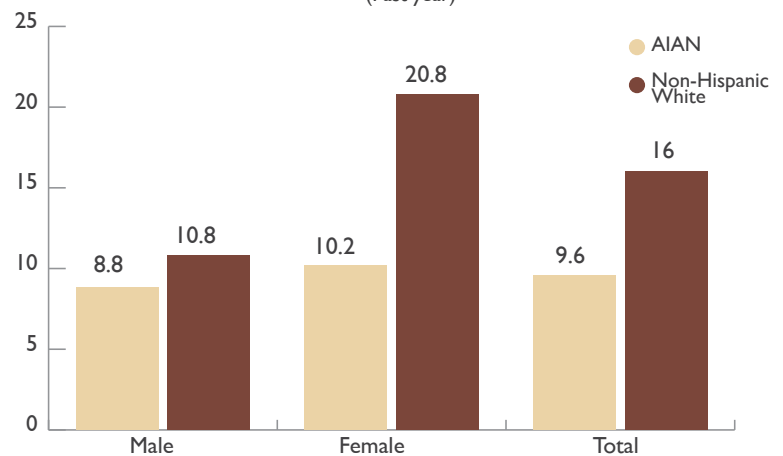
## Rebuilding Tribal Economies

Similar to the dynamics of tribal health status, the trends in economic characteristics throughout Indian Country offer cause for hope, even while many complex disparities remain to be addressed. The problems of poverty and its related consequences remain relatively dire: over the 2011-2013 time period, 40 percent of American Indian people living on reservations and 29 percent of Native people nationwide were under the poverty line compared to 16 percent of the total population (see Figure 6).

Yet, despite the familiar economic challenges that exist in Indian Country, the statistics disguise the emerging success of many tribal nations in developing strong tribal economies. For instance, in Idaho, the Coeur d'Alene Tribe of Indians is the largest employer in the state's Panhandle region, with ventures in agriculture, gaming, manufacturing, and Internet services such that employment opportunities are available for anyone who wants a

FIGURE 5

### Percent of Adults who Received Mental Health Treatment in the Past Year (Past year)



Source: 2010 National Healthcare Disparities Report.

job. The Nez Perce Tribe has ventures in agriculture, tourism, as well as a fisheries division. In 2009, the five tribes of Idaho provided total employment statewide for 10,676 jobs, including multiplier effects.

<sup>11</sup> Tribal activities also contributed \$852.7 million in sales; \$487.3 million in value-added gross state product; \$325.4 million in payroll earnings; and \$23.7 million in sales taxes, property taxes, and excise taxes.

The tribes report that they “receive federal government revenues to support tribal government operations, health services, education, fish and wildlife projects, law enforcement, environmental quality, economic development programs and projects, and other activities. US federal agencies serving as funding

sources include the Bureau of Indian Affairs, US Fish and Wildlife Service, US Department of Health and Human Services, US Department of Energy, US Department of Agriculture, Bonneville Power Administration, US Environmental Protection Agency, and US Department of Transportation. Those federal funds represent “high powered” spending when they enter the local economies and provide a relatively large economic impact.”<sup>12</sup>

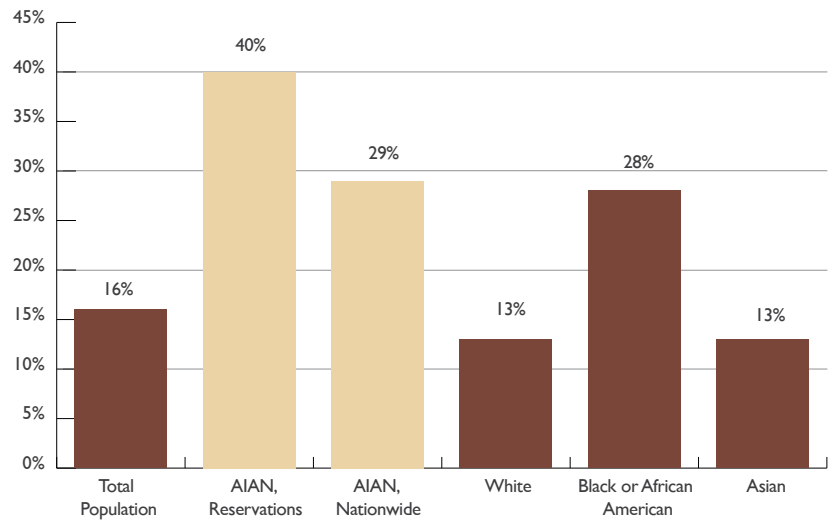
The treaty and trust obligations to tribes contribute to the other regional economies as well in which tribes are major players. A tribal government in Southeast Alaska, representing more than 27,000 tribal citizens, attracted between \$25 million and \$27 million in annual funding to the region to support 200 programs and services that enhance the lives and well-being of tribal citizens, families, and communities. These services affect employment, health, education, and cultural identity. The \$22.5 million in direct expenditures generated an additional \$9 million in indirect and induced economic activity, for an estimated total regional impact of \$31.6 million.<sup>13</sup>

In Washington State, a recent economic analysis showed that, in total, \$3.5 billion of the total gross state product can be attributed to the activity on American Indian reservations. Tribes paid \$1.3 billion in payroll to more than 27,000 Washington residents, many of whom were non-Indian.<sup>14</sup> Not providing federal resources and interrupting tribal revenue flow is likely to increase unemployment for the region. Although some tribes have implemented strategies that enhance economic development for their communities to supplement federal sources, these efforts do not displace the federal government’s duty to fulfill its trust responsibility.

Improving economic conditions in Indian Country is a goal that remains elusive for some regions, however. The Census Bureau reports that the rate of unemployment for the Indian workforce in federal reservation areas is 22.6 percent, close to two-and-a-half times that for all workers nationally (see Figure 7).<sup>15</sup>

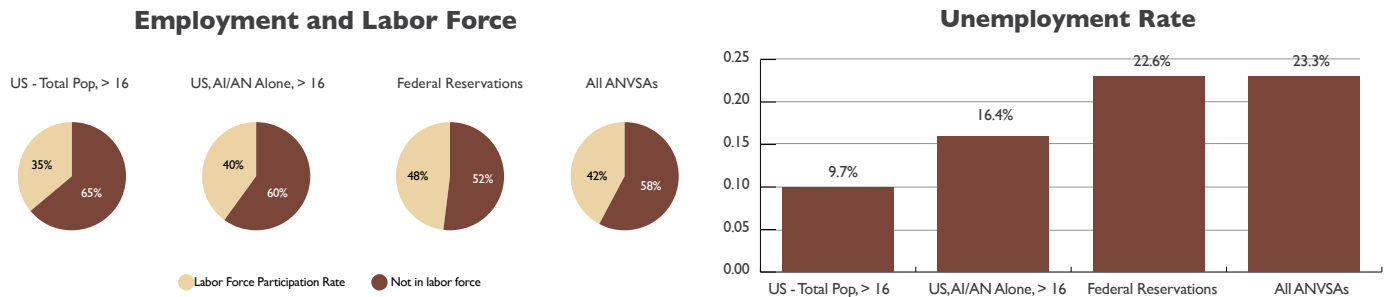
Ensuring tribal government capacity and promoting the creative and economic potential of the Indian self-determination era remains a key element for sustained economic growth among all tribes and regions.

**FIGURE 6**  
**Percent in Poverty, 2011-2013 Period**



Source: US Census Bureau, 2011-2013 American Community Survey 3-Year Estimates, Table B17020C

FIGURE 7



Source: US Census Bureau, 2011–2013 American Community Survey 3-year Estimates

## A Modernized Trust Relationship: Parity and Support for Self-Determination

A combination of parity in governmental and program funding as well as the promotion of Indian self-determination – where tribes are in the driver’s seat – will help to achieve the vision of broader progress in Indian Country. Several areas of tribal administration and services demonstrate the impediments to effective tribal governance due to disparities in resources, such as in tribal public safety and justice, child welfare, and natural resources, to name a few.

**Public Safety and Justice:** Congress has taken historic steps in recent years with the passage of the Tribal Law and Order Act (TLOA) 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. The Bureau of Indian Affairs (BIA), however, recently conducted an analysis of law enforcement needs pursuant to the Tribal Law and Order Act. They found that current funding meets only 42 percent of need for law enforcement, and an additional \$337 million is needed to bring staffing to the levels of the median county government law enforcement levels based on population.

“[C]riminal jurisdiction in Indian country is an indefensible morass of complex, conflicting, and illogical commands, layered in over decades via congressional policies and court decisions and without the consent of tribal nations.”

Indian Law and Order Commission Report to the President and Congress of the United States, November 2013

The TLOA took a much-needed, comprehensive approach to improving public safety on Indian reservations, reforming the entire justice system in Indian Country—from prevention, to law enforcement, to courts, to detention, and to rehabilitation. However, the TLOA has yet to receive the appropriations required to meet its goals. The Indian Law and Order Commission report highlights these inadequacies. Critical investments in tribal justice systems must be made immediately.<sup>16</sup> The safety of American Indians and Alaska Natives depends upon it.

The historic passage of VAWA 2013 recognizes and affirms the inherent sovereign authority of Indian tribes to exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ) over all persons—Indian and non-Indian—who commit crimes of dating violence, domestic violence, and violations of protection orders within Indian country. An estimated one in three Indian women will be raped, and six in ten will be physically assaulted in their lifetimes. Tribal justice systems will need additional resources to exercise this new jurisdictional authority, and VAWA funding streams will continue to be critical to the success of their efforts. For the promise of these laws to

be fully realized, they must be fully implemented. Implementation cannot occur without sufficient resources for tribal justice systems and ongoing coordination and consultation between various federal agencies and tribal governments.

**Child and Family Welfare:** In the child welfare arena, Congress has unequivocally recognized that there is nothing “more vital to the continued existence and integrity of Indian tribes than their children.”<sup>17</sup> A recent report from the Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence (Advisory Committee) documented the effects of unmet needs on the tribal criminal and civil justice systems and tribal child protection systems. AI/AN children experience exposure to violence at rates higher than any other race in the United States, despite enormous efforts by underfunded tribal governments.

“As tribal leaders, we are trustees for the resources of our tribe’s futures: our children . . . . Tribal leaders shoulder the heavy burden of knowing our resources for the future are hurting.”

Brian Cladoosby, President, NCAI

The Indian Law and Order Commission also documented that AI/AN children experience posttraumatic stress disorder at the same rate as veterans returning from Iraq and Afghanistan — triple the rate of the general population.<sup>18</sup> The Advisory Committee emphasized that the federal government shall direct sufficient funds to tribes to bring funding for tribal criminal and civil justice systems and tribal protection systems into parity with the rest of the United States. Further, the Advisory Committee asserted that treaties, existing law, and trust responsibilities are not discretionary, and that when tribes have the opportunity to take ownership of the programs and resources they provide, Native children are generally served best.<sup>19</sup>

Native children and communities also grapple with complex behavioral health issues at higher rates than any other population. Where tribal reclamation of behavioral and mental health systems has been possible, the exercise of self-determination has led to effective holistic services designed and implemented by and for AI/AN people to promote cultural strength and healing. These tribal systems have already begun to resolve the trauma left behind by federal policies and systems. The Advisory Committee’s report emphasizes: “We must transform the broken systems that re-traumatize children into systems where tribes are empowered with authority and resources to prevent exposure to violence and to respond to and promote healing of their children who have been exposed.”<sup>20</sup> Again, parity in resources combined with support for tribal self-determination is a key lever for success in Indian Country.

**Natural Resources:** Tribes, as proven effective managers of their own resources, must receive the appropriate funding and support as required by the treaty and trust responsibilities of the federal government. BIA natural resource funding has declined incrementally over decades, more precipitously than other Department of the Interior (DOI) natural resource programs, while tribes continue to lack eligibility for billions of dollars from dozens of natural resource programs across the federal agencies. The funding inequities are profound. Per-acre funding for the DOI invasive species program is five times the per-acre funding for the BIA’s Invasive Species Program. Federal funding for the management of tribal forests is only one-third of that

“Tribal knowledge and stewardship capabilities are uniquely positioned to help [forestry challenges], as evidenced by holistic practices, long-term commitment, and initiatives such as the Anchor Forest concept. However, progress will not occur without resolve and increased investment on the part of political leadership.”

Third Report of the Indian Forest Management Assessment Team



provided for National Forests, which poses threats to tribal forests, economic opportunities, and ultimately results in the loss of resources. Many more funding inequities are outlined in the natural resources section of this document as well.

Even with the funding and staffing shortfalls, studies show the resiliency of tribes to operate innovative and efficient forestry programs.<sup>21</sup> By combining sound business practices, traditional ecological knowledge, modern techniques, and an inherent respect for the land, many tribes engage in superb sustainable forestry management practices that are recognized nationally and internationally as innovative models. Indian trust forests are significantly more productive than US Forest Service forests, generating on a per-acre basis about 250 percent of the harvest of comparable federal forest lands. These tribal achievements and initiatives demonstrate high return on federal dollars, which tribes accomplish in profoundly inequitable circumstances.

Other sections of this FY 2016 Indian Country Budget Request address many other facets of tribal government and services with the call for parity in resources and support for tribal self-determination.

## **Conclusion**

Tribal leaders and administrators throughout Indian Country seek the same outcomes as other state and national leaders: to protect the health, safety, and prosperity of the people they serve. Tribal leaders are addressing urgent societal challenges, often with inadequate resources and authority, but still facing expectations from their people for safe communities, educational opportunities, health care, clean air and water, and economic growth. Effective tribal governments that can meet the essential needs of their citizens require the fulfillment of the modern federal trust responsibility and respect for tribal self-determination.

This NCAI FY 2016 Budget Request developed in coordination with national tribal organizations and tribal partners offers recommendations for ways the federal government, partnering with tribes, should meet the educational needs of a young Indian population through Bureau of Indian Education schools, tribal schools, and the public schools on and near tribal lands; provide adequate health care via the Indian Health Service, for both direct and self-governance tribes; ensure responsible resource development for the future; provide safe and secure tribal communities; and supply the long-term investments in tribal public infrastructure and services required to ensure every American Indian and Alaska Native enjoys a decent quality of life and has an opportunity to succeed.