About this publication: The Indian Country Budget Request Report is published annually by the National Congress of American Indians as part of its mission to serve as a forum for unified policy development among tribal governments in order to: (1) Protect and advance tribal governance and treaty rights; (2) Promote economic development and health and welfare in American Indian and Alaska Native communities; and (3) Educate the public toward a better understanding of American Indian and Alaska Native tribes. The Fiscal Year 2020 report is the fourteenth annual Indian Country budget request issued by the National Congress of American Indians.

About the seal: The seal developed for the Indian Country Budget Request Report represents the nation-to-nation relationship between tribes and the United States government. The twelve stars symbolize the twelve areas represented by the National Congress of American Indians. The image of the US Capitol is a reminder of the federal governments’ trust responsibility. Finally, the feather invokes the cultural values of Native people, tribal governments, and the written laws that affirm tribal sovereignty.

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Executive Summary

This fiscal year (FY) 2020 Indian Country Budget Request outlines federal programs and services that honor the federal trust responsibility, as well as many programs that are critical components of strong tribal economies and public safety systems. The programs highlighted in this document meet the federal treaty and trust obligations as identified by experts at national and regional tribal organizations and through FY 2020 budget formulation consultations between tribal leaders and federal agencies.

Tribal nations are resilient and provide services to around 2 million people; however, we cannot continue to provide for our communities without our federal partners upholding their obligations. 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 face underfunding of health care, education, and backlogs in physical infrastructure – all of which fall under the federal trust responsibility. Heading into the FY 2020 appropriations cycle, the United States and tribal nations face many challenges. Some are ongoing but no less dire, such as climate change, which will affect the fate of our grandchildren and future generations. Other changes involve the increased partisanship that led to the longest government shutdown to date, which poses a direct threat to the welfare of tribal nations and their citizens. With a new Congress, we hope for a period where we can begin to overcome division and fear to meet the grave challenges before us.

ENDURING PROMISES

Our tribal nations seek only those things promised to us and our citizens by the U.S. Constitution and the solemn treaties and agreements reached between our tribal nations and the United States. When tribal nations agreed to accept smaller land bases, the federal government promised to safeguard our right to govern ourselves, and to enable tribal governments to deliver essential services and provide them adequate resources to do so effectively.
While the United States has yet to fully live up to the promises it has made to tribal nations, tribal leaders are pursuing goals for their citizens similar to those of US national policy makers: building strong and prosperous nations, including economic growth and the efficient provision of necessary public services. Economic diversity characterizes modern Indian Country, but a common factor cited by tribal leaders as hindering tribal economic development is the need for adequate federal funds for essential governmental services, such as public safety, housing, education, and workforce development. Economic development also faces hurdles in Indian Country due to insufficient infrastructure, including roads, housing, water, sewer systems, and broadband. Tribal leaders and citizens have known this for decades. Recently, the United States Commission on Civil Rights made similar observations. In its report, the Commission found that:

_Due at least in part to the failure of the federal government to adequately address the well-being of Native Americans over the last two centuries, Native Americans continue to rank near the bottom of all Americans in terms of health, education, and employment._

The report also states:

_The broken treaties have left many reservations without adequate access to clean water, plumbing, electricity, internet, cellular service, roads, public transportation, housing, hospitals, and schools._

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, and close stewardship of tribal homelands. Despite several eras of hostile federal policies towards tribes and severe underfunding, tribal nations are proving successful in their efforts to build sustainable tribal economies and rebuild tribal communities in accordance with their cultural values. If the United States lived up to its commitments to support Indian Country in the ways that it has promised, tribal nations and governments could do so much more. Tribes respectfully request that these recommendations be included in the appropriations process.

**SUPPORT FOR TRIBAL GOVERNMENTS**
(MORE INFORMATION ON PAGE 31)

Ensuring tribes have the tools for effective governance is critical to fulfilling the promise of the Indian Self-Determination and Education Assistance Act. Key funding mechanisms that support Indian self-determination are steady tribal base funding, direct funding to tribes as opposed to grant or state pass through funding, and accurate data for policy-making, redistricting, and governance.

**Support for Tribal Governments**

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Funding to Tribal Governments</td>
<td>Provide increases via tribal base funding instead of through grants.</td>
</tr>
<tr>
<td>Commerce</td>
<td>Commerce, Justice, Science</td>
<td>Census Bureau and 2020 Census Preparations</td>
<td>Provide funding to meet cost projections of the 2020 Census</td>
</tr>
</tbody>
</table>
PUBLIC SAFETY & JUSTICE
(MORE INFORMATION ON PAGE 33)

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

Public Safety & Justice

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Base funding for tribal courts and the Indian Tribal Justice Act, including courts in PL 280 jurisdictions</td>
<td>$83,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Law Enforcement and Detention</td>
<td>$553,000,000</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Tribal Grants: Eliminate competitive grant funding process and utilize Justice Department appropriations as base funding where tribes and tribal courts themselves determine their own priorities</td>
<td>Use DOJ appropriations as base funding with tribes setting own priorities.</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Tribal Set-Aside from Office of Justice Programs</td>
<td>Create a 10 percent tribal set-aside for all discretionary Office of Justice Programs (OJP) programs.</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Tribal Youth Program under the Juvenile Accountability Block Grants Program</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Tribal Set-Aside from Crime Victims Fund</td>
<td>Create a 5 percent set-aside for tribal governments.</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Community Oriented Policing Services (COPS) Tribal Law Enforcement</td>
<td>$52,000,000</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Tribal programs under the Violence Against Women Act (VAWA), including the grants to Indian Tribal Governments Program</td>
<td>Provide full authorized amount.</td>
</tr>
<tr>
<td>DOJ</td>
<td>Commerce, Justice, Science</td>
<td>Indian Country Sexual Assault Clearinghouse</td>
<td>$500,000</td>
</tr>
</tbody>
</table>
Department of Homeland Security outreach and communication to Indian Country has vastly improved due to the consistent presence of tribal affairs points of contact. However, funding has stagnated at an insufficient level for the past 10 years. Indian Country and the entire United States will be at risk until tribes are funded equal to the states for homeland security and emergency management purposes. Congress and the Administration have a trust obligation to assist tribal governments to protect all citizens, Native and non-Native, within their jurisdictions. However, this obligation has not been met as shown in the recent report by the U.S. Commission on Civil Rights, which documents the extreme shortfalls in programs that have a direct relationship to homeland security and emergency management.\(^4\)

### HOMELAND SECURITY & EMERGENCY MANAGEMENT
(MORE INFORMATION ON PAGE 39)

Homeland Security & Emergency Management

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DHS</td>
<td>Homeland Security</td>
<td>Tribal Homeland Security Grant Program</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>DHS</td>
<td>Homeland Security</td>
<td>Homeland Security General Assistance Program</td>
<td>$206,280,000</td>
</tr>
<tr>
<td>DHS</td>
<td>Homeland Security</td>
<td>Western Hemisphere Travel Initiative, Tribal ID’s</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>DHS</td>
<td>Homeland Security</td>
<td>Western Hemisphere Travel Initiative</td>
<td>Provide technical assistance and materials for tribes to produce tribal IDs.</td>
</tr>
<tr>
<td>DHS-FEMA</td>
<td>Homeland Security</td>
<td>Creation of National Tribal Advisory Council</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>DHS-FEMA</td>
<td>Homeland Security</td>
<td>Emergency Management training</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>DHS-FEMA</td>
<td>Homeland Security</td>
<td>Homeland Security and Emergency Management Curriculum at TCUs and Tribal Non-Profits</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>DHS-FEMA</td>
<td>Homeland Security</td>
<td>Homeland Security Centers of Excellence</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>
Access to quality education is even more important in today’s challenging economic climate. It is an essential strategy for creating jobs and securing the nation’s future prosperity – particularly in tribal communities. An educated citizenry serves as a catalyst to boost tribal economic productivity and growth through a more highly-skilled competitive workforce, which can attract new businesses, reduce rampant high unemployment, stimulate reservation economies through direct spending, and foster a greater entrepreneurial spirit for all tribal 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.

Extensive evidence demonstrates that culturally relevant 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. Native students must have access to the funding necessary to ensure parity in access to excellent educational opportunity.

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 for Native education. The requests below detail the minimum funding needed to sustain a system that is currently struggling and underfunded.

**Education**

(MORE INFORMATION ON PAGE 44)

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Title I, Part A (Local Education Agency Grants)</td>
<td>$20,000,000,000</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>State-Tribal Education Partnership (STEP) Program</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Title VII funding, ESSA (Impact Aid Funding)</td>
<td>$2,000,000,000</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Title VI funding, Every Student Succeeds Act (ESSA) (culturally-based education)</td>
<td>$198,000,000</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Alaska Native Education Equity Assistance Program, Title VI, Part C</td>
<td>$40,000,000</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Native Hawaiian Education Program, Title VI, Part B</td>
<td>$40,000,000</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Indian Education Language Immersion Grants, Title VI, Part D</td>
<td>$5,000,000</td>
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<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Special Projects for Native Student, Including Native Youth Community Projects</td>
<td>$67,900,000</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Title III-A grants under the Higher Education Act for Tribal Colleges and Universities</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Tribal Colleges and Universities: Adult/Basic Education</td>
<td>$8,000,000</td>
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<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Tribally Controlled Post-Secondary Career and Technical Institutions</td>
<td>$10,000,000</td>
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<tr>
<td>AGENCY</td>
<td>APPROPRIATIONS BILL</td>
<td>PROGRAM</td>
<td></td>
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</tr>
<tr>
<td>ED</td>
<td>Labor-HHS-Education</td>
<td>Native American-Serving, non-Tribal Institutions (Higher Education act, Title III-F)</td>
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</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribal Education Departments (DOI)</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Construction/Repair of Bureau of Indian Education (BIE) Schools</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Johnson O'Malley</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Student Transportation</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribal Grant Support Costs (Administrative Cost Grants)</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Facilities Operations (BIE)</td>
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</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Facilities Maintenance (BIE)</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Indian School Equalization Formula</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Education Management: Education IT</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIE Immersion Demonstration Grants</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Juvenile Detention Education</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribal Colleges and Universities' Institutional Operations, Titles I, II, and III of the Tribally Controlled Colleges and Universities Assistance Act</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Institute of American Indian Arts and Center for Lifelong Education &amp; Museum (AlANNH Culture and Art Development Act)</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Haskell Indian Nations University &amp; Southwestern Indian Polytechnic Institute (Snyder Act)</td>
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</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribally Controlled Career and Technical Institutions, Title V of the Tribally Controlled Colleges and Universities Assistance Act</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribal Colleges and Universities Infrastructure Improvement</td>
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</tr>
<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>1994 Institutions Extension Program (NIFA)</td>
<td></td>
</tr>
<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>1994 Institutions Research Program</td>
<td></td>
</tr>
<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>1994 Institutions Educational Equity Grants</td>
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</table>
### Education

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>Native American Endowment Account (Corpus Payment)</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>USDA</td>
<td>Agriculture</td>
<td>Tribal Colleges and Universities Essential Community Facilities Program</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>HUD</td>
<td>Transportation, Housing and Urban Development</td>
<td>HUD-University Partnership Program for Tribal Colleges and Universities</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Indian Head Start</td>
<td>$10,810,000,000</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>TCU Head Start Partnership Program</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Native Languages Preservation, with Esther Martinez Program (EMP)</td>
<td>$14,000,000 for NLP, with $5,000,000 for EMP.</td>
</tr>
<tr>
<td>NSF</td>
<td>Commerce, Justice, and Science</td>
<td>Education and Human Resources Funding for Tribal Colleges and Universities</td>
<td>$15,000,000</td>
</tr>
</tbody>
</table>

### HEALTH

*(MORE INFORMATION ON PAGE 56)*

The survival and prosperity of tribal communities depends on the safety, health, and wellness of our citizens. American Indians/Alaska Natives (AI/AN) have long experienced significant health disparities when compared with other Americans. The federal promise to provide healthcare for our people is a sacred agreement that was provided to the tribes in exchange for land and peace. As recently as 2010, Congress has declared that “it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians -- to ensure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy.” The federal budget for AI/AN health is not just a fiscal document between sovereign Nations. It is indeed, the execution of a moral, ethical, and legal commitment.

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

The requests listed below focus on specific increases to the IHS that reflect both the priorities of tribal leaders representing the twelve IHS Areas and the Agency-wide goals expressed by IHS.
Health

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DHHS</td>
<td>Interior Environment</td>
<td>Total FY 2020 Indian Health Service Funding</td>
<td>$7,030,369,089</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Services: $5,242,487,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Contract Support Costs: $900,000,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Facilities: $887,883,000</td>
<td></td>
</tr>
<tr>
<td>DHHS</td>
<td>Interior, Environment</td>
<td>Requested increases over FY 2017 budget request (planning base of $5.08 billion)</td>
<td>Increase over Base: $1.5 billion</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Services: $1.3 billion</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Facilities: $219.9 million</td>
<td></td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>On the TRAIL to Diabetes Prevention program</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>HRSA Native Hawaiian Healthcare Systems Program</td>
<td>$19,000,000</td>
</tr>
</tbody>
</table>

**CHILD WELFARE**

*(MORE INFORMATION ON PAGE 72)*

Tribal child welfare programs are comprised of a number of “discrete, yet interconnected” functions that include child abuse prevention, child protection, in-home services, case management, foster care, kinship care, guardianship, adoption, court hearings, coordination and collaboration, and referrals to other services, such as health care or housing. Tribal child welfare programs work tirelessly to successfully serve children and families through holistic, strengths-based, culturally responsive, and family-centered services. In providing these services, tribes serve a critical role not only for tribal citizens living within their tribal lands, but also in helping state agencies provide services to their tribal citizens living off tribal lands. The assistance tribes provide in this respect reduces state costs and administrative burden.

By investing in tribal services that can reach children and their families before or shortly after child abuse or neglect has occurred, we can help curtail the pervasive effects of long term, unresolved trauma that can create increasing physical and emotional damage for children and cost tribal governments and the federal government much more to treat. Because child welfare families have extensive needs this requires intensive collaboration with other service providers and specialized services to effectively address child maltreatment and help families rehabilitate. The current federal investment in child welfare for both tribes and states has been heavily weighted towards crisis interventions that 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 too, 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 tribes and states. The new funding as part of the Bipartisan Budget Act of 2018 (H.R. 1892) funds eligible prevention services to prevent removal of children who are at risk of out of home placement. Accessing the funds will require many tribes to develop new prevention services and infrastructure in child welfare. The investment can help spur reductions in out of home placements reducing trauma to children and families, but will require additional funding outside of the new prevention funding.
EXECUTIVE SUMMARY

Congress has unequivocally recognized that there is nothing "more vital to the continued existence and integrity of Indian tribes than their children." Therefore, Congress must promulgate a budget that empowers tribes to provide programs and services necessary to safeguard their children and strengthen their families. The recommendations below suggest funding increases that would provide tribes with more workable funding levels after years of little or no increase and improve outcomes for American Indian and Alaska Native children and families, whether in tribal or state systems.

Child Welfare

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
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<th>NCAI FY 2020 REQUEST</th>
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<tbody>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Indian Child Protection and Family</td>
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<tr>
<td></td>
<td></td>
<td>Violence Prevention Act</td>
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<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Welfare Assistance</td>
<td>$80,000,000</td>
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<td>DOI</td>
<td>Interior, Environment</td>
<td>Indian Child Welfare Act On or Near Reservation Program</td>
<td>$20,000,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Off-Reservation Indian Child Welfare Act Program</td>
<td>$5,000,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Social Services Program</td>
<td>$55,000,000</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Promoting Safe and Stable Families, Title IV-B, Subpart 2 discretionary funds (3 percent tribal allocation reserved from this amount)</td>
<td>$100,000,000</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Tribal Court Improvement grant program (authorized under Title IV-B, Subpart 2)</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Child Abuse Discretionary Activities (tribes and states eligible to compete for these grant funds)</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Community-Based Child Abuse Prevention (one percent tribal allocation reserved from this amount)</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Child Welfare Services, Title IV-B, Subpart 1 (tribal allocation reserved from this amount)</td>
<td>$280,000,000</td>
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<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Maternal Infant and Early Childhood Home Visiting Program (tribal allocation from reserved portion)</td>
<td>$420m ($12.6m)</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA Programs of Regional and National Significance, Child and Family Programs</td>
<td>$8,000,000 ($6.5 million reserved for Circles of Care grants)</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA Garrett Lee Smith Grants, State/Tribal Youth Suicide Prevention and Early Intervention Grant</td>
<td>$40,000,000</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA Garrett Lee Smith Grants, Campus Suicide Prevention Program</td>
<td>$9,000,000</td>
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### Child Welfare

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA American Indian and Alaska Native Suicide Prevention</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>SAMHSA Tribal Behavioral Health Programs (mental health and substance abuse programs)</td>
<td>$50,000,000 ($25 million for each program)</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Children’s Mental Health Services Program (tribes and states eligible to compete for these grant funds)</td>
<td>$125,000,000</td>
</tr>
</tbody>
</table>

### ELDERS

*(MORE INFORMATION ON PAGE 86)*

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

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Older Americans Act (Title VI- Part A, B), Native American Nutation and Supportive Services</td>
<td>$32,000,000</td>
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<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Older Americans Act (Title VI-Part C), Native American Caregiver Support Program</td>
<td>$8,300,000</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Older Americans Act (Title VII-Subtitle B), Protection of Vulnerable Older Americans</td>
<td>Create a one percent tribal set-aside and recommend tribes and tribal organizations be eligible for the Elder Justice Initiative.</td>
</tr>
<tr>
<td>DHHS</td>
<td>Labor-HHS-Education</td>
<td>Older Americans Act (Title V), Senior Community Service Employment Program</td>
<td>$434,371,000</td>
</tr>
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</table>
Increasing economic opportunities and infrastructure development in Indian Country requires a comprehensive, multi-agency approach. Indian Country continues to face daunting challenges, especially high rates of unemployment and poverty, due to shortfalls in federal obligations and barriers to private and philanthropic investment. Adequate federal funding, coupled with reduced regulatory burdens, can advance tribes’ efforts to access capital resources and workforce training programs. Honoring the federal government’s trust responsibility by addressing key economic needs will further the economic drive of Indian Country through increased business and workforce development opportunities. These FY 2019 budget requests set forth appropriations that are essential to empowering self-determined tribal efforts to seed economic prosperity and advance the economic security of tribal nations.

### Economic & Workforce Development

**EXECUTIVE SUMMARY**

**ECONOMIC & WORKFORCE DEVELOPMENT**  
(MORE INFORMATION ON PAGE 88)

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commerce, Justice, Science</td>
<td>Minority Business Development Agency</td>
<td>$39,000,000 and a set-aside to re-establish NABECs within MBDA.</td>
<td></td>
</tr>
<tr>
<td>Commerce, Justice, Science</td>
<td>Office of Native American Affairs</td>
<td>$2,000,000</td>
<td></td>
</tr>
<tr>
<td>SBA</td>
<td>Office of Native American Affairs</td>
<td>$2,000,000</td>
<td></td>
</tr>
<tr>
<td>DOD</td>
<td>American Indian Procurement Technical Assistance Program</td>
<td>$4,500,000</td>
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</tr>
<tr>
<td>DOD</td>
<td>Indian Incentive Payment Program</td>
<td>$25,000,000</td>
<td></td>
</tr>
<tr>
<td>Treasury, Financial Services</td>
<td>Community Development Financial Institutions Fund</td>
<td>$20,000,000 and waiver of non-federal match requirement for NACA financial assistance program.</td>
<td></td>
</tr>
<tr>
<td>Treasury, Financial Services</td>
<td>Community Development Financial Institutions Fund, New Markets Tax Credit Program</td>
<td>Provide a five percent set-aside and revise ‘service area’ to include Indian Country.</td>
<td></td>
</tr>
<tr>
<td>DOE</td>
<td>National Nuclear Security Administration (NNSA) Minority Serving Institutions Partnership Program (MSIPPP) Tribal College Initiative (Advanced Manufacturing)</td>
<td>$5,000,000</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Office of Indian Energy and Economic Development Indian Loan Guarantee Program</td>
<td>$25,000,000</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Office of Indian Energy and Economic Development</td>
<td>$25,000,000</td>
<td></td>
</tr>
<tr>
<td>DOI</td>
<td>Community and Economic Development Program</td>
<td>$1,400,000</td>
<td></td>
</tr>
</tbody>
</table>
Economic & Workforce Development

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOL</td>
<td>Labor-HHS-Education</td>
<td>YouthBuild Program</td>
<td>$89,000,000</td>
</tr>
<tr>
<td>DOL</td>
<td>Labor-HHS-Education</td>
<td>Employment and Training Administration, Indian and Native American Program (INAP)</td>
<td>$60,500,000</td>
</tr>
<tr>
<td>DOL</td>
<td>Labor-HHS-Education</td>
<td>Native American Employment and Training Council</td>
<td>$125,000 from non-INAP resources</td>
</tr>
</tbody>
</table>

**TELECOMMUNICATIONS**

*(MORE INFORMATION ON PAGE 96)*

The ability to communicate keeps communities safe and promotes trade and commerce. 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 result in economic and community development that can increase the efficiency of certain federal programs by delivering more cost effective or proactive services that result in better program delivery. Unfortunately, many tribal communities continue to disproportionately lack broadband access, which directly inhibits the progress for tribal nations and citizens.

According to a September 2018 Government Accountability Office (GAO) report on broadband internet access on tribal lands, the Federal Communications Commission methodology for measuring and reporting broadband access resulted in overstatements in broadband access that leave some tribal lands and communities under-served or unserved. A key finding of the GAO report is that the Federal Communication Commission’s report that 63 percent of tribal lands across the country lack access to high-speed broadband services is understated, and 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, inclusive public safety networks, strong public media systems, and other necessary infrastructure.

Telecommunications

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>FCC</td>
<td>Financial Services</td>
<td>Office of Native Affairs and Policy</td>
<td>Provide fixed annual budget of $500,000.</td>
</tr>
<tr>
<td>CPB</td>
<td>Labor-HHS-Education</td>
<td>American Indian and Alaska Native Radio Station grants</td>
<td>$5,000,000</td>
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<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>Native Public Media and Koahnic Broadcast Corporation</td>
<td>$500,000</td>
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</tbody>
</table>
AGRICULTURE & RURAL DEVELOPMENT
(MORE INFORMATION ON PAGE 98)

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

Agriculture & Rural Development

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>USDA Agriculture</td>
<td>Office of Tribal Relations</td>
<td></td>
<td>$1,500,000</td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>Rural Development 502 Direct Loan Program</td>
<td></td>
<td>$20,000,000 tribal set aside</td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>Rural Development</td>
<td></td>
<td>$2,772,000,000</td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>Rural Utilities Service</td>
<td></td>
<td>$9,375,000,000</td>
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<tr>
<td>USDA Agriculture</td>
<td>Rural Housing and Community Facilities Programs</td>
<td></td>
<td>$28,000,000,000</td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>Natural Resources Conservation Service (NRCS), Environmental Quality Incentives Program</td>
<td></td>
<td>$1,750,000,000</td>
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<tr>
<td>USDA Agriculture</td>
<td>NRCS, Conservation Stewardship Program</td>
<td></td>
<td>$725,000,000</td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>Federally Recognized Tribal Extension Program</td>
<td></td>
<td>$6,000,000</td>
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<td>USDA Agriculture</td>
<td>Food Distribution Program on Indian Reservations</td>
<td></td>
<td>$153,000,000</td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>Food Distribution Program on Indian Reservations, traditional foods market development</td>
<td></td>
<td>$5,000,000</td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>Food Distribution Program on Indian Reservations, Demonstration Project for Tribal Organizations</td>
<td></td>
<td>$5,000,000</td>
</tr>
<tr>
<td>USDA Agriculture</td>
<td>Industrial Hemp Production, Regulation, and Research</td>
<td></td>
<td>Amounts as necessary to implement authorizing provisions</td>
</tr>
</tbody>
</table>
Environmental Protection

Tribal governments and their citizens maintain strong physical, cultural, spiritual, and interdependent relationships with their homelands and natural resources. Consequently, Native peoples face direct and often disproportionate impacts of environmental degradation. Federal funding to support environmental protection for Indian reservations was not forthcoming until more than 20 years after the passage of the Clean Water and Clean Air Acts. Tribes are still trying to achieve equity, and significant gaps remain. The federal government must ensure tribes have fair and equal opportunities to preserve and enhance the environmental quality of Indian Country for present and future generations. In the recommendations below, NCAI requests that EPA tribal programs receive sufficient resources to achieve parity with states through sustainable targeted base funding.

### Environmental Protection

**AGENCY** | **APPROPRIATIONS BILL** | **PROGRAM** | **NCAI FY 2020 REQUEST**
---|---|---|---
EPA | Interior, Environment | Indian Environmental General Assistance Program | $99,500,000
EPA | Interior, Environment | Safe Drinking Water State Revolving Funds | Provide 5 percent tribal set-aside
EPA | Interior, Environment | Clean Water Act State Revolving Fund, tribal set-aside | Provide $46,500,000 tribal set-aside and permanently lift the funding cap on tribal set-aside for wastewater facilities.
EPA | Interior, Environment | Tribal Water Pollution Control, Clean Water Act Section 106 | Increase the tribal allocation to 20 percent.
EPA | Interior, Environment | Nonpoint Source Pollutant Control, Clean Water Act Section 319 | Eliminate cap on tribal funding and provide $13,000,000.
EPA | Interior, Environment | Great Lakes Restoration Initiative, tribal allocation | $3,000,000
NATURAL RESOURCES
(MORE INFORMATION ON PAGE 110)

Tribes’ cultures, traditions, lifestyles, communities, foods, and economies depend upon diverse natural resources. Yes, many critical natural resources are disappearing faster than 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 is even more integral to the health of American Indian and Alaska Native peoples, and the strength of tribal economies.

Tribes can cite many examples where they spearheaded successful restoration and sustainable management of fragile natural resources. These successes are built upon a commitment to stewardship. Particularly a stewardship that requires complex, though rewarding, collaboration with states, regional organizations, local governments and other stakeholders in larger ecosystem management efforts. Last year, Congress provided Tribes with additional tools to apply their management expertise to improve forest health on non-Tribal, federal lands. Tribes, as proven effective managers of their own resources, must be provided with the appropriate funding and support. The federal government’s support in these areas is consistent with its treaty and trust responsibilities toward tribal nations. Last year, Congress provided Tribes with additional tools to apply their management expertise to improve forest health on non-Tribal, federal lands.

For tribes 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. 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. Instead, many of the BIA Trust natural resources programs discussed in this section have experienced substantial cuts over the past decade. The most supportive role for the federal government is as a resource-provider—facilitating independent decision-making and true self-governance for tribal nations.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Rights Protection Implementation</td>
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<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribal Climate Resilience Program</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Water Management, Planning, and Pre-Development Program</td>
<td>$10,500,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Water Resources Program (TPA)</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Water Rights Negotiation/Litigation program</td>
<td>$10,923,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Endangered Species Program</td>
<td>$3,000,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Tribal Management and Development Programs</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Wildlife and Parks Tribal Priority Allocations - Fish Hatchery Operations</td>
<td>$7,000,000</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Wildlife and Parks Tribal Priority Allocations - Fish Hatchery Maintenance</td>
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<td>DOI</td>
<td>Interior, Environment</td>
<td>Wildlife and Parks Tribal Priority Allocation</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Natural Resources Tribal Priority Allocations</td>
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</table>
### Natural Resources

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<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
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</thead>
<tbody>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Invasive Species Program</td>
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<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Fish and Wildlife’s Tribal Wildlife Grants Program</td>
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<tr>
<td>Commerce</td>
<td>Commerce, Justice, Science</td>
<td>Pacific Coastal Salmon Recovery Fund</td>
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</tr>
<tr>
<td>EPA</td>
<td>Interior, Environment</td>
<td>Geographic/Ecosystem Program in Puget Sound</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>National Park Service Deferred Maintenance</td>
<td>Support dedicated annual funding.</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>National Park Service Deferred Maintenance</td>
<td>Support deferred maintenance funding in any infrastructure proposal.</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Forestry (Tribal Priority Allocations + BIA Forestry Projects)</td>
<td>$112,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Office of Wildland Fire, Fuels Management</td>
<td>$206,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Office of Wildland Fire, Disaster Fire Funding</td>
<td>Support legislation that treats wildfires like other natural disasters and emergencies.</td>
</tr>
<tr>
<td>USDA</td>
<td>Interior, Environment</td>
<td>US Forest Service</td>
<td>Encourage implementation of new TFPA-638 pilot program: Good Neighbor Authority and tribal biomass demonstration programs.</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>Bureau of Land Management</td>
<td>Encourage implementation of TFPA-638 pilot program, Good Neighbor Authority with Tribes.</td>
</tr>
</tbody>
</table>
**EXECUTIVE SUMMARY**

**ENERGY**  
(MORE INFORMATION ON PAGE 121)

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 integral to many tribes’ efforts to create jobs, infrastructure, and improve lives of their citizens. The Department of the Interior (DOI) estimates that undeveloped traditional energy reserves on Indian lands could generate up to $1 trillion for tribes and surrounding communities, most of which are located in rural areas. In 2014, DOI reported that Indian energy resources provided over $1 billion in revenue to tribes and individual Indian resource owners. This sector of tribal development continues to grow but is relatively small. In order for tribes to take the next step and become serious contributors to the nation’s energy future, federal funding for tribal energy programs is critical, 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, removing economic barriers to growth. Specifically, NCAI requests that where possible, Congress reduce or completely eliminate the 50 percent cost-sharing requirements that burden tribes. 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 in addition to existing liaison employees within the Department of Energy.

### Energy

<table>
<thead>
<tr>
<th>AGENCY</th>
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</thead>
<tbody>
<tr>
<td>HUD</td>
<td>Transportation, HUD</td>
<td>Indian Housing Block Grant</td>
<td>$755,000,000</td>
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<tr>
<td>HUD</td>
<td>Transportation, HUD</td>
<td>Indian Community Development Block Grant</td>
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<td>HUD</td>
<td>Transportation, HUD</td>
<td>Title VI Loan Guarantee</td>
<td>$2,000,000</td>
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<tr>
<td>HUD</td>
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<td>Section 184 Loan Guarantee Program</td>
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<tr>
<td>HUD</td>
<td>Transportation, HUD</td>
<td>Tribal HUD-Veterans Affairs Supportive Housing Program</td>
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</tr>
<tr>
<td>HUD</td>
<td>Transportation, HUD</td>
<td>NAHASDA’s Training and Technical Assistance</td>
<td>$7,000,000</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>Set Aside $50,000,000</td>
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<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Housing Improvement Program</td>
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<td>Native Hawaiian Housing Block Grant</td>
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<td>Transportation, HUD</td>
<td>Section 184A Loan Guarantee</td>
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<tr>
<td>VA</td>
<td>Military Const., VA</td>
<td>Veterans Benefit Administration, Native American Direct Loan Program</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>
TRANSPORTATION
(MORE INFORMATION ON PAGE 128)

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

Surface transportation in Indian Country involves hundreds of thousands of miles of roads and highways and hundreds of bridges. According to the latest National Tribal Transportation Facility Inventory (NTTFI), there are approximately 160,000 miles of roads and trails in Indian Country owned and maintained by 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 Bureau of Indian Affairs, 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 a December 2018 U.S. Commission on Civil Rights report evaluating the budgets and spending of federal agencies that sponsor Native American programs, deficiencies in transportation system infrastructure in Indian Country diminishes opportunities for development, which impairs the ability of tribal communities to thrive. Unmet need in transportation infrastructure increases the safety risk on roads used by tribal and nontribal 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.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOT</td>
<td>Transportation, HUD</td>
<td>Tribal Transportation Program</td>
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<tr>
<td>DOT</td>
<td>Transportation, HUD</td>
<td>Tribal Technical Assistance Programs</td>
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<td>DOT</td>
<td>Transportation, HUD</td>
<td>Tribal Transit Program</td>
<td>$35,000,000</td>
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<tr>
<td>DOT</td>
<td>Transportation, HUD</td>
<td>Tribal High Priority Projects Program</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>BIA Roads Maintenance</td>
<td>$50,000,000</td>
</tr>
</tbody>
</table>
HISTORIC & CULTURAL PRESERVATION
(MORE INFORMATION ON PAGE 131)

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

Historic & Cultural Preservation

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>NCAI FY 2020 REQUEST</th>
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<td>Interior, Environment</td>
<td>Native American Graves Protection and Repatriation Act (NAGPRA)</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 tribes.</td>
</tr>
<tr>
<td>DOI</td>
<td>Interior, Environment</td>
<td>STOP Act Implementation</td>
<td>Request support of the STOP Act and provide adequate funding for its implementation.</td>
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</tbody>
</table>
THE FIRST KIDS 1ST
EVERY CHILD IS SACRED INITIATIVE

First Kids 1st is a national collaborative effort comprised of leading Native American organizations, allies, and partners, focused on changing national, tribal, and state policy to create conditions in which American Indian and Alaska Native children can thrive. One step in that process is prioritizing the needs of Native children within the federal budget.

Advancing this charge, the National Congress of American Indians, National Indian Child Welfare Association, National Indian Education Association, and National Indian Health Board selected programs where collaboration for the purpose of serving and supporting Native children and youth to forge measurable progress is occurring.

Native Children’s Budget FY 2020

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROPRIATIONS BILL</th>
<th>PROGRAM</th>
<th>FK1ST FY 2020 REQUEST</th>
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</thead>
<tbody>
<tr>
<td>Department of Education</td>
<td>Labor, Health and Human Services, Education</td>
<td>ESSA Title VI: Indian Education Formula Grants</td>
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<tr>
<td>Department of the Interior</td>
<td>Interior, Environment</td>
<td>Construction / Repair of Bureau of Indian Education (BIE) Schools.</td>
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<td>Department of the Interior</td>
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<td>BIA Indian Child Protection and Family Violence Prevention Act</td>
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<td>Interior, Environment</td>
<td>Indian Child Welfare Act On or Near Reservation Program</td>
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<tr>
<td>Department of the Interior</td>
<td>Interior, Environment</td>
<td>Tribal Courts, including courts in PL 280 jurisdictions</td>
<td>$83,000,000</td>
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<tr>
<td>Department of the Interior</td>
<td>Department of the Interior</td>
<td>Total FY 2020 Indian Health Service Funding</td>
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<tr>
<td></td>
<td></td>
<td>Services: $5,242,487,000</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Contract Support Costs: $900,000,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Facilities: $887,883,000</td>
<td></td>
</tr>
<tr>
<td>Department of the Interior</td>
<td>Labor, Health and Human Services</td>
<td>Tribal Opioid Response Grants and Tribal Behavioral Health Grants</td>
<td>$75,000,000 a year tribal state set aside in tribal opioid response grants at SAMHSA &amp; $50,000,000 Tribal Behavioral health grants at $50 million.</td>
</tr>
<tr>
<td>Department of Commerce</td>
<td>Commerce Justice and Science</td>
<td>2020 Census</td>
<td>$4.456 billion in FY 2019, ensuring that of this amount, $3.648 billion is spent on 2020 Census activities</td>
</tr>
</tbody>
</table>
EDUCATION:

Increases are needed as this critical grant funding is designed to supplement the regular school program and assist Native students so they have the opportunity to achieve the same educational standards and attain parity with their non-Native peers. Title VI funds support early-childhood and family programs, academic enrichment programs, curriculum development, professional development, and culturally-related activities. As Native students lag far behind their non-Native peers in educational achievement, increased funding is necessary to address this substantial gap.

Provide $198 million to Every Student Succeeds Act (ESSA) Title VI: Indian Education Formula Grant Programs.

Schools operating within the BIE system are woefully outdated and, in some cases, dangerous for students and staff. Currently more than 60 BIE schools are rated in “poor” condition, which puts Native students at an unfair disadvantage. The Department of the Interior’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, concluding that more than $430 million would be needed to fix the problems already identified. This funding category includes school construction, facilities improvement and repair, and replacement school construction.

Provide $430 million for system-wide Bureau of Indian Education (BIE) school construction and repair.

CHILD WELFARE:

The Indian Child Protection and Family Violence Prevention Act provides funding to fill gaps in tribal child welfare services – specifically child abuse prevention, child protection, and child abuse treatment – and ensures better coordination between child welfare and domestic violence programs.

Provide $43 million for three discretionary grant programs under this law.

- $10 Million for the Indian Child Abuse Treatment Grant Program
- $30 Million for the Indian Child Protection and Family Violence Prevention Grant Program
- $3 million for the Indian Child Resource and Family Service Centers Program.

As the Attorney General’s Advisory Committee on American Indian/Alaska Native Children recently stated “If AI/AN children today are to be provided with a reliable safety net, the letter and spirit of [the Indian Child Welfare Act] must be enforced.”

ICWA was a response to national findings that public and private child welfare agencies were systematically removing AI/AN children from their homes, communities, and culture in order to place them in non-Native foster and adoptive homes. To prevent these troubling practices which unfortunately still occur today, ICWA provides protections to tribes and AI/AN families in state child welfare and judicial systems. It also recognizes the sovereign authority of tribal nations to provide child welfare services and adjudicate child welfare matters. To effectuate these provisions, ICWA authorized grant programs to fund child welfare services on or near reservations and for ICWA support in off-reservation, urban Indian programs.

Provide $20 million for the Indian Child Welfare Act On or Near Reservation Program.
TRIBAL COURTS:

Originally enacted in 1993, the Indian Tribal Justice Act authorized an additional $50 million per year for each of seven years for tribal court base funding. In today's dollars this would be $83 million per year, which would be less than 10 percent of the overall need estimated by BIA. Despite numerous congressional reauthorizations of the Act over the past couple of decades – most recently in the Tribal Law and Order Act – funds have never been appropriated to implement the Act. The Act does not differentiate between tribes based on the applicability of P.L. 280 jurisdiction. The promise of this much-needed base funding must be fulfilled.

Provide $83 million dollars for Tribal Courts, including courts in PL 280 jurisdictions, and to incrementally move towards fully meeting the need for tribal court funding.

HEALTH:

The Indian Health Service (IHS) budget represents a commitment made to our ancestors to provide healthcare services to all American Indian and Alaska Natives. IHS has been, and continues to be, central to securing the health and wellness of the Native youth in our communities. The Indian health care delivery system faces significant funding disparities in per capita spending when IHS is compared to other federal health care programs. In 2017, the AI/AN per capita spending was just $3,332 per person, compared to the national health per capita spending of $9,207. Native children suffer due to these disparities. To address the urgent health care needs central to the growth of Native children, funding for IHS must be increased.

Provide $7 billion to fully fund Indian Health Services (IHS).

The opioid epidemic is one of the most pressing public health crises affecting Native youth. Although this epidemic affects many communities throughout America, it disproportionately impacts tribes and Native youth. To honor the federal trust responsibility to tribal nations, the federal government must take concrete action to ensure that Indian Country has appropriate tools and resources needed to address opioid abuse and heal tribal communities, so that Native youth can succeed. Critical opioid prevention and treatment dollars must reach tribal communities so that tribes have adequate support for prevention, intervention, and treatment efforts.

Tribes saw progress when a 5% direct set-aside was provided to tribes under the Cures Act along with an additional $50 million total set aside in FY2018 and FY2019 appropriations for opioid response efforts. This progress must be maintained and expanded in FY2020 and beyond if tribes are to truly tackle the opioid epidemic in their communities. In addition, tribes are in need of behavioral health specialists who can address complex patterns of opioid addiction among AI/ANs, and are also in significant need of medication assisted treatments to assist individuals seeking recovery. Tribes must also have consistent access to lifesaving overdose-reversing medications like naloxone. In addition, congress should provide supplemental funding to tribes to expand public health workforce capacity and to hire first responders to better respond to overdoses.

Provide $75 million a year tribal set aside in tribal opioid response grants at SAMHSA & Tribal Behavioral health grants at $50 million.
CENSUS:

Federal funding for Indian schools, Indian education programs, Indian health programs, Indian housing programs, and other critical programs that address Native children are based on data collected by the Census Bureau every ten years. In the 2010 census, the Census Bureau estimates that American Indians and Alaska Natives living on reservations or in Native villages were undercounted by approximately 4.9%. An increase in funding to address this disturbing undercount of AI/AN children is needed, especially those living in rural, low-income, geographically isolated, and/or linguistically isolated households. The Census Bureau generally ramps up for the decennial count with a decade-long cycle of spending, so funding this year is critical.

- Provide the Census Bureau with at least $4.456 billion in FY 2019, ensuring that of this amount, $3.648 billion is spent on 2020 Census activities.

- Provide enough funding in FY 2019 for the Census Bureau to carry out the expanded partnership, communications, and field operations efforts discussed in the Senate Appropriations Committee report accompanying the Commerce, Justice, and Science bill (S. Rept. 115-275) and supported by census stakeholders.

- Ensure that the Census Bureau has sufficient funding at the start of FY 2020 — including certainty of its full-year funding level through an advance appropriation, if possible — to begin implementing a full 2020 Census program, without shortchanging the Bureau in FY 2019, the critical final year of preparations.
Introduction

Winds of Change: Protecting our Nations and People into the Future

This fiscal year (FY) 2020 Indian Country Budget Request outlines federal programs and services that honor the federal trust responsibility, as well as many programs that are critical components of strong tribal economies and public safety systems. The programs highlighted in this document meet the federal treaty and trust obligations as identified by experts with national and regional tribal organizations and through FY 2020 budget formulation consultations between tribal leaders and federal agencies.

Tribal nations are resilient and provide services to around two million people; however, we cannot continue to provide for our communities without our federal partners upholding their obligations. 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 face underfunding of health care, education, and backlogs in physical infrastructure – all of which fall under the federal trust responsibility. Heading into the FY 2020 appropriations cycle, the United States and tribal nations face many challenges. Some are ongoing but no less dire, such as climate change, which will affect the fate of our grandchildren and future generations. Other challenges flow from the increased partisanship that led to the longest government shutdown to date, which poses a direct threat to the welfare of tribal nations and their citizens. With a new Congress, we hope for a period where we can begin to overcome division and fear to meet the grave challenges before us.

ENDURING PROMISES

Our tribal nations seek only those things promised to us and our citizens by the U.S. Constitution and the solemn treaties and agreements reached between our tribal nations and the United States. When tribal nations agreed to accept smaller land bases, the federal government promised to safeguard our right to govern ourselves, and to enable tribal governments to deliver essential services and provide them adequate resources to do so effectively.

While the United States has yet to fully live up to the promises it has made to tribal nations,12 tribal leaders are pursuing 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 essential governmental services, such as public safety, housing, education, and workforce development.\textsuperscript{13} Economic development also faces hurdles in Indian Country due to insufficient infrastructure, including roads, housing, water, sewer systems, and broadband. Tribal leaders and citizens have known this for decades. Recently, the United States Commission on Civil Rights made similar observations. In its 2018 report, the Commission found that:

\begin{quote}
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 terms of health, education, and employment.
\end{quote}

The report also states:

\begin{quote}
The broken treaties have left many reservations without adequate access to clean water, plumbing, electricity, internet, cellular service, roads, public transportation, housing, hospitals, and schools.\textsuperscript{14}
\end{quote}

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, and close stewardship of tribal homelands. Despite several eras of hostile federal policies towards tribes and severe underfunding, tribal nations are proving successful in their efforts to build sustainable tribal economies and rebuild tribal communities in accordance with their cultural values. If the United States lived up to its commitments to support Indian Country in the ways that it has promised, tribal nations and governments could do so much more.

\section*{OVERCOMING DAMAGING GRIDLOCK}

Budgeting and appropriating require bipartisanship, which is vital to achieving all of our most ambitious and important goals. NCAI has carried a bipartisan message for the past 75 years to the federal government on behalf of Indian Country. Tribes are nations 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 responsibility to uphold – it is America’s responsibility. When gridlock shuts down the government, however, it represents a gross dereliction of the federal government’s duty to fulfill its treaty and trust obligations to 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 our nations were caught up in unrelated politics over funding for a southern border wall and the welfare of our tribal citizens hung in the balance. Tribal communities rely on federal funding to administer key tribal government services, health care facilities, public safety, housing access, nutrition and food distribution programs, and social services, and the shutdown caused widespread destabilization of these programs, as well as generating fear and anxiety among our tribal citizens. For tribal leaders, it is simply not an option to stop serving our citizens.

In Indian Country, because of the large role public administration jobs play in tribal communities and economies\textsuperscript{15} – coupled with below average household wealth – shutdowns disproportionately hurt Native families. A single salary may support an extended Native family, with missed paychecks sending harmful ripples throughout the tribal nation and surrounding communities. The uncertainty of federal shutdowns also compounds the challenges tribal nations face attracting and retaining professionals to work in health care and other skilled professions that are critical to fulfilling the federal government’s treaty and trust promises to tribal nations.

\section*{FIRST AMERICANS FACING DISPROPORTIONATE IMPACTS OF CLIMATE CHANGE}

While political stalemates underscore the need for changes toward improved bipartisanship, Native peoples are also facing unique risks to individual and community health due to climate change. As place-based peoples, climate change has a distinct impact on the social, cultural, and spiritual health of tribal nations. Tribal lands, waters, and natural resources or not only
culturally significant, but are also critical to tribal economies. Tribal cultures and economies have evolved and adapted to local seasonal environmental changes, however, climate change is increasingly affecting tribal livelihoods and economies.

Many tribal nations and the industries important to them are near coasts and flood plains, making them susceptible to extreme weather. A large number of tribal economies rely heavily on natural resources, which are also sensitive to climate change.\(^{18}\) Indian Country already faces poor housing conditions, health care, infrastructure, economies, and underdeveloped natural resources. The effects from climate change threaten to make each of these conditions worse. Due to unmet infrastructure and deferred maintenance needs, tribes are at risk from more frequent or intense floods, wildfires, and droughts, in addition to higher sea levels and storm surges. Infrastructure that is vulnerable to the impacts of climate change include housing, sanitation, power, transportation, and telecommunications.\(^{20}\) Overall tribal nations must contend with impacts on the quality and quantity of water on tribal lands, negative health consequences, damaged infrastructure, forced relocation, and adverse effects on economic development.

Native peoples have a long history of adaptation to climate change, including planning, assessment, research, governance, youth engagement, and cultural continuity.\(^{22}\) The impacts of global climate change are already being felt in Indian Country and are projected to intensify in the future. The severity of future impacts will depend largely on actions taken now to adapt to the changes that will occur. As the pace of ecological change accelerates, all of our elected leaders must work together to address the severity of future impacts.

**CONCLUSION**

Heading into the FY 2020 budget cycle, the political, fiscal, and physical environment faces much turbulence. Confronting so much instability, tribal leaders are working to protect our nations and peoples now and into the future. We invite our federal partners to work in a bipartisan way to meet the nation-to-nation treaty and trust obligations funded in the federal budget. This NCAI FY 2020 Budget Request offers recommendations for ways the federal government – partnering with tribal nations – should meet the educational needs of Indian youth; provide adequate healthcare 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 thrive.
Support for Tribal Governments

Ensuring tribes have the tools for effective governance is critical to fulfilling the promise of the Indian Self-Determination and Education Assistance Act. Key funding mechanisms that support Indian self-determination are steady tribal base funding, direct funding to tribes as opposed to grant or state pass through funding, and accurate data for policy-making, redistricting, and governance.

**Key Recommendations**

**DEPARTMENT OF THE INTERIOR**

**Interior – Environment Appropriations Bill**

**Bureau of Indian Affairs**

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

Grant funding, particularly inside the BIA, is not consistent with the intent of Indian self-determination. Tribal leaders have grown increasingly frustrated by the increase in Indian Affairs funding offered through grants. Allocating new funds via grant opportunities marginalizes and impedes the exercise of tribal self-determination. New BIA funding should be distributed via formulas developed through consultation with all tribes. When tribes are forced to apply for funding through grant opportunities at BIA, the ultimate result is that federal employees in Washington, DC, not elected tribal leaders, retain program authority. Grants limit the flexibility and local control available to tribes under the Indian Self-Determination Act. For example, if a tribe receives funds for a detention facility but 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. Moreover, Congress has historically underfunded programs intended to benefit American Indians and Alaska Natives, with current figures estimating that BIA programs are underfunded by about a billion dollars when compared to need.23
DEPARTMENT OF COMMERCE

Commerce, Justice, Science Appropriations Bill

- Census Bureau and the 2020 Census: Ensure that the Census Bureau has sufficient funding at the start of FY 2020 — including certainty of its full-year funding level through an advance appropriation, if possible — to begin implementing a full 2020 Census program, without shortchanging the bureau in FY 2019, the critical final year of preparations.

The census is a critical and powerful information source that will significantly influence American policy for the coming decade. It is a foundational tenet of American democracy, mandated in article 1, section 2 of the US Constitution and central to our representative form of government. A fair democracy requires an accurate population count.

The US population is enumerated every 10 years and census data are used to allocate Congressional seats, electoral votes, and is the basis for political redistricting. Public Law 94-171 governs the release of census data for redistricting at the federal, state, and local levels, and an accurate count is necessary to ensure that American Indian and Alaska Native voters have an equal voice in the political process of non-tribal elections. Jurisdictions also use census data to comply with the Voting Rights Act, such as making sure Native voters have access to language assistance when they cast their votes in an election.

In addition to its use in fair voting representation, census data play a key role in the fair distribution of billions of dollars to tribes and American Indian/Alaska Native people across the nation. Federal funding for Indian schools, Indian education programs, Indian health programs, Indian housing programs, water and sewage projects, roads, and economic development are distributed on the basis of data collected by the Census Bureau.

Certain population groups are at higher risk of being missed in the decennial census — groups considered hard-to-count. Native people especially on reservations and in Alaska Native villages have been historically underrepresented in the census, and in 2020, new methodologies for enumerating the U.S. population could put other groups at risk. In the 2010 Census, the Census Bureau estimates that American Indians and Alaska Natives living on reservations or in Native villages were undercounted by approximately 4.9 percent, more than double the undercount rate of the next closest population group.24

A large proportion of American Indians/Alaska Natives in certain states live in hard-to-count (HTC) tracts; for instance, in New Mexico 78.6 percent of AI/AN people live in HTC tracts, 68.1 percent in Arizona, 65.6 percent in Alaska, 52.4 percent in South Dakota, and 49.9 percent in Montana.25

Households in poverty are very hard to count: in 2015, 38.3 percent of Native individuals on reservations were living in poverty compared to the national rate of 13 percent.26 Young children are also undercounted at disproportionately high rates compared to other age groups, and Native people on reservations have a median age nine years lower than the national average.27 The poverty rate is 46.3 percent for AI/AN-alone youth ages 0 to 17 in reservation areas.28 Many of the characteristics that make American Indians and Alaska Native hard to count persist, such as economic hardship and education, and thus the Census Bureau will again need the resources to enumerate accurately the AI/AN population in the 2020 Census.

We expect the President’s Budget request to implement the 2020 Census in FY 2020 will be at least double the FY 2019 appropriation. We also urge Congress to ensure sufficient funding in that budget for Questionnaire Assistance Centers, which currently are not included in the Census Bureau’s operational plan. With only half the number of Regional Census Centers and local census offices across the country, it will be important to expand the field footprint, to provide ‘safe space’ for people who do not have reliable Internet access, are wary of using the telephone to respond, or need assistance filling out a paper form, to meet with sworn Census Bureau employees near where they live.
Public Safety & Justice

One of the most fundamental aspects of the federal government’s trust responsibility is the obligation to protect public safety on tribal lands. Congress and the United States Supreme Court have long acknowledged this obligation, which Congress most recently reaffirmed in the Tribal Law and Order Act (TLOA) expressly “acknowledging the federal nexus and distinct federal responsibility to address and prevent crime in Indian Country.” P.L. 111-211.

Inadequate funding for tribal criminal justice and public safety has resulted in staggering rates of violent crime and victimization on many Indian reservations. A 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. 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. Recent experience demonstrates that addressing the lack of justice funding can make rapid and dramatic strides toward improving 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 BIA submitted a report to Congress in 2017 estimating that to provide a minimum base level of service to all federally-recognized tribes: $1 billion is needed for tribal law enforcement; $1 billion is needed for tribal courts; and $222.8 million is needed to adequately fund existing detention centers. Based on recent appropriation levels, BIA is generally funding tribal law enforcement at about 20 percent of estimated need, tribal detention at about 40 percent of estimated need, and tribal courts at a dismal 3 percent of estimated need.

Due to the obvious inadequacy of the base funding provided by BIA, tribal governments rely on short-term, competitive grants to try and address a portion of the shortfall. This is especially true with regard to funding for the non-incarceration aspects of justice systems, such as tribal courts, which are even more severely under-funded than policing and detention. The bulk of these grants are administered by the Department of Justice. Tribal funding at DOJ has steadily declined in recent years falling from
approximately $165 million in FY10 to $115 million in FY17. In FY 18 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 for the first time and directed $133.1 million to tribal governments to improve crime victim services on tribal lands.

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

**Key Recommendations**

**DEPARTMENT OF THE INTERIOR**

**Interior - Environment Appropriations Bill**

- Allocate $83 million in additional funding to the Bureau of Indian Affairs to increase base funding for tribal courts, including courts in PL 280 jurisdictions, and to incrementally move towards fully meeting the need for tribal court funding.

The highest priority with regard to BIA funding is to increase base funding for tribal courts. The BIA estimates that full funding for tribal courts would cost $1 billion. FY 18 funding for tribal courts was $30.6 million, or 3 percent of the estimated need.

Originally enacted in 1993, the Indian Tribal Justice Act authorized an additional $50 million per year for each of seven years for tribal court base funding. In today’s dollars this would be $83 million per year, which would be less than 10 percent of the overall need estimated by BIA. Despite numerous congressional reauthorizations of the Act over the past couple of decades – most recently in TLOA – funds have never been appropriated to implement the Act. The Act does not differentiate between tribes subject to PL 280 jurisdiction or not. The promise of this much-needed base funding must be fulfilled. We ask Congress to commit to fully funding tribal courts within the next five years by incrementally increasing funding each year.

- Increase funding for Bureau of Indian Affairs (BIA) law enforcement and detention by at least $200 million over the FY 2018 funding level of $373 million.

More than 200 tribal police departments, ranging from small departments with only two officers to those with more than 200 officers, help to maintain public safety on the more than 50 million acres of tribal lands within the 48 contiguous states. Tribal law enforcement officers are usually the first responders to crime scenes on tribal lands, but their current funding lags well behind that of their non-tribal counterparts. The U.S. Commission on Civil Rights recently noted that tribes have “less officers per capita than law enforcement agencies nationwide, leaving residents of Indian Country less safe and subject to higher rates of crime.”

BIA recently conducted an analysis of law enforcement and detention needs pursuant to the TLOA, and found that the total need for basic law enforcement and detention services in Indian country is $1.2 billion. This estimate includes tribes without regard to whether they are located in a PL 280 jurisdiction. Given the gross inadequacy of current funding levels, the BIA has had a policy for many years to generally provide law enforcement and detention funding only to tribes in non-PL280 jurisdictions. This has left tribes in many areas completely without BIA support for tribal police and detention needs. We ask Congress to commit to fully funding tribal law enforcement and detention within the next five years by incrementally increasing funding each year, starting with a $200 million increase this year.
DEPARTMENT OF JUSTICE

Commerce, Justice, Science Appropriations Bill

Tribal Grants across the Department of Justice

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

One of the most significant issues with DOJ funding is that it is competitive funding awarded at the discretion of DOJ. In order to obtain this funding, tribes – on behalf of their justice systems – must compete against each other under DOJ’s priorities and guidelines. In the end, often the tribes that have the financial and human resources to employ experienced grant writers end up receiving funding, while the under-resourced tribes may be left without. Moreover, tribes cannot count on funding continuing beyond the current grant period. 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 governments have been asking for reforms to the DOJ grant making process for years in order to reduce administrative inefficiencies, improve program effectiveness, and increase the ability of tribal governments to leverage available DOI and DOJ funding to best address the comprehensive public safety and justice needs in their communities. Beginning in 2012, Congress has responded to this request from tribal leaders by appropriating a fixed amount for “tribal assistance” rather than appropriating funds for specifically authorized tribal programs. This approach gives DOJ considerable flexibility to work with tribal governments to determine how best to administer the appropriated funds. In FY 17, Congress shifted from a lump sum for tribal assistance to a percentage set-aside model for the first time, creating a 7 percent tribal set-aside from some COPS and OJP programs. Appropriators carved out several of the largest appropriation lines from the tribal allocation, however, resulting in an overall tribal funding decrease from FY16 levels. In FY18, Congress went back to the funding model used in FY 16. The Administration’s budget request for FY 19 included a 7 percent tribal allocation from across a wider range of OJP and COPS programs. If enacted, this would help restore funding levels for DOJ tribal justice programs to a more appropriate level.

OFFICE OF JUSTICE PROGRAMS

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

A flexible tribal set-aside from across OJP programs would allow for a more flexible funding structure at DOJ. In 2010, the Department of Justice launched its Coordinated Tribal Assistance Solicitation (CTAS). CTAS attempts to streamline the grant application process for tribes, enabling them to submit a single application for DOJ programs, as opposed to previous years in which they were required to submit multiple grant applications. However, this streamlined application model still results in multiple grant awards with separate reporting requirements, award periods, and grant managers. CTAS will not achieve its intended purpose of streamlining tribal grants until it is accompanied by a streamlined funding mechanism.

A 10 percent OJP tribal set-aside would streamline the federal funding process by which tribes receive resources to establish tribal courts; assist in developing detention facilities; provide legal assistance; develop and maintain juvenile delinquency prevention programs; and provide substance abuse prevention programs. Further, the tribal set-aside gives tribes the flexibility to develop a comprehensive strategy on how best to spend those resources. It would also create new possibilities for coordinating BIA and DOJ funding to reduce inefficiencies and unnecessary administrative costs.

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

The Victims of Crime Act (VOCA) is the largest source of federal funding for crime victims. Currently, the Crime Victims Fund (CVF) contains more than $12 billion collected as fines and penalties in federal criminal cases. In FY 2015, distributions from the Crime Victims Fund were increased more than three times to over $2.3 billion. In FY 2016 and 2017, distributions increased again to more than $3 billion. In FY 18, Congress directed a portion of the overall disbursements from the CVF
to tribal governments for the first time, resulting in $133.1 million to 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 5 percent of CVF distributions should be directed to tribal governments each year in order to ensure that tribal crime victims are able to access victim services and victim compensation. Further NCAI calls upon the DOJ to do away with the competitive grant-making approach entirely for CVF tribal funding, and instead make distributions directly to tribes based on a criteria developed in consultation with tribal governments.

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

Although American Indian and Alaska Native children comprise only 1.4 percent of the overall youth population, they make up 2 percent of all youth arrests. Once in the system, they are disproportionately detained, removed from home, and placed in secure confinement, often for non-violent offenses. According to a recent DOJ report, “[s]ubstance abuse, depression, and gang involvement fuel a vast majority of the offenses for which American Indian juveniles are disproportionately confined.” Currently, there is very little financial support for tribal youth programs, justice systems, and prevention programs. 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, tribes are left to cobble together funding for non-incarceration programs. The Tribal Youth Program is the only program through which tribal governments regularly receive juvenile justice funding for all functions including prevention and diversion. Funding for the Program has decreased significantly in recent years – for FY 2018 it was $5 million – and should be restored to its FY 2010 level of $25 million.

- **Provide funding for the Tribal Civil and Criminal Legal Assistance, Training, and Technical Assistance (TCCLA) grant program at a level of $2 million.**

In 2000, Congress enacted the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (Public Law 106-559). Sections 102 and 103 of that statute specifically authorized the Department of Justice (DOJ), subject to available appropriations, to award grants to non-profit entities which provide legal assistance services pursuant to federal poverty guidelines to offer civil and criminal legal assistance to both tribal governments and their justice systems, and to individual indigent tribal citizens 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 Public Law 106-559 was enacted, DOJ has awarded funding 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 grants 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 Consolidated Tribal Assistance Solicitation (CTAS) program with a portion of the overall amount of funding Congress appropriates for assistance to Indian tribes through DOJ.

The established Indian Legal Services programs, of which there are 24 programs that operate in 23 states, and their attorneys have been “on the ground” and serving 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 court. 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 the host of programs and services to all the residents of their homelands, to individual tribal members, and to non-Indians who do business, attend school, collaborate with tribal enterprises and 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 governments 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 governments 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 the Tribal Law and Order Act and Violence Against Women Reauthorization of 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 lay 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 members. The work on behalf of Native American juveniles 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 $2 million for the Tribal Civil and Criminal Legal Assistance, Training, and Technical Assistance grant program, bill language that provides that a specified tribal amount or a tribal set-aside of funding under various Office of Justice Program accounts shall be for “assistance to Indian tribes,” and report language including that one purpose of such funding is for tribal civil and criminal assistance, is requested.

**OFFICE OF COMMUNITY ORIENTED POLICING SERVICES**

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

Since the creation of the COPS Office under the Violent Crime Control and Law Enforcement Act of 1994, the COPS Office has awarded over 2,000 grants totaling more than $400 million to tribal nations to hire more than 1,700 new or redeployed law enforcement officers. It has also helped tribes to obtain necessary law enforcement training, equipment, vehicles, and technology. Through its Tribal Resources Grant Program and Tribal Methamphetamine Program and historical programs and funding initiatives such as the Tribal Hiring Renewal Grant Program (THRGP), Tribal Mental Health and Community Safety Initiative, and the Tribal Court Pilot Program, the COPS Office has taken a proactive approach toward addressing the needs of tribal nations and has become one of the primary resources available to tribal law enforcement agencies attempting to develop and maintain a fundamental policing infrastructure and upgrade outdated equipment. Yet, there is still a tremendous unmet need within tribal justice systems for more COPS funding.

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

**DEPARTMENT OF JUSTICE**

Commerce, Justice, Science Appropriations Bill
Office on Violence Against Women

- Fully fund the programs authorized in the Violence Against Women Act (VAWA), including the $5 million authorized for tribal implementation of VAWA special domestic violence criminal jurisdiction.
It is estimated that over 85 percent of American Indians and Alaska Natives will experience intimate partner violence, stalking, or sexual violence in their lifetime. This violence threatens the lives of Native women and children and the future of American Indian tribes and Alaska Native villages.

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

In 2013, Congress passed the Violence Against Women Reauthorization Act (VAWA 2013), which recognizes and affirms the inherent sovereign authority of Indian tribes to exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ) over all persons – Indian and non-Indian – who commit crimes of dating violence, domestic violence, and violations of protection orders within Indian country. The bill authorized $5 million for tribes to implement the new VAWA provisions and otherwise strengthen tribal justice systems. In FY 2017, $4 million was appropriated for these purposes.

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

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

The Office on Violence Against Women has funded a national clearinghouse on the sexual assault of Native women, which provides a place where tribes can request free on-site training and technical assistance on a host of sexual assault-related topics, including development of tribal sexual assault and domestic violence codes, sexual assault forensic evidence collection training, and more. This clearinghouse is an important resource for tribes, law enforcement officials, medical professionals, and victim advocates and should continue to be funded.
Homeland Security & Emergency Management

Foreign and domestic threats to homeland security are on the rise. These threats require tribal communities to develop and enhance homeland security response planning, training, and exercise efforts. However, funding to tribal governments for critical homeland security needs has remained stagnant for over a decade. Without necessary resources dedicated to Indian Country, federal efforts to create a cohesive and coordinated homeland security strategy will leave a significant and potentially dangerous gap in security 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 governments 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 governments per year.

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

Congress and the Administration have a trust obligation to assist tribal governments to protect all citizens, Native and non-Native within their jurisdictions. Tribes must achieve greater parity with states for homeland security and emergency management purposes. Until 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 $20 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. In contrast, Tribal nations have only been allocated just over $70 million in federal homeland security funding during the same period. DHS has acknowledged the need for the Tribal Homeland Security Grant Program (THSGP) but has yet to provide the minimum funding for tribes to develop the necessary homeland security capacity to ensure protection of the nation.

Each year, tribal needs are at least four times more than the funding amount provided at the discretion of the Secretary of Homeland Security for the program, meaning there is generally a requested need of $4 for $1 funded. Of those tribes that do apply, several could use the entire amount budgeted for THSGP on their own. This is the only, and primary resource, for tribes to develop core capabilities to meet national preparedness goals. The cascading effects of the Department of Homeland Security not ensuring adherence to statutory requirements for states to pass through funding to Indian tribes along with formal denial, or informal discouragement, for seeking federal assistance to disasters multiplies the detrimental impacts of the inconsistency of the congressional efforts to meet treaty promises for public safety and security of Indian tribes.

NCAI strongly urges Congress to fund the THSGP at $20 million for the next five years. This would represent a significant increase over the $10 million that DHS has made available for tribal grants in recent years. Congress must also allow DHS to reallocate funding to federally recognized tribes if needed, and to prioritize tribal acquisition of homeland security equipment purchased with federal grant funds and considered surplus by state and local governments.

**DEPARTMENT OF HOMELAND SECURITY**

- **Homeland Security Appropriations Bill**
  - **Department of Homeland Security**
    - **Homeland Security, General Assistance Grant Program**
      - *Provide $206 million to enable the 573 federally recognized tribal governments to develop basic level homeland security and emergency management programs.*

Tribal governments are continuously being left further and further behind in meeting the core capabilities that the federal government has provided funding to state and local governments for over the past 50 years. If tribal governments were to meet minimum standards that have been required by the Homeland Security Act and the Robert T. Stafford Act along with those standards developed by the Federal Emergency Management Agency, the National Fire Administration, the National Fire Protection Association, and the Emergency Management Accreditation Program. A minimum of 1.5 FTEs would be required. Providing each of the 573 federally recognized tribes with $360,000 would total $206 million. An investment by the federal government to meet its trust responsibilities could provide a return on investment of six dollars for every dollar invested.97
DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill
Customs and Border Protection
Western Hemisphere Travel Initiative

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

Tribal governments 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 governments to provide secure tribal cards, allowing tribal government officials and citizens to continue border crossing consistent with longstanding treaty rights and agreements, and allowing entrance to federal offices to conduct business and other matters.

Some tribes have the human resource and logistical capacity to produce tribal IDs if materials and technical assistance were available. DHS is obligated to reach out to tribes to assist them when requested. In carrying out this duty, it is critical that DHS receive funding to provide equipment, tested card stock, and technical assistance to tribes. Many tribes cannot afford the $14+ per enhanced ID card for each of its members. U.S. Customs and Border Protection has begun to enter into agreements with tribes 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 tribes. NCAI asks Congress to provide $10 million to CBP for direct assistance to the 573 federally recognized tribes for enhanced ID efforts.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill
Department of Homeland Security

• 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 agency, 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 573 federally recognized tribes.

Congress created the Federal Emergency Management Agency (FEMA) National Advisory Council (NAC), in the Post-Katrina Emergency Management Reform Act of 2006 to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other manmade disasters. The FEMA NAC advises the FEMA Administrator on all aspects of emergency management. The authorizing statute requires participation from tribal government experts, and recently the FEMA Administrator established that there would be three tribal seats on the NAC.

Tribes are thankful that there are at least three tribal interest representatives on the FEMA NAC, but are greatly concerned that the FEMA NAC cannot consider all pressing tribal homeland security matters. For this reason, Congress must organize a DHS Tribal National Advisory Council (DHS Tribal NAC) to support homeland security initiatives in Indian Country. Additionally, Congress should require an annual report from the DHS Tribal NAC on projects, recommendations, accomplishments, meetings, membership, and other items. This is particularly important as threats continue to change and since DHS has not made significant steps toward addressing shortfalls in its support for tribal homeland security efforts. Congress should provide $2 million annually for the staffing, creation and operation of a DHS Tribal NAC that would report directly to the Secretary of Homeland Security.
More tribes have developed and enhanced emergency management capability. FEMA released the final draft of the Stafford Act tribal disaster declaration guidance early in January 2017. However, tribes 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 schedule and ticket travel for tribal attendees.

Congress funded the development, and continues to fund the operation, of the state-to-state emergency management assistance compact (EMAC) – a mutual aid agreement between states and territories of the United States. The EMAC enables states to share resources during natural and man-made disasters, including terrorism. The 573 federally recognized tribes are not part of this agreement and there is no congressional mandate for them to become part of it. This is an issue as tribes are many times the first and in some cases the only responders to natural disasters in their jurisdictions. It is important for tribes to develop their own tribal nation-to-nation emergency management assistance agreements similar to the EMAC system Congress has provided for the states. 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 tribes a first resource between and among themselves similar to that of state-to-state EMACs. NCAI urges Congress to provide $4 million for tribal emergency management compact development.

Tribal colleges and universities (TCUs) and tribal non-profits are the best resources to provide culturally appropriate homeland security and emergency management training for students in their communities. While Congress has allocated significant funding to top-tier universities for research and curriculum development, almost no funding has been made available for tribal homeland security. Often curriculum is developed and the word “tribal” is inserted and that is the extent of pedagogy or cultural considerations. This presents major road blocks when tribes are unable to use a multimillion dollar training curriculum because its core requirements have completely ignored their cultural needs. An investment in culturally appropriate training needs to be made to bridge this gap and build more resilient tribal communities. Much of the homeland security and emergency management activities are vocational in nature, 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 government emergency management training through TCUs and non-profit organizations.
DEPARTMENT OF HOMELAND SECURITY

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 a tribally run and operated center, either at a tribal college or by a federally recognized Indian tribe or consortium of tribes, will support tribes in developing community based and culturally appropriate strategies, training, and exercises. Some tribes 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 tribes. NCAI urges Congress to provide $2 million in funding for the establishment of a tribal homeland security center of excellence.
Access to quality education is even more important in today’s challenging economic climate. It is an essential strategy for creating jobs and securing the nation’s future prosperity – particularly in tribal communities. An educated citizenry serves as a catalyst to boost tribal economic productivity and growth through a more highly-skilled competitive workforce, which can attract new businesses, reduce rampant 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 for Native education. The requests below detail the minimum funding needed to sustain a system that is currently struggling and underfunded. NCAI has provided these FY 2020 Budget requests to illustrate the budgetary need for effectively serving Native students and strengthening tribal self-determination in education.

DEPARTMENT OF EDUCATION

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

Title I of the Every Student Succeeds Act (ESSA) provides critical financial assistance to local educational agencies (LEAs) and schools with high percentages of children from low-income families that ensure all children meet challenging state academic standards. Currently, there are over 600,000 Native students across the country with nearly 93 percent of those students attending non-federal institutions, such as traditional public schools in rural and urban locations. A drastic increase in funding to counter annual inflation and sequestration, as well as to match the amount appropriated under the American Reinvestment and Recovery Act (ARRA), is necessary to meet the needs of Native students and students from low-income families.
Provide $5 million for the State-Tribal Education Partnership Program (STEP). Native education researchers, experts, and advocates have long been calling for Native control of Native education. The STEP program is Congress's recognition of the call for tribal leadership in education. In 2016 and 2017, Congress appropriated roughly $2 million for the STEP program to five participating tribes under the Tribal Education Department appropriations. For Native control of Native education to continue to succeed, the program should be funded at $5 million in FY 2020. Collaboration between tribal education agencies and local and state educational agencies is crucial to develop the tribal capacity to assume the roles, responsibilities, and accountability of Native education departments and to increase tribal self-governance over Native education. Under ESSA state, tribal, and local controls are the clear trend. Funding STEP is a critical extension of the principle of local self-governance and sovereignty.

Impact Aid
• Provide $2 billion for Impact Aid, Title VII funding under the Every Student Succeeds Act.

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

Title VI, Part A, of the Every Student Succeeds Act
• 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. As Native students lag far behind their non-Native peers in educational achievement, increased funding is necessary to address this substantial gap.

Title VI, Part C of the Every Student Succeeds Act
• Provide $40 million for Alaska Native Education Equity Assistance Program.

Alaska does not receive any BIE funding, making this source of funding the only resource available for Alaska Native tribes and organizations to provide supplemental programs that address the achievement gap for Alaska Native students. 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 the Every Student Succeeds Act

• Provide $40 million for Native Hawaiian Education Program.

This grant program funds the development of curricula and education programs that address the unique needs of Native Hawaiian students to help bring equity to this Native population. The Native Hawaiian Education Program empowers innovative culturally appropriate programs to enhance the quality of education for Native Hawaiians. These programs strengthen the Native Hawaiian culture and improve educational attainment, both of which are correlated with positive economic outcomes.

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill
Title VI, Part A, Subpart 3 of the Every Student Succeeds Act

• Provide $5 million for Language Immersion Grants.

Provide $5 million for Native American and Alaska Native Language Immersion Schools and Programs, as first time funding for this critical program authorized in the Every Student Succeeds Act through a 20 percent set aside through National Activities. The Every Student Succeeds Act promotes co-existence of Immersion Schools through Section 6133, which recognizes the unique educational and culturally related academic needs of Native children. Section 6133 includes Native languages as the medium of instruction where tribal communities have the capacity and desire to engage in immersion instruction. Providing $5 million to this program—outside the 20 percent set aside—is both critical to furthering the federal government’s commitment to improving the educational outcomes of American Indian and Alaska Native students. Congress recognized this critical role by including authorization for immersion schools for the first time. Extensive research over decades, along with strong support from tribal leaders and Native advocates across the country make providing $5 million for this program, above and beyond the 20 percent set aside, a high priority.

DEPARTMENT OF EDUCATION

Labor, HHS, Education Appropriations Bill
Title VI, Part A, Subpart 2, of Every Student Succeeds Act

• Provide $67.9 million for Special Programs for Native Students.

In Title VI of the Every Student Succeeds Act, Congress continued demonstration grant funding and professional development funding to meet the needs of Native students and newly authorized funding to serve Native youth through grants for culturally appropriate education—Native Youth Community Projects. This program addresses the critical issues of teacher shortages, evidence-based work at the state and local level, and locally driven strategies to empower Native youth. The professional development grants are essential ways of improving teaching in rural communities and are consistent with the Every Student Succeeds Act’s movement toward state-driven work. The Native Youth Community Projects are critical in helping Native communities at the local level via small, competitive grants that seek to engage youth in high-need areas.
DEPARTMENT OF EDUCATION
Labor, HHS, Education Appropriations Bill
Tribal Colleges and Universities: Supporting Financially Disadvantaged Students
• Provide $65 million for Title III-A grants under the Higher Education Act for Tribal Colleges and Universities.

$65M is needed for the Tribal Colleges and Universities (TCUs) Title III, Part A (discretionary) program in FY2020, due to the expiration of the Part F mandatory funding. The Part F program—which makes up more than half of the TCU Title III program—is slated to end after FY2019 if Congress does not authorize and appropriate new funding. Failure to reauthorize the Part F program will be devastating to all TCUs. Despite serious resource challenges, TCUs provide high quality, culturally appropriate higher education opportunities to some of the most rural, isolated, impoverished, and historically underserved areas of the country. The goal of HEA Title III programs 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.” The TCUs are employing these funds to address the critical, unmet needs of their students who are primarily American Indian/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 Tribal Colleges and Universities, from existing funds appropriated for state block grant funding.

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 $10 million for tribally controlled postsecondary career and technical institutions program funds under the Carl Perkins Career and Technical Education Improvement Act.

Section 117 of the Carl Perkins Career and Technical Education Improvement Act authorizes funding for operations at tribally controlled postsecondary career and technical institutions. Vocational education/training programs are vital to preparing a future workforce that will operate safely and efficiently contributing greatly to the global economy.

DEPARTMENT OF EDUCATION
Labor, HHS, and Education Appropriations Bill
Native American-Serving, non-Tribal Institutions (Higher Education Act Title III-F)
• Provide $10 million for non-tribal, Native-serving institutions of higher education.

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

**SHARED RESPONSIBILITY:**

**DEPARTMENT OF EDUCATION AND DEPARTMENT OF THE INTERIOR**

Labor, HHS, Education Appropriations Bill, and Interior - Environment Appropriations Bill

Tribal Education Agencies/Departments

- Provide $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, and $10 million should be appropriated to the Department of the Interior to support tribal education agencies (TEAs). This funding assists TEAs, which are uniquely situated at the local level to implement innovative education programs that improve Native education. Because they are administered by tribes, TEAs are best equipped to deliver education programs tailored to improve education parity for 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 Bureau of Indian Education schools. Tribes utilizing self-governance over education have been very successful because they better understand the circumstances of their populations and can develop initiatives that meet local needs.

**DEPARTMENT OF THE INTERIOR**

Interior - Environment Appropriations Bill

School Construction and Repair

- Provide $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 an unfair disadvantage. The Department of the Interior’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. It concluded that more than $430 million would be needed to fix the problems already identified.

**DEPARTMENT OF THE INTERIOR**

Interior - Environment Appropriations Bill

Johnson O’Malley

- Provide $42 million for full funding.

The Johnson O’Malley (JOM) program has provided grants to supplement basic student needs since 1934. It is currently being used across the country in innovative ways to assist with the unique cultural and scholastic needs of Native students. The federal government allocated $96 per student in JOM funding in 1995. However, that investment has steadily declined, and current funding provides less than $46 per student. This funding is oftentimes the only source through which Native students – including those in public schools – can engage in basic education activities. Additional funds are needed to 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 road conditions that students, staff, and families must use to access BIE-funded schools increase vehicle maintenance costs. These high costs often lead to funding shortfalls, which then must either go unpaid or be funded by diverting funds from other education programs.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill
Tribal Grant Support Costs

• Provide $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 monies 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 the key to supporting true tribal self-determination in education.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill
Facilities Operations

• Provide $109 million for BIE facilities operations.

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

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill
Facilities Maintenance

• Provide $76 million for BIE facilities maintenance.

BIE schools use this funding for both preventative and routine upkeep, as well as for unscheduled maintenance of school buildings, grounds, and utility systems. Underfunding of maintenance continues to be an issue as buildings are in poor conditions and cannot maintain proper standards.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill
Indian School Equalization Program (ISEP)

• Provide $431 million for the Indian School Equalization Formula.

These funds provide the core budget account for BIE elementary and secondary schools by covering salaries for teachers, aides,
principals, and other personnel. Indian School Equalization Program (ISEP) funds are often reallocated to cover the program cuts in other areas of education. ISEP must have adequate funding to ensure all program needs are fulfilled and must not be reduced to provide funds for new initiatives that have not been vetted by tribes.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill
Education Management: Education IT

• Provide $40 million for Education IT.

According to the Federal Communications Commission’s 2016 Broadband Progress Report, 63 percent of tribal lands across the country lack access to high-speed broadband services. In 2018, the GAO issued a report indicating that the 63 percent number is understated and that the lack of access is actually larger. This lack of access has a significant impact in BIE-funded schools. NCAI seeks adequate funding to ensure that BIE-funded schools have broadband access as well as the computers and software necessary to administer online assessments, and that school staff receive appropriate resources and training. In future fiscal years ongoing funding will be needed to maintain and update this investment in Education IT infrastructure. The federal government must commit to sustained funding and broadband access to ensure that BIE-funded schools can meet the needs of a modern learning environment.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill
Bureau of Indian Education (BIE) Immersion Demonstration Grants

• Provide $5 million for BIE immersion programs.

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

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill
Juvenile Detention Education

• Reinstate $620,000 for juvenile detention education in BIA-funded facilities.

These critical funds were reinstated in FY 2016 at $500,000, reflecting the bipartisan support for funding to address juvenile justice issues. Funding the program at $620,000 is essential funding that will be used to provide educational services to detained and incarcerated youth at 24 BIA-funded juvenile detention facilities. One of the best methods to rehabilitate individuals is through education, and eliminating this program creates additional costs by increasing the rate of criminal recidivism.
DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Tribal Colleges and Universities’ (TCUs) Institutional Operations

- Provide $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 fully fund Title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (Tribal College Act), which provides day-to-day operating funds for 38 TCUs, would require $81.69 million. The education of Native students is a trust responsibility. For many Native students, TCUs are their primary means of receiving a higher education. Accordingly, since the Act was first funded in 1981, the number of TCUs has more than quadrupled and enrollments have increased by more than 325 percent. But despite this increase in student population, TCUs have never received the authorized level of operational funding of $8,000 per student and are currently receiving $7,285 per Indian student. With the possible return of sequestration, this already underfunded but indispensable program faces significant cuts. The more than 35-year federal investment in this proven program will be lost, as some of these institutions may be forced to close their doors. Congress has an obligation to invest in these critical institutions.

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

Title III/Technical Assistance: $701,000 is needed to level fund critical technical assistance (which has not been increased since FY 2006) and to assist TCUs in establishing endowments. Title V/ Tribally Controlled Career and Technical Institutions: $10 million for institutional operations costs for two tribally-controlled career and technical institutions.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

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

- Provide $10.21 million for Institute of American Indian Arts and Center for Lifelong Education.

Institute of American Indian Culture and 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 & Southwest Indian Polytechnic Institute (Snyder Act)

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

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

Interior - Environment Appropriations Bill
Haskell Indian Nations University & Southwest Indian Polytechnic Institute (Snyder Act)

• Provide $31 million for TCU Infrastructure Improvement (25 USC 1813)

We urge Congress to fund section 113 of the TCCUA Act and establish a new infrastructure development program for Tribal Colleges. A key part of the mission of TCUs is to prepare AI/ANs, 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.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill
National Institute for Food and Agriculture
1994 Land-Grant Institutions (TCUs)

In 1994, Tribal Colleges and Universities (TCUs) achieved federal land-grant status through the passage of the Equity in Educational Land-Grant Status Act. However, the 34 TCU land-grant institutions are still not recognized or funded as full partners in the nation’s land-grant system. Serious inequities exist and as a result, their potential remains unrealized. With anticipated reductions in tribal funding, American Indian and Alaska Native students will inevitably have fewer sources for financial aid. Thus, basic levels of mandated funding to TCUs become that much more important to enable Native people to pursue higher education. Funding for extension programs at the 34 institutions is just 1.5 percent of that appropriated for the 1862 (state) land-grants and 10 percent of that appropriated for the 1890 (18 HBCUs) land grants. In the area of research, the 1994s receive less than 1 percent of that appropriated for the 1862s and just 3.4 percent appropriated for the 1890s.

Appropriations at the requested levels outlined below for each of the 1994 land-grant institution programs, as part of a five-year funding plan, is a small but critical step in addressing disparities that exist in the current land-grant system.

1994 Extension Program

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

The 1994 Extension Program is designed to complement, not duplicate, the Federally-Recognized Tribe Extension Program (FRTEP). Ironically, the 1994 Institutions, which are chartered by federally recognized Indian tribes, were the only members of the land-grant system that were prohibited from competing for these grant dollars that are focused on serving federally recognized tribes. The 1994 Extension Program activities include: outreach to at-risk youth; business skills development for local agriculture entrepreneurs; Native plant restoration and horticulture projects; environmental analysis and water quality projects; and nutrition projects aimed at addressing health disparities, such as high rates of diabetes among Native populations. Congress must adequately invest in the 1994 extension programs serving reservation communities.

1994 Research Grants

• Provide $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 $4 million in Educational Equity Grant Program funding for the 1994 land-grant institutions.

The Education Equity Grant Program assists TCU land-grant institutions to establish academic programs within the field of agriculture that explore areas such as natural resource management, nutrition, environmental science, horticulture, sustainable development, and forestry. The funding requested will help in preparing to address issues of climate change and its impact on agriculture, ecosystems, and natural resources focusing on remote reservation communities. Additionally, this investment will support TCU efforts to provide increased nutrition education to their reservation communities, which experience diabetes and other health issues at rates far greater than the national average.

1994 Native American Institutions Endowment Fund (Corpus Payment)

- Provide an additional $15 million payment into the corpus of the 1994 Native American Institutions Endowment Fund.

The Native American Institutions Endowment Fund, housed and administered by the US Treasury, provides funds to TCU land-grant institutions through dissemination of the annual interest yield. Although Congress has made regular contributions to the corpus of the endowment, the latest interest yield shared by the 34 eligible 1994 institutions amounts to approximately $5 million.

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 get 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 for the next five fiscal years to support construction, improvement, and maintenance of their facilities.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Transportation, Housing and Urban Development Appropriations Bill

HUD-University Partnership Program for Tribal Colleges and Universities

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

Executive Order 13592, “Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities,” holds federal agencies accountable for developing plans to integrate TCUs into their programs. TCUs work with tribes and communities to address all aspects of reservation life, including the continuum of education, housing, economic development, health promotion, law enforcement training, and crime prevention. Likewise, federal agencies need to work with TCUs. To achieve results, Congress needs to hold the Administration accountable for strengthening the
TCUs, including their physical plants, and for routinely including TCUs as full partners in all existing and potential federal higher education programs. The HUD-TCU competitive grants program, administered by the Office of University Partnerships, is an excellent place to start. This competitive grants program has enabled TCUs to expand their roles and efficacy in addressing development and revitalization needs within their respective communities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill
Head Start

- Provide $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 over 24,000 Native children. This vital program combines education, health, and family services to model traditional Native education, which accounts for its success rate. However, as inflation and fiscal constraints increase, current funding dollars provide less for Native populations. There is a return in benefit to society of at least $7 for every single dollar invested in Head Start. Therefore, Congress should increase funds to Head Start and Early Head Start to ensure Indian Head Start can reach more tribal communities and help more Native people by triggering the Indian special expansion funding provisions (after a full Cost of Living Allowance has been paid to all Head Start programs).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill
Head Start, Tribal Colleges and Universities Head Start Partnership Program

- Provide $8 million (from the $10.81 billion proposed) for Tribal Colleges and Universities Head Start Partnership Program.

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

Labor, HHS, Education Appropriations Bill
Native Languages Preservation (Esther Martinez Program Grants)

- Provide $14 million for Native language preservation with $5 million designated to fund the Esther Martinez Language programs.

Native language grant programs are essential to revitalizing Native languages and cultures, many of which are at risk of disappearing in the next decade. With adequate funding, Esther Martinez Program Grants support and strengthen Native American language immersion programs. In addition to protecting Native languages, these immersion programs have been shown to promote higher academic success for participating students in comparison to their Native peers who do not participate. The federal budget should include $14 million as part of the appropriation to the Administration for Native Americans for Native language preservation activities. The appropriation should also include $5 million designated to support the Esther Martinez Language Programs’ Native language immersion initiatives, as they have demonstrated success in strengthening Native language revitalization.

NATIONAL SCIENCE FOUNDATION (NSF)

Commerce, Justice, and Science Appropriations Bill
Education and Human Resources (EHR)

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

In FY 2009, NSF awarded $4.2 billion in science and engineering (SE) funding to the nation’s institutions of higher education, and TCUs only received $10.5 million, or one-quarter of one percent of this funding. Among other minority serving institutions, NSF awarded $144.2 million in SE funding to 174 historically black colleges and universities and Hispanic serving institutions, averaging $828,545 per institution, while 29 TCUs received an average of only $362,000 per institution. This disproportionate distribution must be addressed in FY 2020.
Healthcare
Reducing Disparities in the Federal Health Care Budget

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

Yet, the federal government has never fully lived up to this responsibility. Appropriations for the IHS have never been adequate to meet basic patient needs, and health care is delivered in mostly third world conditions. The Indian health care delivery system faces significant funding disparities, notably in per capita spending between the IHS and other federal health care programs. The IHS has been and continues to be a critical institution in securing the health and wellness of tribal communities. In FY 2017, the IHS per capita expenditures for patient health services were just $3,332, compared to $9,207 per person for health care spending nationally. New health care insurance opportunities and expanded Medicaid in some states may expand health care resources available to AI/ANs. However, these new opportunities are no substitute for the fulfillment of the federal trust responsibility, and the budget gap will remain. The FY 2020 budget for the IHS should support tribal self-determination, uphold the trust relationship, and work to reduce health disparities for Indian people.

As recently as 2010, Congress permanently reauthorized and made permanent the Indian Health Care Improvement Act (IHCIA). In renewing the IHCIA, Congress reaffirmed the duty of the federal government to American Indians and Alaska
Natives, declaring that “it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians -- to ensure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy.” 38 Yet, IHS has never received sufficient appropriations to fully honor the new authorities promised within the IHCIA, and AI/ANs continue to live with health disparities that are far worse than the rest of the U.S. population.

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

For the IHS budget to grow sufficiently to meet the true and documented needs of tribal nations over a twelve-year period will require the federal government to commit $36 billion based on the FY 2017 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 $36 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 $7.03 billion for the Indian Health Service in FY 2020, a 36 percent increase over the FY 2017 planning base.*
- *Increases above the FY 17 enacted amount planning base of $5.03 billion include:*
  - An increase of $464.1 million to maintain current services and other binding obligations ($189.1 million for full funding of current services and $275 million for binding fiscal obligations)
  - An increase of $1.5 billion for program expansion

The FY 2020 tribal budget request addresses funding disparities between the IHS and other federal health programs (Figure 3) while still providing for current service costs (Table 1). About $464.1 million is necessary simply to maintain current services, a top priority for tribes. The remainder of the requested budget increase is an increase to fund specific programs.

**FIGURE 2: Diminished Purchasing Power: A thirty-year look at the IHS Health services Accounts: Actual expenditures adjusted for inflation and population growth**
CURRENT SERVICES

Maintaining current funding levels so that existing services can be provided is a fundamental budget requirement and a top priority for tribal leaders. These base costs, which are necessary to maintain the status quo, must be accurately estimated and fully funded before any real program expansion can begin. Any funding decreases would result in a significant reduction of health care services and prolong the state of emergency facing the IHS. To address this situation, the following budget increases as necessary.
Table 1 – FY 2020 Tribal Recommended Increases to Planning Base

<table>
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<tr>
<th>FY 2020 NATIONAL TRIBAL RECOMMENDATION</th>
<th>Planning Base - FY 2017 Enacted</th>
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<tr>
<td>CURRENT SERVICES &amp; BINDING OBLIGATIONS</td>
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<tr>
<td>Current Services</td>
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<td>Federal Pay Costs</td>
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<td>Tribal Pay Costs</td>
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In addition to increased costs as part of maintaining Hospital and Clinic Program costs, including the Indian Health Care Improvement Fund, NCAI recommends the following Program Services increases. Included in these requested increases are the amounts for program expansion as well as increases to maintain current services.

**HOSPITALS AND CLINICS: INCREASE OF $409.4 MILLION**

Adequate funding for Hospitals and Clinics (H&C) is the top priority for FY 2020, as this budget line provides the base funding for the 650 hospitals, clinics, and health programs that operate on Indian reservations and Tribal communities, predominantly in rural and frontier settings. 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 health care 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. Tribes 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 health care, such as public health infrastructure and preventative services. These issues are addressed elsewhere in this report. It should be noted that the FY 2018 President’s Budget Request for the Hospitals & Clinics line item, totaled a $16.7 million dollar increase over the FY 2017 Annualized Continuing Resolution. $14.7 million of the increase was targeted for staffing and operations at the two new health care facilities, one in Oklahoma and one in South Dakota. $1 million was made available for a limited cooperative agreement with the National Congress of American Indians to extend the Healthy Lifestyles in Youth Grant beyond August 2017. The focus on direct medical care continues by the Administration, which is evident in the proposed FY 2019 Budget Request for H&C at $268 million above the FY 2018

### Table 1 – FY 2020 Tribal Recommended Increases to Planning Base

<table>
<thead>
<tr>
<th>FY 2020 NATIONAL TRIBAL RECOMMENDATION</th>
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<tbody>
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<td>PROGRAM EXPANSION - FACILITIES</td>
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<td>% Change over Planning Base</td>
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<tr>
<td><strong>GRAND TOTAL</strong></td>
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Continuing Resolution. Tribal leaders support the increase, but disagree with the decision to shift $123 million from important preventative services and flat lining other line items to help provide this increase.

The demands on direct care services are a continuous challenge in our facilities. We experience 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 health care settings, and the lack of adequate facilities and equipment, these resources are stretched. As a result, any underfunding of H&C equates to limited health care access, especially for patients that are not eligible for or who do not meet the medical criteria for referrals through 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 $409 million is realistic in terms of fulfilling unmet needs across Indian country.

**MEDICAID REFORM AND INDIAN COUNTRY**

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

Medicaid is a critical lifeline in tribal communities. Moving Medicaid to a block grant system, as proposed in the President’s FY 2019 Budget Request, will have major fiscal impacts on tribal health reimbursements, and would devastate tribal health. Decreasing Medicaid decreases scarce resources available to cover our cost of care, and further restrict the eligible patient population. This puts an unequal burden on the IHS budget which is so reliant on these resources to make up our funding shortfalls. We urge the administration to ensure that American Indians and Alaska Natives are exempt from any burdens put on Medicaid like work requirements, so that fiscal strain doesn’t unintentionally fall back to the IHS. American Indians and Alaska Natives already have access to health care through the IHS, so work requirements only serve to inhibit the use of Medicaid in Tribal communities.

Tribes are committed and seek the commitment of the Department of Health and Human Services (HHS) to make meaningful impacts in terms of improved health outcomes. This will be difficult to achieve if we continue to receive limited resources to address basic primary, secondary and urgent care needs. The AI/AN population suffers from significantly higher mortality rates from cancer, diabetes, heart disease, suicide, injury and substance abuse than other groups. Preventative and primary care programs deter costly medical burdens. Minimal increases that we’ve seen to date from the Administration are primarily directed to cover pay costs and inflation and staffing and operations at specific facilities. These are very important, but there is little left over to make significant, long-term progress and real gains in improving the health of AI/ANs.

A critical component of realizing the full potential of the Indian health care system is by funding new authorities in the Indian Health Care Improvement Act (IHCIA) under the H&C line item. The provisions in this law represent a national promise made by the federal government to significantly improve the health of AI/AN people, yet eight years after the IHCIA was reauthorized, most of the new authorities remain unfunded and not implemented. For tribes, this is a huge disappointment, more broken promises by the federal government. Tribes are especially concerned about Section 124 - Other Authority for Provision of Services (25 U.S.C. § 1621d) as it would provide our elders the hospice care, assisted living, long-term care and home-and community-based care and convenient care services that are long overdue. FY 2020 should be the year when the Administration commits to funding this new authority and other priority sections of the IHCIA that are further identified in this report. We must begin to see the positive impacts of a law that was over 20 years in the making and permanently reauthorized in 2010.
DENTAL SERVICES: INCREASE OF $98.2 MILLION

Oral health care access is one of the greatest health challenges tribal communities face. Tribal communities are struggling under the weight of devastating oral health disparities. In the general U.S. population, there is one dentist for every 1,500 people, but in Indian Country, there is only one dentist for every 2,800 people. Nationally, American Indian children have the highest rate of tooth decay among 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, this is almost three times as much as 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 one 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 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 not an exaggeration to say that the current dental care delivery system is failing Tribal communities. Tribes as sovereign nations have been searching for innovative solutions to address the unique barriers that keep oral health care 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 over 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 tribes from advocating for and pursuing opportunities to incorporate DHATs into their programs. Several tribes in Washington and Oregon announced in 2015 that they would use DHATs as part of their dental team. Two Oregon Tribes 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 dental clinic has increased their 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 tribes in the state. This prompted the Port Gamble S’Klallam Tribe to hire a DHAT at the end of the year. Notably, ten more students from Washington, Idaho and Oregon are in the Alaska DHAT Training Program with anticipated graduations in 2018 and 2019. Tribes in several other states including Idaho and Arizona are working on bills in the state legislature to authorize dental therapy in these states.

While these are remarkably positive steps for these tribes, all tribes in Indian country should have access to DHATs. NCAI continues to request that IHS use its dental services funds to expand DHATs to Tribes 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, tribes, 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 health care 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. Mature 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 the Tribes 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 HEALTH: INCREASE OF $157.245 MILLION:

Tribal leaders report mental health as a significant priority for FY 2020 and recommend a $157.245 million increase above the FY 2017 budget enacted. This increase would mean a 167 percent increase in funding for behavioral health services in Indian Country. This significant increase is needed to increase the ability of tribal communities to further develop innovative and culturally appropriate prevention and treatment programs that are so greatly needed in tribal communities.

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

Suicide continues to plague American Indians and Alaska Natives throughout Indian Country. 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. Moreover, American Indian and Alaska Native people experience high rates of depression and psychological distress and higher suicide rates across the national average. Furthermore, one of the main risk factors known to contribute to such psychological distress and behavioral health concerns is historical trauma which continues to manifest through this population and specifically today’s generations through intergenerational trauma.

Intergenerational effects of historical trauma on long-term health have been documented among American Indian and Alaska Native populations through adverse childhood events (ACEs) studies. These studies assess prevalence of personal experiences—physical abuse, verbal abuse, sexual abuse, physical neglect, and emotional neglect and family experiences—an alcoholic parent; a mother who has been a victim of domestic violence; a family member in jail; a family member with a mental illness; and the loss of a parent through divorce, death or abandonment. As generations of families transmit the damage of trauma throughout the years it becomes a cumulative, collective exposure to traumatic events that not only affect the individual exposed, but continue to affect the following generations, thus compounding the trauma even further.
Another significant factor reinforcing these mental health concerns is economic. The poverty rate among American Indian and Alaska Natives was 28.3 percent among single-race American Indians and Alaska Natives in 2014, the highest rate of any group. For the nation as a whole, the poverty rate was 15.5 percent, according to the Census Bureau. On many reservations, economic development is much lower than in surrounding cities. There are far fewer jobs, and unemployment is much higher in the reservation communities. On some reservations, unemployment is as high as 80 or 90 percent, leading to a sense of hopelessness and despair. The inability to provide for one’s family often leads to a sense of loss of identity, despair, depression, anxiety and ultimately substance abuse or other social ills such as domestic violence.

**ALCOHOL AND SUBSTANCE ABUSE: INCREASE OF $123.7 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 2020. NCAI recommends a program increase of $123.75 million above the FY 2017 enacted budget. Alcohol and substance abuse has grave impacts that ripple across tribal communities causing upheaval and adverse experiences that begin or perpetuate a cycle of abuse breaking the social fabric of our traditions and ties to one another. Stigmatization and lack of understanding of the disease of addiction make addressing the challenge even more difficult. The problems range from individual, social, and medical health loss to community distress, from unintentional injury to domestic violence to suicide and/or homicide. Increasing resources to combat Alcohol and Substance Abuse is needed to break the cycle and reduce the disease and cost burden currently experienced by our tribal communities. The purpose of the Indian Health Service Alcohol and Substance Abuse Program (ASAP) is to raise the behavioral health status of AI/AN communities to the highest possible level through a comprehensive array of preventive, educational, and treatment services that are community-driven and culturally competent.

Current alcohol and substance abuse treatment approaches (offered by both the IHS and tribal facilities) employ a variety of treatment strategies consistent with evidenced-based approaches to the treatment of substance abuse disorders and addictions (such as outpatient group and individual counseling, peer counseling, and inpatient/residential placements, etc.) as well as traditional healing techniques designed to improve outcomes and align the services provided with valuable cultural practices and individual and community identity. IHS-funded alcohol and substance abuse programs continue to focus on integrating primary care, behavioral health, and alcohol/substance abuse treatment services and programming through the exploration and development of partnerships with stakeholder agencies and by establishing and supporting community alliances. 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 the overused and abused medications along with development and support of regional treatment centers. Currently, waiting lists are the norm for our treatment programs for alcohol, illegal and prescription drug use.

When our programs are not able to receive patients when an addict is ready, this is where he or she falls through the cracks. 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. However, as a result of diminishing resources, placement and treatment options, decisions are often attributed more to funding availability than to clinical findings. Providing this treatment is costly to the community and program funding is not consistent or stable. While a number of tribes 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 questionable. IHS is in a unique position to assist the tribes plan, develop and implement a variety of culturally responsive treatment options to help individuals become sober and prevent from relapse. Programs with treatment approaches that include traditional healing and cultural practices have been reportedly more successful. However, again, due to lack of funding availability, several culturally responsive in-patient treatment centers have had to close their doors leaving a major gap in service availability and more specifically availability of detox beds with the rising number of heroin and opioid addictions.
Methamphetamine, opioid and heroin use is high in many IHS regions, with limited treatment facilities available. Tribes and tribal entities across the nation are developing initiatives to combat the epidemic that is causing harm and has a devastating impact on families and communities. 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; tribes in Washington are taking a stand against opioid addictions and tribal entities in Alaska have declared a ‘war on alcohol and drugs’; The combined effect of alcohol and drugs is devastating. 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.

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, Tribes have noted that IHS’s reliance on grant programs is counter to the federal trust responsibility, undermining self-determination tenets. Some tribes 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 the needs of that area.

And, because grant funding is never guaranteed, vulnerable people and communities often slip through the cracks and fall back into drug habits when grant resources run out. The needed increase must be applied to IHS funding base and HHS and IHS must move away from the inefficient use of grants, in order to stabilize programs and ensure the sustainability of care to our struggling tribal members and their families.

Breaking the cycle means that we must prevent and offer early intervention with our at-risk youth and expand the scope of treatment in Youth Regional Treatment Centers. Alcohol and substance abuse funds are needed to hire professionals and staff intermediate adolescent services such as group homes, sober housing, youth shelters and psychiatric units. Our communities need increased adolescent care and family involvement services, primarily targeting Psychiatry Adolescent Care. The science is starting to catch up, but there is a need for a paradigm shift in thinking in order to break down the stigmas that are a barrier to addressing the disease of addiction. In fact, if left untreated, addiction places considerable burden on the health system in unintentional injuries, chronic liver disease, cirrhosis, and facilitates the trans-mission of communicable diseases such as HIV and Hepatitis C, both having catastrophic effects on our health system. Effects from historical trauma, poverty, lack of opportunity, and lack of patient resources compound this problem. AI/ANs have consistently higher rates relating to alcohol and substance abuse disorders, deaths (including suicide and alcohol/substance related homicides), family involvement with social and child protective services, co-occurring mental health disorders, infant morbidity and mortality relating to substance exposure, the diagnosis of Fetal Alcohol Syndrome (FAS) and other Fetal Alcohol Spectrum Disorders (FASD), partner violence, diabetes complications and early onset as a result of alcohol abuse, and other related issues.

According to a study in 2009-2010, American Indian and Alaska Natives 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. The Great Plains area has the highest alcohol-related death rate in the country. This death rate is 13.9 times the United States all-races rate and 1.3 times higher than the second highest rate, which is the Albuquerque Area (Indian Health Service, 2001). According to SAMHSA, South Dakota, North Dakota, Nebraska, and Iowa had the highest rates of underage (aged 12 to 20) binge alcohol use (29.5 percent) and binge alcohol use among persons 18 to 25 years (58 percent). These states had the highest percentage of persons with dependence on or abuse of alcohol and needing treatment services. National data indicates that Alaska and New Mexico have the largest percentage of AI/AN treatment admissions for illicit drug use in the country. Additionally, we now know that inadequate funding for alcohol and substance abuse services has a ripple effect on other funding sources, such as overloading the agency’s outpatient clinics, urgent care departments, and emergency departments with unnecessary visits (typically funded by Hospitals and Health Clinic funds and third party collections). The increased number of patient visits to private sector emergency departments also puts an increased burden on Purchased/Referred Care Services.
In addition to funding needed to support detox and rehabilitation services, tribes have also reported a critical need for after-care services. Time and again, tribal members are re-entering the community or reservation without access to professional support services to prevent them from falling into the same crowds and 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 try; furthermore, research has demonstrated that it increases risk to using illegal drugs. Smoking rates are significantly higher among American Indian and Alaska Natives when compared to 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 challenge individuals’ mental well-being and overall health and wellness. Increased funding will support the need for prevention and education on this topic and particularly targeting youth while promoting non-tobacco using adults as role models for establishing social norms in Indian communities. The need to address issues of violence and sexual and domestic abuse against AI/AN women is critical in breaking the cycle. This is apparent in the alarming statistics among Alaska Native children regarding witness to violence and the serious implications from this exposure in relationship to children’s cognitive development. 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. IHS, tribal and urban Indian health alcohol and substance abuse programs continue to focus on integrating primary care and behavioral health services, being more responsive to emerging trends and the instituting best and promising practices that align with culture based prevention and treatment.

ADVANCE APPROPRIATIONS FOR THE INDIAN HEALTH SERVICE

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 lateness in enacting a final budget during that time ranges from 5 days (FY 2002) to 197 days (FY 2011).

The negative consequences for the Indian Health Service and tribes 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. Advanced appropriations can help mitigate such catastrophic effects. For the same reasons, Congress now provides advance appropriations for the Veterans Administration medical accounts.

Advanced appropriation identifies the level of funding available for the IHS in the appropriations process one or more years before it is applicable. Thus, advanced appropriation provides more certainty to operate the Indian health care 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. Advanced appropriations for IHS would support the ongoing treatment of patients without the worry if—or when—the necessary funds would be available. Health care services require consistent funding to be effective. Advanced appropriations will help the federal government meet its trust obligations to Indian Country and bring parity to this federal health care system at no additional cost.

As in past years, NCAI continues to request that the Administration support Advance Appropriations for IHS in its FY 2020 Budget Request.
IHS FACILITIES INCREASE OF $219.9 MILLION

The Indian Health Service system is comprised of 45 hospitals (26 IHS operated, 19 Tribal) and 529 outpatient facilities (125 IHS operated, 611 Tribal). At these facilities there were an estimated 39,300 inpatient admission and 13.7 million outpatient visits in 2016.

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

Improving healthcare facilities is essential for:

- Eliminating health disparities
- Increasing access
- Improving patient outcomes
- Reducing operating and maintenance costs
- Improving staff satisfaction, morale, recruitment and retention
- Reducing medical errors and facility-acquired infection rates
- Improving staff and operational efficiency
- Increasing patient and staff safety
- The absence of adequate facilities frequently results in either treatment not being sought; or sought later, prompted by worsening symptoms; and/or referral of patients to outside communities. This significantly increases the cost of patient care and causes travel hardships for many patients and their families. The amount of aging facilities escalates maintenance and repair costs, risks code noncompliance, lowers productivity, and compromises service delivery. AI/AN populations have substantially increased in recent years resulting in severely undersized facility capacity relative to the larger actual population, especially the capacity to provide contemporary levels of outpatient services. Consequently, the older facility is incapable of handling the needed levels of services even if staffing levels are adequate.

Over the last several years, investigators at the Centers for Medicare and Medicaid Services (CMS) and the HHS Office of the Inspector General (OIG) have cited outdated facilities as direct threats to patient care. For example, in more than half of the hospitals surveyed by the OIG in 2016, administrators reported that old or inadequate physical environments challenged their ability to provide quality care and maintain compliance’ with the Medicare Hospital Conditions of Participation (CoPs). 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. In fact, over one third of all IHS hospitals deficiencies have been found to be related to facilities with some failing on infection control criteria and others having malfunctioning exit doors. Other facilities are just not designed to be hospitals, and IHS has had to work around historical buildings that are not equipped for a modern medical environment.

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. As several tribal leaders have testified, all our patients’ want is to feel comfortable and safe within the environment in which care is being provided; this is difficult to do when facilities are in disrepair, overcrowded, and medical equipment has outlived its useful life.
SPECIAL DIABETES PROGRAM FOR INDIANS (SDPI) REAUTHORIZATION AND EXPANSION

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

DEPARTMENT OF HEALTH AND HUMAN SERVICE

Tribal Access to Health Programs

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

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Diabetes Prevention

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

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

Labor, HHS, Education Appropriations Bill
Health Resources and Services Administration (HRSA)
Native Hawaiian Health Care Systems Program

- Provide $19 million to fund the Native Hawaiian Health Care Systems Program.

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

Congress has unequivocally recognized that there is nothing “more vital to the continued existence and integrity of Indian tribes than their children.”9 Therefore, Congress must promulgate a budget that empowers tribes to provide programs and services necessary to safeguard their children and strengthen their families. A report from the Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence emphasized this very point:

Congress and the executive branch shall direct sufficient funds to AI/AN tribes to bring funding for tribal criminal and civil justice systems and tribal protection systems into parity with the rest of the United States and shall remove barriers that currently impede the ability of AI/AN nations to effectively address violence in their communities. The Advisory Committee believes that treaties, existing law, and trust responsibilities are not discretionary and demand this action.46

This recommendation above underscores the inequity in federal child welfare funding that tribal governments face as compared to state governments. Tribal governments receive approximately one-half of one percent of all federal child welfare funds while their children represent approximately 2 percent of the United States population under the age of 18 and 4 percent of the child welfare population.47, 48

Throughout Indian Country, tribes implement innovative child welfare services such as family group decision-making processes, peacemaking courts, Positive Indian Parenting classes, culture camps, and customary adoptions to protect and support children while keeping them connected to their families and communities. In providing these services, a great number of tribes work simultaneously in numerous jurisdictions across the country, to improve coordination with state and private child welfare agencies and court systems.49 Tribes’ enduring service to children, families, and communities persists in the face of elevated risk factors for child abuse and neglect.50

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

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

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

- Appropriate $43 million for the three discretionary grant programs under this law. Appropriating $10 million for the Indian Child Abuse Treatment Grant Program, $30 million for the Indian Child Protection and Family Violence Prevention Grant Program, and $3 million for the Indian Child Resource and Family Service Centers Program will provide vital new funding to help tribes prevent and treat child abuse and neglect in their communities.

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

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

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

Tribes, like states, need adequate resources to effectively prevent and respond to child abuse and neglect in their communities. However, unlike states, tribes do not have meaningful access to the Department of Health and Human Services (DHHS) Child Abuse Prevention and Treatment Act Program (CAPTA) grant programs. The programs authorized under ICPFVPA were created to fill this gap but, without being appropriated, leave tribes without funding for child protection and child abuse prevention services.
BIA INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM

<table>
<thead>
<tr>
<th>FY 2016 Enacted</th>
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<th>FY 2018 Enacted</th>
<th>FY 2020 Recommended</th>
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<tbody>
<tr>
<td>Total</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Child Abuse Treatment</td>
<td>$10,000,000</td>
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</tr>
<tr>
<td>Child Resource Centers: $3,000,000</td>
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DEPARTMENT OF THE INTERIOR

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

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

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

AI/AN child welfare programs and social service agencies need to have the resources necessary to support families in times of crisis and uncertainty. AI/AN adults – including parents and kinship caregivers – are unemployed on reservations at a rate more than two times the unemployment rate for the total population. 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 barriers to employment vary region to region in Indian Country, but include geographic remoteness, a weak private sector, poor basic infrastructure, and even a lack of basic law enforcement infrastructure. These conditions make the programs funded under welfare assistance an important safety net for AI/AN families.

The General Assistance Program provides short-term monetary assistance for basic needs 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 exceed the funding provided by Congress.

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 tribes to place children in unsubsidized out-of-home care, this is unfair to those extended family members and foster care homes who are willing to open their homes up to care for children. We strongly urge Congress to increase the funds for this programs as the needs are much greater than previous appropriated amounts.
The current funding for the Welfare Assistance Program does not begin to meet the needs in tribal communities. This leaves families in poverty and caregivers willing to take children who have been abused or neglected into their homes without sufficient financial support. Funds should be increased to $80 million to provide tribal governments the resources they need to support families and children in crisis.

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<th>BIA WELFARE ASSISTANCE PROGRAM</th>
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<tr>
<td>FY 2016 Enacted</td>
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<td>Total</td>
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*The FY 2019 amount is not included because the Interior-Environment bill was not passed at time of print.*

**DEPARTMENT OF THE INTERIOR**

*Interior - Environment Appropriations Bill*

**BIA Tiwahe Initiative Program**

- *Fully fund the Tiwahe Initiative in FY 2020 at the FY 2019 level, and consider making the program permanent and expanding needed resources for all tribes.*

The BIA 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 component which includes a recurring funding increase for all tribes that operate Social Services and ICWA programs; and another component which includes additional Tiwahe funding support for a demonstration/pilot program at 6 tribal locations (representing 61 tribes and Alaska Native villages) to develop improved coordination and delivery of services, and which could serve as a model for other tribes. Tiwahe funding includes BIA programs of Social Services, ICWA, Courts, Housing Improvement Program (HIP), Job Placement & Training, and Public Safety Recidivism Reduction Initiative.

Tiwahe was intended as a five-year demonstration program, and upon completion of the five-year program period, if tribes evidenced success through performance measures identified in their Tiwahe plans, the program and funding would thereafter be recurring. 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 is the fifth year of the Tiwahe Initiative, and Congress has requested a final report from the BIA and tribes at the end of FY 2019 that will include measures of success and guidelines for other tribes wanting to implement the model. However, Congress will begin formulating the FY 2020 budget in February of 2019, well before the report due date. It is in the interest of all tribes who operate Social Services and ICWA programs, the tribal demonstration sites, and all of the children and families benefitting, that Congress fully fund the Tiwahe Initiative in FY 2020 at the FY 2019 level. It is further requested that Congress consider expanding the program with more resources for all tribes and making 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 $20 million.

As the Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence recently stated “If AI/AN children today are to be provided with a reliable safety net, the letter and spirit of [the Indian Child Welfare Act] must be enforced.” ICWA was a response to national findings that public and private child welfare agencies were systematically removing AI/AN children from their homes, communities, and culture in order to place them in non-Native foster and adoptive homes. To prevent these troubling practices which regrettably still occur today, ICWA provides protections to tribes and AI/AN families in state child welfare and judicial systems. It also recognizes the sovereign authority of tribal nations to provide child welfare services and adjudicate child welfare matters. To 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 tribes to assist state agencies and courts, adequate funding must be provided to tribal governments to support their child welfare programs. At the time that ICWA was passed in 1978, Congress estimated that between $26 million–$62 million would be required to fully fund tribal child welfare programs on or near reservations. Even after an important FY 2015 increase as part of the Tiwahe Initiative, current funding levels fall far short of this estimate—especially after adjusting for inflation. As AI/AN children are still being removed from their families and tribes 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 $20 million. The Tribal Interior Budget Council has placed ICWA funding increases among its top 3 priorities in FY 2020.

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

According to the 2010 Census, 67 percent of AI/AN people lived off-reservation. These children and families are best served when state child welfare systems are not only working with the child’s tribe, but also with urban Indian child welfare programs. These programs provide assistance to states and the child’s tribe, and provide culturally appropriate child welfare services. For this reason, ICWA authorizes child welfare funding for urban Indian programs. From 1979–1996, funding was allocated to urban organizations serving Native children and families. When funded, off-reservation programs provided important services such as recruitment of Native foster care homes, child abuse prevention efforts, and culturally appropriate case management and wraparound services. When funding stopped, the majority of these programs disintegrated even as the population of AI/AN children off-reservation increased. This funding must be reinstated. NCAI strongly recommends a $5 million appropriation to support AI/AN children and families living off-reservation.

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<tr>
<th>BIA INDIAN CHILD WELFARE ACT PROGRAM</th>
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<tr>
<td>On-Reservation ICWA program</td>
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<tr>
<td>Off-Reservation ICWA program</td>
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*The FY 2019 amount is not included because the Interior-Environment bill was not passed at time of print.*
DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Social Services Program

- Provide $55 million to fortify child protective services and ensure meaningful technical assistance to tribal social service programs across Indian Country.

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

“BIA and tribal social services staff prepare, authorize, and document various social services activities as part of their daily activities. Some tribes reported frequent vacancies and staff turnover in social services programs and mentioned a need for BIA to provide basic guidance and supporting materials to ensure continuity of services throughout tribal communities.”63

Technical support is one area where roles and responsibilities remain unclear, as demonstrated by BIA’s social services contracts with tribes. The contracts, or annual funding agreements state that BIA will provide technical support with social services issues as needed. Contrary to these agreements, we uncovered reports of insufficient or nonexistent technical support. In some cases, tribes could wait up to 3 weeks before receiving a response, or they might receive no response at all.64

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 (who in three years decreased the crime in implementing tribal communities by 56 percent65) are to be commended and the momentum must be continued. Another $5 million must be appropriated for this program—children and families depend on it. This increase will ensure that basic child protective services are provided in tribal communities across the country, that tribes have access to meaningful training and technical assistance, and that the BIA has the resources necessary to fill service gaps. The Tribal Interior Budget Council estimated an unmet need of $32 million over the current enacted levels during tribal budget formulation for FY 2017.

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<th>FY 2016 Enacted</th>
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<tr>
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The FY 2019 amount is not included because the Interior-Environment bill was not passed at time of print.
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 $70 million to provide additional access to tribes who are currently not eligible to apply based upon the funding formula.

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

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

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

The Promoting Safe and Stable Families Program offers support for those culturally based services that tribes already have experience with, such as parenting classes, home-visiting services, respite care for caregivers of children, and other services that safely preserve families, but cannot expand based upon low levels of funding. This program is vital to the 130 tribes and tribal consortia that depend on it to support their efforts to prevent the unnecessary removal of AI/AN children from their homes. Yet because of the funding levels, hundreds of tribes are ineligible for this formula grant. Increasing this program to $70 million (still $130 million below the authorized appropriation) could help dozens of new tribes access this funding and augment the programming of the 130 tribes and consortia currently funded.

Tribes are also eligible to apply for the Tribal Court Improvement Program, a competitive grant program authorized under Promoting Safe and Stable Families. This program is authorized for $30 million of mandatory funding plus 3.3 percent of all discretionary funds. A $1 million tribal set-aside was created in the 2011 Child and Family Services Improvement and Innovation Act, Pub. L. No. 112-34 (2011). Five tribal court improvement project grantees are currently funded under this program. They are using these funds to strengthen their family courts and better integrate the work of their court with the work of their child welfare system. The State Court Improvement Program provides important opportunities for tribes and states to work together to improve child welfare coordination and to improve outcomes for Indian children.

| PROMOTING SAFE AND STABLE FAMILIES PROGRAM, TITLE IV-B SUBPART 2 PROGRAM DISCRETIONARY FUNDS (TRIBES ELIGIBLE FOR 3% ALLOCATION FROM TOTAL AMOUNT) |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                 | FY 2016 Enacted | FY 2017 Enacted | FY 2018 Enacted | FY 2019 Enacted | FY 2020 Recommended |
| Total           | $59,800,000     | $59,765,000     | $99,765,000     | $99,765,000     | $100,000,000     |
| Tribal          | $1.8 million    | $1.8 million    | $2.9 million    | $2.9 million    | $3.0 million     |
| Tribal Court Improvement Program | $1.0 million | $1.0 million | $1.0 million | $1.0 million | $3.0 million |
DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill
Child and Family Services
Child Abuse Discretionary Activities, Innovative Evidence-Based Community Prevention Program

- Increase overall appropriations to $38 million to account for tribes’ recent eligibility for these funds through a competitive grant process.

Child Abuse Discretionary Activities, including Innovative Evidence-Based Community Prevention Program, support a variety of activities including research and demonstration projects on the causes, prevention, identification, assessment, and treatment of child abuse and neglect, and the development and implementation of evidence-based training programs. Tribes have access to this program through a competitive grant process that includes states and other entities. 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.69

The Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence provided the following recommendation: “The Administration of Children and Families of the DHHS, BIA in the DOI, and tribes should collectively identify child welfare best practices and produce an annual report on child welfare best practices in AI/AN communities that is easily accessible in tribal communities.”70 The Child Abuse Discretionary Activities Program is the only funding available to help tribes engage in the research necessary to test treatment and interventions. The surest way to effectuate this recommendation is to provide funding under the Child Abuse Discretionary Activities Program that supports tribal access to these funds.

The CAPTA Reauthorization Act of 2010, Pub. L. No. 111-320 (2010) provided tribal access to this program, but appropriation levels did not increase to account for the expanded pool of grant applicants. For this reason, the Child Abuse Discretionary Activities, including Innovative Evidence-Based Community Prevention Programs appropriation should be increased to $38 million (a level still well below the $120 million authorization) to provide the funding necessary to ensure tribal success in this competitive grant process.

| CHILD ABUSE DISCRETIONARY ACTIVITIES, INNOVATIVE EVIDENCE-BASED COMMUNITY PREVENTION PROGRAM |
|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|
| FY 2016 Enacted                                  | FY 2017 Enacted                                  | FY 2018 Enacted                                  | FY 2019 Enacted                                  | FY 2020 Recommended                               |
| Total                                            | $33,000,000                                      | $33,000,000                                      | $33,000,000                                      | $38,000,000                                      |
| Tribal                                           | Dependent upon grantees awarded                  | Dependent upon grantees awarded                  | Dependent upon grantees awarded                  | Increase will fund tribal grantees                |
|                                                  |                                                  |                                                  |                                                  |                                                   |
DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

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

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

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

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

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<th>COMMUNITY-BASED CHILD ABUSE PREVENTION</th>
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<tr>
<td>Total</td>
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<td>Tribal (amount shared with migrant populations)</td>
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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 tribes 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. Tribes are eligible for this funding based on a formula grant. Tribes receive an allocation based upon a population-based formula described in the regulations. This tribal allocation is deducted from the state’s allocation.
The vast majority of tribal child welfare programs operate from a cultural worldview—meaning the ways that culture affects tribal child welfare practice go far beyond incorporating traditional practices into case plans or using cultural services. Culture is infused throughout tribal child welfare programs: it guides the focus, promotes the most effective responses, and improves community support and participation in these programs.

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

Of the 573 federally recognized tribes, less than 400 have been able to access this funding. The median tribal grant is about $13,300, an insufficient amount to support the administrative requirements, much less provide the services this program is meant to support. The low level of funding has been one of the primary reasons more eligible tribes are not participating.

<table>
<thead>
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<th>CHILD WELFARE SERVICES PROGRAM (SOCIAL SECURITY ACT TITLE IV-B, SUBPART 1)</th>
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<tbody>
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill

Health Resources and Service Administration, Maternal and Child Health Maternal, Infant and Early Childhood Home Visiting Program

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

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

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

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

It is with this understanding that NCAI strongly recommends the following appropriations. The numbers provided below will help dozens of additional tribes access the funding necessary to improve their mental health services.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Labor, HHS, Education Appropriations Bill**  
**Substance Abuse and Mental Health Services Administration**  
**Programs of Regional and National Significance**  
**Children and Family Programs (includes Circles of Care)**

- Increase funding to the overall budget category to $8.0 million and ensure that $6.5 million is reserved for the tribal community Circles of Care program.

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

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

The Circles of Care program is the only SAMHSA grant program with a holistic focus on AI/AN children’s mental health. It is one of only two SAMHSA programs that allows tribes and tribal organizations to apply for funding without competing with other governmental entities (states, counties, or cities). There are currently 10 communities receiving Circles of Care funding.

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

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

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<td>$7,229,000</td>
<td>$7,229,000</td>
<td>$8,000,000 ($5 million dedicated to Circles of Care grants)</td>
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+ Circle of Care funding is one of three programs funded under this funding category

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, HHS, Education Appropriations Bill
Substance Abuse and Mental Health Services Administration
Garrett Lee Smith (GLS) Campus Suicide Prevention Program

• Increase funding to $9 million to ensure current multi-year grantees can complete the grant cycle and allow for additional new annual grantees in FY 2019.

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

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

Funding for the GLS State/Tribal Youth Suicide Prevention and Early Intervention Program must be increased to $40 million. These grants provide targeted funding for a problem of epidemic proportions in tribal communities. They have been a lifeline for tribal communities. This increase will ensure that current grantees can complete the programs they have begun and give more tribal communities the opportunity to access these funds. For similar reasons, funding for the GLS Campus Youth Suicide Prevention Program should be restored to the FY 2012 level of $9 million.
**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Labor, HHS, Education Appropriations Bill**

**Substance Abuse and Mental Health Services Administration**

**American Indian and Alaska Native Suicide Prevention**

- Provide $5 million to ensure there is adequate assistance available to tribal communities working to support the mental well-being of AI/AN youth at risk for suicide.

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

This program has provided training and technical assistance to over 65 tribal communities. It has helped these communities leverage existing social and educational resources to implement comprehensive, community-based prevention plans that target bullying, violence, and suicide. It has trained over 9,000 community members in prevention and mental health promotion. Increase funding to $5 million to allow for more of these important activities to continue.

### GARRETTE LEE SMITH SUICIDE PREVENTION PROGRAMS

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### SAMHSA AMERICAN INDIAN AND ALASKA NATIVE SUICIDE PREVENTION

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In the FY 2016 Consolidated Appropriations Act, the Substance Abuse and Mental Health Administration (SAMHSA) funded Tribal Behavioral Health Grants at $30 million ($15 million in the Mental Health appropriation and $15 million in the Substance Abuse Prevention appropriation). NCAI recommends $50 million in FY 2019 to continue to address the expansion of suicide prevention, mental health and substance abuse activities for Native communities.

These are competitive grants designed to target tribal communities with the highest rates of suicide per capita over the last 10 years. These funds must be used for effective and promising strategies to address the problems of substance abuse and suicide and promote mental health among AI/AN young people.

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

There is growing evidence that Native youth who are culturally and spiritually engaged are more resilient than their peers. Research has revealed that 34 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 tribes to tailor their mental and behavior health interventions to the unique needs of AI/AN children families and communities. This program is currently the only source of federal substance abuse prevention funding exclusively available to tribes.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

• Increase funding to $125 million to allow for the continued support of the current cohorts of Children’s Mental Health Initiative Systems of Care Grants and allow for new grantees in FY 2019.

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

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

The system of care model of mental health service provision has been found to be more in line with the AI/AN worldview and traditional tribal ways of helping than any other service system. Further, its emphasis on culturally tailored services has “opened the door to the demonstration and acceptance of cultural resources as important and viable community-based approaches” to mental health treatment. Therefore, this program has been both well-received and particularly effective. Evaluations studies of System of Care have indicated return on investment from cost-savings in reduced use of in-patient psychiatric care, emergency room care, and residential treatment even when other community or home based care is provided. There are also cost savings from decreased involvement in juvenile justice systems, fewer school failures, and improved family stability.

Due to this program’s efficacy in tribal communities, it is of the utmost importance that funding for current grantee cohorts be made available so that they may finish the important work they have begun. In addition, the well-being of AI/AN children is dependent on the ability of more tribes to access these funds and create real systems change. For these reasons, funding should be increased to $124 million for FY 2019.

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<th>SAMHSA CHILDREN’S MENTAL HEALTH INITIATIVE</th>
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Elders

Elders are held in the highest regard in all tribal communities. However, American Indian and Alaska Native elders are at risk for exploitation, food insecurity, limited economic opportunities, and other factors that harm their health and wellbeing.

The Older Americans Act (OAA) is the major federal statute that authorizes social and nutritional services for AI/AN elders. These services are essential to providing tribal governments with the resources necessary to address the needs of their elders. Nutrition and Supportive Services reduce food insecurity, promote socialization and independence, and enhance the health and wellbeing of Native elders. The Caregiver Support Program provides unpaid family caregivers with information, assistance, counseling, and respite care while they are caring for their elder family members. Furthermore, the Senior Community Service Employment Program (SCSEP) promotes self-sufficiency and economic enhancement, and is the only federal workforce development program for low-income Native elders ages 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. Protecting and enhancing funding levels for these critical programs is necessary in order to ensure AI/AN elders continue to 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 $36 million for Parts A (Grants for Indian Programs) and Part B (Grants for Native Hawaiian Programs).

Programs under Title VI of the Older Americans Act (OAA) are the primary vehicle for providing nutrition and other direct supportive services to American Indian, Alaska Native, and Native Hawaiian elders. In FY2017, 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 such, many tribal elder programs are unable to meet the five-days-a-week meal requirement because of insufficient funding. 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, home visits, or home health aide services. Funding should be increased so that Native elders continue to receive consistent care.

• Provide $10.6 million for Part C (Native American Caregiver Support Program) administered by the Administration on Aging and create a line-item for training for tribal recipients.

The Native American Caregiver Support Program under Title VI - Part C of the OAA assists American Indian, Alaska Native, and Native Hawaiian families caring for older relatives with chronic illnesses. The grant program offers many services that meet caregivers’ needs, including information and outreach, access assistance, individual counseling, support groups and training, respite care, and other supplemental services. Each year, this service reaches over 240 tribal nations and tribal consortia that serve over 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. However, this program cannot be effective without adequate funding and investment for tribal recipients. 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 one percent tribal set-aside for the Protection of Vulnerable Older Americans so that tribal nations and tribal organizations may 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 a very complex jurisdictional landscape. Title VII – Subtitle B of the OAA authorizes a program for tribal nations, public agencies, or non-profit organizations serving Native elders to assist in prioritizing issues concerning elder rights and to carry out related activities. While such programs are authorized under the OAA, appropriations for these programs is necessary, especially considering that tribal nations have no additional source of mandatory federal funding for elder protection activities. As such, a one percent tribal set-aside should be created under Subtitle B to ensure that 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 $434,371,000 and ensure no cuts are proposed for this program by 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. Not only does this enhance the participating elders, but it also enhances the community as it produces mature workers with the skills necessary to fill workforce shortages. 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.
Economic & Workforce Development

Increasing economic opportunities and infrastructure development in Indian Country requires a comprehensive, multi-agency approach. Indian Country continues to face daunting challenges, especially high rates of unemployment and poverty, due to shortfalls in federal obligations and barriers to private and philanthropic investment. Adequate federal funding, coupled with reduced regulatory burdens, can advance tribes’ efforts to access capital resources and workforce training programs. Honoring the federal government’s trust responsibility by addressing key economic needs will further the economic drive of Indian Country through increased business and workforce development opportunities. These FY 2019 budget requests set forth appropriations that are essential to empowering self-determined tribal efforts to seed economic prosperity and advance the economic security of tribal nations.

Key Recommendations

DEPARTMENT OF COMMERCE

Commerce, Justice, Science Appropriations Bill

Minority Business Development Agency (MBDA)

• Provide $39 million for the Minority Business Development Agency.
• Continue the initiative to provide MBDA support for American Indian/Alaska Native (AI/AN) Business Centers.

Established by Executive Order in 1971, the Minority Business Development Agency (MBDA) was created to support minority business development centers that provide business consulting and financing services. Initial funding for the MBDA was set at $63 million, and MBDA funded Native American Business Enterprise Centers (NABECs). Over time, the MBDA’s funding level...
has decreased roughly 50 percent. Providing funding of at least $39 million will enable the MBDA to continue supporting its MBDA Business Centers (MBCs), and dedicating a significant portion of that amount to AI/AN business centers will ensure tailored assistance to tribal nations, tribal enterprises and other Native American-owned businesses. Congress should set aside sufficient funds within the MBDA budget to continue grant support for entities qualified to provide the business, financing, and procurement technical assistance services that Native American businesses need to develop stronger private sector capabilities and contribute to the national economy. MBDA should also continue to support federal contract awards to Native American contractors, track Native American as well as minority business data, and collaborate with the Office of Native American Business Development.

DEPARTMENT OF COMMERCE

Commerce, Justice, Science Appropriations Bill
Office of Native American Business Development

• Fund the Office of Native American Business Development at a minimum of $2 million as part of the Commerce Department Management Budget.

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

In order to carry out its mission, ONABD must receive adequate and sustained support to implement and expand Native American policy and business development initiatives both domestically and internationally. Funding 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 Small Business Administration’s (SBA) Office of Native American Affairs at a minimum of $2 million.

The SBA’s Office of Native American Affairs (ONAA) provides vital assistance to tribal nations; Alaska Native Corporations (ANC) and Native individual-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 tribal and AND-owned corporations and individual Native American entrepreneurs. For example, the SBA’s FY 2014 Annual Performance Report noted the successes of its Native American outreach, including over 70 events attended by 200 tribal communities. Maintaining a $2 million funding level for ONAA would enable the Office to continue its efforts and maximize outreach to Native people, advance successful initiatives like its tribal and business executive training and 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, HUB Zone, women business, veteran and service disabled veteran business, and other small business contracting programs. ONAA is a critical resource for all types of Native-owned businesses as it works to ensure these businesses gain access to capital, build capacity, generate increased revenues, create more jobs, develop tribal business codes, and strengthen the economic security of Native communities.

DEPARTMENT OF DEFENSE

Procurement Technical Assistance Centers, Defense Logistics Agency

• Fully fund the American Indian Procurement Technical Assistance Program at $4.5 million within the $42.3 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 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 $42.3 million for FY 2019. PTAP funding for FY 2020 should increase or at least remain level and maintain the $4.5 million set-aside for AIPTACs. In addition, the Department of Defense 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

Indian Incentive Program

• Fund the Indian Incentive Payment 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 Department of Defense (DOD) to make Indian Incentive Payments (IIP) to contractors that subcontract work to Native-owned subcontractors under DOD contracts. For FY 2009-2018, 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 Congress provided $25 million and specified the funding “shall be available for the incentive payments authorized by” 25 U.S.C. 1544. For FY 2020, Congress should approve the same funding level and mandatory language regarding its usage.
The Native Initiative of the CDFI Fund is an important program that expands access to capital for individuals and small businesses in Indian Country. Each year, the CDFI funds the Native American CDFI Assistance (NACA) program, which includes financial and technical assistance components. The NACA program makes awards that assist community development financial institutions (CDFIs) in increasing their lending services and financial products, and in building their own internal capacity to serve their target markets. Native CDFIs provide a wide range of loans to microenterprises, small businesses, consumers, and for housing and homeownership. Native CDFIs also offer financial education and entrepreneurial development training, homebuyer education and foreclosure prevention counseling, credit counseling, small business planning, debt relief counseling, counseling to improve financial capability, match savings programs called Individual Development Accounts, and free tax preparation services in Native communities across the country. In many areas, Native CDFIs provide the only affordable alternative to predatory financial services providers.

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 that totaled $15.1 million. With more than 73 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 continued increasing demand and demonstrated impact, Congress should strive to increase the current annual allocation to at least $20 million for the NACA Program for FY 2020 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.

In 2000, Congress established the New Markets Tax Credit (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, however, NMTC Program funding “has rarely made its way into Indian Country.” Between 2014 and 2017, as an example, only one Native 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 (NNSA)

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

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

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill
Office of Indian Energy and Economic Development (OIEED) Guarantees for Indian Loans, Surety Bonds, Development Bonds

- Fund the OIEED Indian Loan Guarantee Program at a minimum of $25 million.

The Office of Indian Energy and Economic Development’s Division of Capital Investment oversees the Indian Loan Guarantee Program and loan subsidy program, and has authority to support surety bonding for Indian contractors. The OIEED Loan Guarantee Program is the key federal guarantee program that facilitates the process for eligible tribal and individual Native borrowers to obtain conventional lender financing for businesses and economic development projects 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, the House markup of the Interior-Environment bill signed off on FY 2019 funding of nearly $20 million for the program, and an aggregate cap of $329 million of guaranteed private sector loan financing (more than doubling previous caps). This level of guarantee support should be continued for FY 2020 to accelerate financing of business, economic, energy and infrastructure projects, support lines of credit for working capital and payrolls for hiring new employees, and even provide assurances sufficient for sureties to issue performance bonds to tribal or other Native-owned business contractors performing infrastructure and other construction contracts.
DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill
Office of Indian Energy and Economic Development (OIEED)

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

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

OIEED has received over $20 million annually, but very little of its budget is available specifically for economic development support. However, OIEED has been increasingly effective in stretching its limited funding to launch creative and successful initiatives, including: technical assistance and capacity building workshops and support for feasibility studies to spur economic and business development, expand job and skills training opportunities, and improve and streamline the delivery of financing to 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 HEARTH Act (PL 112-151) because such grants can be used to establish the tribal regulatory programs necessary to qualify under that Act.

DEPARTMENT OF LABOR

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

- Maintain YouthBuild Program funding at a minimum of $89 million for FY 2020 (consistent with WIOA Section 171).

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

YouthBuild reports that since 1994, more than 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 2020, and that Native youth receive program support from this funding pool that is 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 (INAP) at a minimum of $60.5 million.

Reducing the education and employment disparity between Native peoples and other groups requires a concentrated effort that provides specific assistance to enhance education and employment opportunities, creates pathways to careers and skilled employment, and prepares and maintains a pathway for Native people to join the nation’s middle class. The Workforce Innovation and Opportunity Act (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. Native citizens living on remote reservations or in Alaska Native villages experience great difficulties accessing the state and local workforce. In these areas, the WIOA Section 166 program is the sole employment and training provider.

Despite the reauthorization of Indian and Native American Programs through WIOA in 2014, funding of this program has not been adjusted to account for the drastic changes in the economic environment and growth in the Native American population since the 2000 Census. According to the Census, the American Indian and Alaska Native population grew 27 percent between 2000 and 2010 compared to nine percent for the general population. Accordingly, the federal government should increase funding for DINAP and WIOA commensurate with this expanded need (and also do the same for other vital Native American workforce development and related grant programs such as the BIA’s Job Placement and Training, Department of Education’s Adult and Vocational Education, Tribal TANF, and Tribal Vocational Rehabilitation programs, to name a few). Such increases should be based not only on the significantly expanded size of the service population, but also increases in the cost of services such as tuition for post-secondary educational institutions. Congress should reject outright the proposal to eliminate the stand-alone funding mechanisms for the WIOA Section 166 and PL 102-477 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-INAP resources.

The Workforce Innovation and Opportunity Act also authorizes the Native American Employment and Training Council to advise the Secretary on the operation and administration of INAP, but it uses funds that are intended for Indian and Native American Program (INAP) grantees. The Secretary should use other streams of funding to support its advisory council. Without an increase in funding, many tribes are unable to access the support and training activities for employment opportunities in Indian Country.
Telecommunications

The ability to communicate keeps communities safe and promotes trade and commerce. 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 result in economic and community development that can increase the efficiency of certain federal programs by delivering more cost effective or proactive services that result in better program delivery. Unfortunately, many tribal communities continue to disproportionately lack broadband access, which directly inhibits the progress for tribal nations and citizens.

According to a September 2018 Government Accountability Office (GAO) report on broadband internet access on tribal lands, the Federal Communications Commission methodology for measuring and reporting broadband access resulted in overstatements in broadband access that leave some tribal lands and communities underserved or unserved. A key finding of the GAO report is that the Federal Communication Commission’s report that 63 percent of tribal lands across the country lack access to high-speed broadband services is understated, and 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, inclusive public safety networks, strong public media systems, and other necessary infrastructure.

Key Recommendations

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Financial Services Appropriations Bill
Office of Native Affairs and Policy

• Provide a permanent fixed annual budget of $500,000 to fund the Office of Native Affairs and Policy.
The 1934 Communications Act, and subsequent amendments in the 1996 Telecommunications Act, failed to recognize the challenges of deploying telecommunications infrastructure on tribal lands and the critical role tribal governments can assume in facilitating such projects. Since 2000, tribal matters have steadily gained recognition at the FCC and in 2010 the FCC established its Office of Native Affairs and Policy (FCC-ONAP). Since then, FCC-ONAP has held consultations, trainings, and provided vital technical assistance throughout Indian Country that has resulted in tribal inclusion in FCC regulatory matters at unprecedented levels. Through this tribal engagement, the FCC has revamped regulations to assist in bridging the digital divide on tribal lands. However, the ONAP office was created without dedicated funding and it was not until passage of the FY 2014 Omnibus that the office received $300,000 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 close 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 2020 FORWARD APPROPRIATION (CPB/OMB REQUEST)**

**CORPORATION FOR PUBLIC BROADCASTING (CPB)**

**Labor, HHS, Education Appropriations Bill**

**Grant Programs**

- Appropriate at least $5 million to fund American Indian and Alaska Native radio stations.
- Appropriate at least $500,000 for Native Public Media and $500,000 for Koahnic Broadcast Corporation.

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

NCAI supports the $445 million advance FY 2022 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 2021 advance appropriation of $5 million in CPB funding for the 36 CPB-qualified Native radio stations serving federally-recognized American Indian Tribes and Alaska Native Villages; and an FY 2021 advance appropriation of $500,000 for Native Public Media and $500,000 for Koahnic Broadcast Corporation for technical support services to Native radio stations.
Agriculture & Rural Development

Native peoples were this land’s first farmers, long before 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. The 2012 U.S. Department of Agriculture Census of Agriculture counted at least 71,947 American Indian-operated farms and ranches on more than 57 million acres of land. These farms and ranches sold $3.3 billion of agricultural products, including more than $1.4 billion of crops and $1.8 billion of livestock and poultry.86 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.”87 Tribal governments and farmers look to active partnerships throughout the US Department of Agriculture (USDA) to sustain and advance common interests across the broad array of services that this federal agency provides for tribal governments.

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

The 2018 Farm Bill contains a historic number of new tribal provisions, several of which need additional funding and support to ensure implementation.

Key Recommendations

DEPARTMENT OF AGRICULTURE
Agriculture Appropriations Bill
Office of Tribal Relations

• Fund the USDA’s Office of Tribal Relations at a minimum of $1.5 million.
The Office of Tribal Relations (OTR), located within the Office of the Secretary, is a critical voice for agriculture in Indian Country within the USDA, especially since a vast majority of USDA’s services and programs affect and touch tribal lands and communities. Many times, when decisions are being made, there is a need to open lines of communication between the agency and within Indian Country. OTR serves a linchpin role in expanding all USDA program support throughout Indian Country, as well as ensuring that relevant programs and policies are efficient, easy to understand, accessible, and developed in consultation with the impacted American Indians and Alaskan Native constituents. The OTR is also responsible for coordinating policies affecting American Indians and Alaska Natives across other federal agencies.

OTR has increased its responsibilities in these major areas:

- Pursuant to Memorandums of Understanding (MOUs) between the USDA and the BIA, OTR is critical to the development of inter-agency strategic plans involving data sharing, land consolidation, and credit deployment.
- OTR is the lead for implementation of the intra- and inter-agency implementation of the USDA’s 2012 Sacred Sites Report and corresponding MOUs between USDA and DOI, Energy, and Defense, as well as the Advisory Council on Historic Preservation.
- OTR supports USDA Rural Development (RD) and Rural Utility Service on implementation and administration of the 2012 Substantially Underserved Trust Areas initiative under section 306F of the Rural Electrification Act of 1936, as amended (7 U.S.C. 906f). This initiative will allow RD to provide greater flexibility and more favorable loan terms around much-needed electricity, water and waste disposal, telecommunications, distance learning and broadband infrastructure in trust areas.

The OTR’s initial funding level of $1 million in FY 2010 was slashed in FY 2011 and FY 2012 and continues to remain around $500,000 in FY 2017. This leaves OTR with insufficient personnel and resources to support its vast mission within the Department, in partnership with other federal departments, and throughout the many Native communities in the United States. With the added responsibilities for OTR initiated in 2012, it is clear that OTR requires additional resources to function in accordance with US law and policy.

With the new 2018 Farm Bill tribal programs, many of which require direct engagement of OTR, a continued lack of sufficient funding presents a barrier to OTR expanding their work to provide the programs, technical assistance, content or even the basic communications to ensure that non-Internet education and training are available to tribes for all USDA programs. Active tribal participation in USDA funding opportunities is required to assist the build-out of broadband infrastructure, and support the workforce development required to fully utilize Internet capabilities, business programs, and financing necessary to bring Native goods and services to market.

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

*Designate $50 million of program allocation from the Rural Development 502 Direct Loan Program to establish a home loan relending program for Indian Country.*

Rural Development has limited staff resources to provide Single Family Housing direct loans on tribal land. In FY 2017, of the 7,187 direct loans made nationally by Rural Development, only 23 of them were to American Indians or Alaska Natives on tribal land. Native community development financial institutions (CDFIs) have experience operating on tribal land. In addition, they provide extensive financial and homebuyer education to help low-income families navigate the homebuyer process to become self-sufficient, private homeowners. The proposed relending program, which is being piloted in South Dakota, would increase the flow of mortgage capital to Indian Country by allowing Native CDFIs to be eligible borrowers under the 502 Direct Loan Program, enabling them to relend to eligible families for the construction, acquisition, and rehabilitation of affordable housing.
As tribes seek to build sustained prosperity and economic security, it is imperative that tribal citizens and businesses on tribal lands have access to environments that are stable, conducive to economic and community development and supportive of schools, health facilities, first responders and businesses.

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

- **Provide $9.375 billion to Rural Utility Services.**

The FY 2017 budget for Rural Utility Services (RUS) saw a slight increase, but continues to be below FY 2012 and 2013 levels by nearly $2 billion dollars, and is down almost $100 million from FY 2014. USDA-RD began implementing changes in 2012 designed to improve access to RUS funding for individuals living in Substantially Underserved Trust Areas (SUTA—including Indian lands and lands owned by Alaska Native Regional Corporations and Village Corporations—to improve basic services, including: water and waste disposal, rural electrification and high-cost energy, telecommunications and broadband infrastructure, and distance learning and telemedicine. The SUTA changes, authorized by the 2008 Farm Bill (but not appropriated), still require additional funding for administration as well as for programs and loan authority within RUS. It is important that more funding is available to provide the infrastructure development and upgrades necessary in Indian Country.

Of special concern is the need to maintain funding for tribal set-asides for water, wastewater, and solid waste management for Indian country and Alaska Native villages. USDA’s Water and Environmental Program (WEP) provides a combination of loans, grants, and loan guarantees for drinking water, sanitary sewer, solid waste, and storm drainage facilities in tribal and rural areas and cities and towns of 10,000 or less. WEP also makes grants to non-profit organizations to provide technical assistance and training to assist rural communities with water, wastewater, and solid waste management. Since FY 2013, funding for WEP was substantially cut and only provided tribal-specific grants and loans of $22 million for tribes in the lower 48 states and $23 million for Alaska Native villages, equaling cuts of $26 million and $61 million respectively. The FY 2017 budget allocation of $64 million remains static as it must be split amongst tribes in the contiguous United States, Alaska Native tribes, and Native Hawaiians.

More than 12 percent of tribal homes lack access to safe drinking water and basic sanitation, which is a rate more than 20 times the national average. For example, many Alaska Native villages must transport human waste in large containers to open pit sewage lagoons. The federal government’s failure to address this situation is unacceptable, especially in light of its trust obligation to tribal nations. The existing federal budget does not make a significant dent in addressing this fundamental deficit in quality of life for Native peoples, and recent cuts to this budget makes it worse, exposing Native peoples and youth to unhealthy water and its subsequent detrimental impacts to human health, economic development, and community morale.

- **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 establishment in tribal communities, which often lends to either misinformation provided to tribes 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. RD provided 56 Single Family Housing direct loans, equaling $119 million, and 1,100 Single Family Housing loan guarantees at $155 million. Tribal colleges received $3 million for 24 grants under the Tribal College Community Facilities Initiative, and tribal communities received more than $114.7 million in loan and grant financing under the Community Facilities Program.

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

DEPARTMENT OF AGRICULTURE
Agriculture Appropriations Bill
USDA Natural Resources Conservation Service (NRCS)

• Fund the Environmental Quality Incentives Program (EQIP) at least $1.75 billion as required by the 2018 Farm Bill.

• Fund the Conservation Stewardship Program (CSP) at a minimum of $725 million.**

Between FY 2010 and FY 2011, the Natural Resources Conservation Service (NRCS) saw an 85 percent increase in tribal participation in their programs, which could be attributed to USDA’s outreach to tribal governments. Specifically, NRCS has assisted with the establishment of 33 Tribal Conservation Districts by working with the Intertribal Agricultural Council (IAC) and Indian Nations Conservation Alliance (INCA). In 2016, NRCS’s Regional Conservation Partnership Program provided over $27 million for conservation programs where tribes were the lead, which have led to dozens of partnerships between tribal, state, local, and private entities in mostly rural areas.

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

The Conservation Stewardship Program (CSP) is another vital program in the NRCS. The CSP provides crucial help in reducing soil
erosion, enhancing water supplies, improving water quality, increasing wildlife habitat, and reducing the damage caused by floods and other natural disasters. The CSP program is an important resource for tribes as tribal participation has been increasing over the years with a 172 percent increase from FY 2010 through FY 2011, with 246 contracts to tribes totaling $10.4 million.

**DEPARTMENT OF AGRICULTURE**

**Agriculture Appropriations Bill**

**National Institute of Food and Agriculture, Federally Recognized Tribal Extension Program**

- Increase the Federally-Recognized Tribal Extension Program (FRTEP) to $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 an FRTEP agent to liaise with other USDA programs, provide training in farm and ranch business management, supervise 4-H and youth development activities, and coordinate special training programs, including application of new agriculture technologies. While there are more than 3,100 extension offices available to farmers nationwide, fewer than 30 extension agents serve Indian reservations, with current funding of only $3 million available to 1862 and 1890 Land-Grant Institutions and the University of the District of Columbia. With the 2018 Farm Bill adding 1994 Tribal Colleges and Universities as eligible for the program, essentially doubling the pool of institutions, increased funding is essential to ensure that FRTEP programs will continue to serve tribal farmers and ranchers, but that those services can be expanded to new 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 $153 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 (FDPIR) is currently serving approximately 276 tribes 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 over 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 American Indian and Alaska Native households residing in eligible areas near reservations or in Oklahoma. The ITOs also provide employment to local and tribal personnel who administer the program. 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, which would promote tribal sovereignty and allow tailoring of this vital program to meet specific tribal cultural and local needs for the foods in their food packages and help support tribal food producers grow 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 tribes could directly benefit from this program without authorization from the state law. However, the 2018 Farm Bill legalizes industrial hemp production when done in accordance with enacted federal criteria and allows states and tribal governments to assume primary regulatory authority over such production after obtaining approval from the USDA. In order for Indian Country to realize the full economic benefit of this innovative development, a robust appropriation will be necessary to assist USDA in working with and consulting with tribal governments to develop the tribal plan process necessary for tribes and tribal producers to begin industrial hemp production in Indian Country.
Environmental Protection

Native peoples maintain strong physical, cultural, spiritual, and other interdependent relationships with their homelands and natural resources. Consequently, Native peoples face direct and often disproportionate impacts of environmental degradation. Federal funding to support environmental protection for Indian reservations was not forthcoming until more than 20 years after the passage of the Clean Water and Clean Air Acts. Tribes strive to achieve equity, but significant gaps remain.

Almost 40 years after the passage of these the Clean Air and Water Acts, only 44 tribes have Environmental Protection Agency (EPA) -approved water quality standards, which are a cornerstone of the Clean Water Act (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 indicates the unsafe conditions facing many Native families. Significant gaps in environmental protection still remain in many areas of Indian Country that should be met through the implementation of monitoring, regulatory, and on-the-ground activities.

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

**Key Recommendations**

**ENVIRONMENTAL PROTECTION AGENCY**

**Interior - Environment Appropriations Bill**

**Indian Environmental General Assistance Program (IGAP)**

*Increase funding for IGAP to $99.5 million.*

Program capacity-building is a top environmental priority identified by tribes as part of the EPA National Tribal Operations Committee National Tribal Caucus. The Indian General Assistance Program (IGAP) is unique among federal programs in
that it provides a foundation which tribes can leverage to support other greatly-needed programs, such as planning for climate change and natural resource management, energy efficiency activities, and small scale renewable energy projects. 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 the on-the-ground presence to help confront profound climate change impacts, such as eroding shorelines, thawing permafrost, threats to subsistence resources, and permanent relocation of Alaska Native communities.

This increased collaborative leveraging potential makes 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 tribes to perform the increased duties of maturing programs with fewer funds. Furthermore, the average cost for tribes to sustain a basic environmental program was set at $110,000 per tribe in 1999 and has not been adjusted for inflation since then. Tribal demand for program implementation across various media includes the pressing need to establish climate change adaptation plans. A $175,000 per tribe distribution, totaling approximately $99.5 million, reflects an equitable adjustment.

ENVIRONMENTAL PROTECTION AGENCY
Interior - Environment Appropriations Bill
Tribal Drinking Water
Safe Drinking Water State Revolving Fund (SRF)

*The tribal set-aside for the Safe Drinking Water SRF should be increased to 5 percent of the national Drinking Water SRF.*

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

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

Tribal compliance with drinking water standards is consistently below those of other community water systems because tribes lack of funding for operations and maintenance. The tribal set-aside for the Drinking Water SRF should be increased to 5 percent of the national Drinking Water SRF.
FY 12 Drinking Water SRF Funds for every $100 of need
— Tribes have less funds to address needs

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

FY 12 Drinking Water SRF Funds for every $100 of need
— Tribes have less funds to address needs

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

**Interior - Environment Appropriations Bill**

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

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

In a report entitled, Drinking Water and Wastewater Infrastructure: Opportunities Exist to Enhance Federal Agencies Needs Assessment and Coordination on Tribal Projects, the GAO found that in fiscal year 2016 according to the IHS $3.2 billion was needed to address existing tribal drinking and wastewater needs. Similarly, for fiscal year 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.

ENVIRONMENTAL PROTECTION AGENCY

**Interior - Environment Appropriations Bill**

**Tribal Water Pollution Control, Clean Water Act Section 106**

- *Increase the tribal allocation to 20 percent.*

Clean Water Act Section 106 grants are vital to tribal efforts to control water pollution, including water quality planning and assessments; developing and implementing water quality standards and total maximum daily loads; ground water and wetland protection; and nonpoint source control activities. The number of eligible tribes to receive CWA Section 106 funding increased from 141 in 1998 to 257 in 2010. Tribal recipients are now required to submit their water quality data through the Water Quality Exchange (WQX) as part of their Section 106 reporting requirements without any increase in Section 106 program funding. The national CWA 106 allocation to tribes has flat-lined and – in certain cases – decreased in some years during the same time period (e.g., 15.49 percent in 1998 to as low as 11.55 percent in 2005). The current tribal allocation of approximately 12 percent is still too low; successful CWA implementation requires at least 20 percent of the national CWA Section 106 allocation to keep pace with the expansion of tribal programs.
FIGURE 4 shows the ongoing disparity between tribal and state allocations for Section 106 grants. The graph shows that the number of tribes developing their water quality programs has far outpaced the funding available to tribes to maintain water quality programs. The lack of adequate and continuous funding for implementation and enforcement hinders the effectiveness of tribal water programs.

FIGURE 4: Tribal Program Clean Water Act Section 106 Total Allocation vs. Tribal Allocation*

*Tribal percentage of national allocation

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill
Nonpoint Source Pollutant Control – Clean Water Act Section 319

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

Clean Water Act Section 319 provides tribes with grants to develop and implement polluted runoff and other non-point source control programs that address critical water quality concerns identified in the 106 program and other monitoring programs. Only 44 of the 573 tribes 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, tribes request a permanent elimination of the one-third of one percent cap placed on the tribal allocation to help close the vast inequity in funding and programmatic implementation compared to states.
The EPA Exchange Network is an innovative partnership among tribes, states, and the EPA to provide better access to high-quality data and facilitate data management and the efficient submission of data. Beginning in 1998, states assisted in the development of the Exchange Network and received several million dollars to develop the requisite information technology infrastructure. Tribal governments were brought in years later, with limited capacity and unequal access to resources. Both tribes and the EPA have recognized the importance of improving the flow of tribal data and environmental information. Tribes have been able to take a more active role in improving data collection as a result of tribal grants offered as part of the Environmental Information Exchange Network.

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

Tribes in the Great Lakes region have joined together to establish a tribal-federal-state collaboration, which stands as a model for replication across the country. The Great Lakes Restoration Initiative is the largest investment in the Great Lakes in two decades. More than 2,000 projects have been funded since its inception. An Interagency Task Force led by EPA has developed action plans to implement the Initiative. The most recent action plan covers fiscal years 2015 through 2019 and targets the most significant threats to the Great Lakes ecosystem. 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 tribes. Funding for tribes under the Great Lakes Restoration Initiative should be maintained in FY 2019.
Natural Resources

American Indian and Alaska Natives have nurtured, lived, and thrived off this land as first stewards since time immemorial. Tribes’ cultures, traditions, lifestyles, communities, foods, and economies are, to varying degrees, 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. 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 resource but also, correspondingly, 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, tribes are using their unique knowledge and skills in concert with modern management practices. This often occurs collectively with community and non-tribal organizations and produces tangible outcomes and model programs of excellence. Tribes and their communities can cite many examples where they have shaped the successful restoration and sustainable management of fragile natural resources. These successes come from a commitment to stewardship and often require complex, long-term, and rewarding, collaboration with states, regional organizations, local governments and other stakeholders in larger ecosystem management efforts.

Tribes, as proven effective managers of their own resources, must be provided with the appropriate funding and support as required by the federal treaty and trust responsibilities. Federal support for tribal natural resources efforts, however, has not kept pace with tribal efforts and as such, undervalues tribal ecological knowledge and natural resources management initiatives.

Federal investment in tribal natural resources management helps sustain tribal land, grow economies, and support continued prosperity. As tribal communities become more secure in their environments, food and water systems, and their abilities to manage those resources, tribes and tribal citizens are free to turn to other needs: creating jobs; building supportive infrastructure; forming healthy tribal and neighboring community relations; developing innovative approaches to other concerns that affect the broader community; and diminishing the strain on land management and law enforcement services, among other things. Federal investment in tribal natural resources management will foster tribal economic self-sufficiency, cultural revitalization, and collaborative working relationships across jurisdictions—supporting communities and economies throughout the United States.
However, for tribes to fully use their natural resources and to 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. Instead, tribal funding opportunities have declined incrementally over decades, and more precipitously than other natural resources programs in DOI. Tribes continue to be excluded from eligibility for billions of dollars from dozens of natural resource programs across the federal agencies that are otherwise available to states, local governments, and other entities. 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 the DOI invasive species program is five times the per acre funding for the BIA’s Invasive Species Program.

Many of the BIA Trust Natural Resources programs discussed in this section experienced substantial cuts over the past decade. Further base program reductions in FY 2013-2015 under the Budget Control Act of 2011 and Sequestration have eliminated jobs, stymied economic activity at a critical time for tribes, and curtailed combined tribal, federal, state and community collaboration as well as the valuable perspective in natural resource management that tribes contribute to national natural resources and the economy. The most supportive role for the federal government is as a resource-provider—facilitating independent decision-making and true self-governance for tribal nations. When tribes are free to make decisions, they have the opportunity to align policy and planning with established tribal priorities.

**Key Recommendations**

**DEPARTMENT OF THE INTERIOR**

**Interior - Environment Appropriations Bill**

**BIA Rights Protection Implementation**

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

The BIA Rights Protection Implementation Program has a clear and direct relationship with the federal trust obligation to tribes. This program ensures compliance with federal court orders by implementing effective tribal self-regulatory and co-management systems. Contract agreements are designed to assure proper regulation and management of off-reservation fish, wildlife, shellfish, and plant gathering activities, provide conservation enforcement, and perform the necessary assessment and habitat protection activities that help ensure abundant and healthy populations of ceded territory resources. The benefits of these programs accrue not only to tribes, but to the larger communities as well. 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 tribes whose off-reservation hunting, fishing and gathering rights in the Pacific Northwest and Great Lakes regions are supported by this program. Five umbrella intertribal organizations assist the tribes in implementing relevant court orders and carrying out co-management responsibilities. In addition, this program supports implementation of the United States/Canada Pacific Salmon Treaty. Increasing funding for BIA Rights Protection Implementation from $40.161 million in FY 2018 to $56.5 million in FY 2020 would be a wise investment and is consistent with the federal trust responsibility to tribes. 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.
Tribal peoples, lands, and infrastructure are disproportionately impacted by the effects of climate change and, due to infrastructure inadequacies and remoteness, tribal governments do not have sufficient personnel to implement programs for climate adaptation. Despite having some of the most pristine habitat in the United States, tribes have been historically underfunded for wildlife and natural resource management and conservation. There are 573 federally recognized tribal nations and over 300 reservations in the United States. Tribes manage 95 million acres of land, 11 million acres more than the National Park Service (NPS). Tribal lands contain more than 997,000 acres of lakes, 13,000 miles of rivers, and 18 million acres of forested lands. Tribal lands provide vital habitat for more than 525 federally listed plants and animals, many of which are both ecologically and culturally significant to tribes.

The inequity in the funding supporting tribes through the Tribal Climate Resilience Program is clear from the FY 2009 to FY 2012 budgets in which DOI received an average of approximately $150 million to fund the initiative, but BIA received only $200,000 and several times received no dedicated funding. In FY 2013, the inequity was partially recognized when BIA received $1 million, however that level of funding was still only less than one percent of the total Initiative funding for DOI. In FY 2016 and FY 2017 Congress and the Administration provided $10 million for Tribal Climate Resilience. Tribes strongly support increasing this amount to at least $30 million in FY 2020 to remedy inequities and enable the BIA to address tribal natural resource management in an effective manner and to build tribal capacity to plan and implement programs in the face of climate change. According to a February 8, 2012 report by the Congressional Research Service, entitled, Federal Land Ownership: Overview and Data, the total number of acres owned and managed by DOI for the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service collectively totals 417 million acres. DOI holds more than 56.2 million acres of land in trust for Indian tribes and individual Indians. DOI’s Indian trust landholdings, therefore, represent more than 13 percent of these three agencies’ total. Despite the proportionately large amount of Indian land the DOI oversees, tribes, via the BIA, have consistently received less than one percent of the related funding. Increasing the FY 2020 funding to at least $30 million would help identify impacts of climate change and enable tribes to develop strategies to protect their homelands. America’s 573 Indian tribes are among the communities most affected by climate change because of their place-based nature and dependence on natural resources. After risk assessments and climate action plans are developed, additional resources will be needed for implementation over the long term. Enabling tribes to contend with the impacts of climate on their homelands is essential; tribal lands are our history, our culture, our livelihoods, and our future. Support is essential to preserve and protect these values pursuant to the federal government’s trust responsibility.

Funding from the BIA Water Management, Planning, and Pre-Development Program is used to assist tribes in protecting and managing their water resources, thereby reflecting the federal trust obligation to tribes. However, from FY 2003 to FY 2012, funding for this program declined 30 percent from $8.298 million to $5.789 million. In FY 2016 the program received $6.469 million in funding, which is still insufficient to meet the significant tribal need and honor treaty rights. Funding should be $10.5 million as the BIA provided in its FY 2014 spending plan.
The Water Resources TPA program allows tribes 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. Tribes 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 tribes’ diverse water management needs. Funding for the Water Resources TPA program has not increased in decades and should be increased to $5 million in FY 2020.

**DEPARTMENT OF THE INTERIOR**

**Interior - Environment Appropriations Bill**  
**BIA Water Rights Negotiation/Litigation Program**

*Provide $10.923 million for the BIA Water Rights Negotiation/Litigation Program.*

Funds from the Water Rights Negotiation/Litigation program are used to define and protect Indian water rights and, if possible, to settle claims or, alternatively, to litigate claims. The primary priority of the program is to provide all necessary documentation and other material that may be required to further the United States’ water claims on behalf of a tribe. The inability to access quality water and exercise tribal water rights continue to create significant health, cultural, economic development, farming and ranching and governance challenges for tribes and other communities, especially in light of major environmental events of the past few years. The Western Governors’ Association (WGA) recently emphasized the need to resolve water rights disputes to prepare for predicted changes in water quality and quantity now occurring as a result of climate change. It is likely that the resources from this program will be needed to settle and litigate water rights disputes foreshadowed by the WGA. However from FY 2003 to FY 2016 funding for this program declined 25 percent, from $10.923 million to $8.180 million. Tribes request funding levels of $10.923 million be restored so that water rights can be protected and disputes resolved.

**DEPARTMENT OF THE INTERIOR**

**Interior - Environment Appropriations Bill**  
**Bureau of Reclamation Water Settlement Fund**

*Permanent authorization for the Reclamation Water Settlement Fund.*

A permanent extension of the Reclamation Water Settlement Fund (Reclamation Fund) 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 Reclamation Fund, codified at 43 U.S.C. § 407, is only authorized to receive deposits beginning in FY 2020 and until FY 2029, yet the Fund is already deemed critical and will be heavily relied upon by currently enacted and future Indian water rights settlements.

The Reclamation Fund will be a vital resource to 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 Indian 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 Reclamation Fund 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 a whole host of minute hydrological details; specific population considerations; historical considerations; political, legal, as well as scientific realities; and consideration of the federal trust responsibility and present and future 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, the 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 Reclamation Fund 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 $3 million for the BIA Endangered Species Program.*

The BIA’s Endangered Species Program is the only program that provides tribes with technical and financial assistance to protect endangered species on Indian trust lands. From FY 2002 to FY 2012, funding for this critical program declined 58 percent to $1.245 million. In FY 2016 and FY 2017, funding was approximately $2.6 million. This is still short of the FY 2002 level. Tribes request that funding levels of $3 million be restored so that tribes can continue to support habitat and environmental requirements to protect endangered species, especially in light of increasing threats caused by climate change and human development.

BIA FISH AND WILDLIFE PROGRAMS

Three key programs that empower tribes to manage reservation fish and wildlife resources across the nation are Tribal Management and Development (TMD), Wildlife and Parks, and Natural Resources programs. These programs help meet the growing national demand for outdoor recreation and tourism, as well as supporting the protection of millions of acres of habitat necessary for the conservation of fish, wildlife, and plant resources. These programs also employ more than 500 local tribal staff to assist the United States in meeting its trust responsibility to tribes.

DEPARTMENT OF THE INTERIOR
Interior - Environment Appropriations Bill
BIA Tribal Management/Development (TMD) Program

• *Increase appropriations to $25 million for base and programmatic funding for the BIA Tribal Management and Development Programs.*

From FY 2002 to FY 2012, funding for the Tribal Management and Development Program (TMD) declined 17 percent from $9.3 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, Congress provided $11 million for TMD programs. While these investments are appreciated, an increase to $25 million for FY 2020 will substantially strengthen tribal conservation successes and meet 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 critically needed for tribes to manage fish and wildlife programs on their lands.
DEPARTMENT OF THE INTERIOR
Interior - Environment Appropriations Bill
Trust - Natural Resources Management
BIA Fish, Wildlife and Parks

• Fund Fish Hatchery Operations at $7 million.
• Fund Fish Hatchery Maintenance at $8 million.
• Increase the Wildlife and Parks Tribal Priority Allocation to $10 million.

The 88 tribal fish hatcheries across Indian Country provide essential jobs, food, and revenue for tribes, as well as cultural support and opportunities for tribal youth to pursue environmental careers. Tribal standards in fisheries management are high because the tribes are highly dependent upon these operations and because many Native people recognize their responsibility to steward and sustain their natural resources. These programs create jobs, advance economic self-sufficiency, and reduce costs by promoting cooperation and local economic growth.

At the request of Congress, the BIA conducted a comprehensive needs assessment study in FY 2006 which identified a $48 million need in hatchery and rehabilitation costs. In this context, funding levels of $7 million for Fish Hatchery Operations and $8 million for Fish Hatchery Maintenance in FY 2020 at 88 tribal fish hatcheries across the country are small investments that will lead to significant returns.

Fish Hatchery Operations funding is provided to fish-producing tribes to support hatching, rearing and stocking programs. Salmon and steelhead trout released from tribal hatcheries in the Pacific Northwest benefit Native and non-Native commercial and sport fisheries in the United States and Canada, and help satisfy Native subsistence and ceremonial needs. Throughout the rest of the country, recreational opportunities created by the stocking of trout, walleye, and other species attract numerous sport fishermen to reservations and assist in developing reservation economies.

Fish Hatchery Maintenance funding provides for approximately 200 hatchery maintenance projects and supplements facility maintenance for 88 tribal hatcheries on a competitive basis. Typical projects include: relining raceways, replacing water pumps, upgrading alarm systems, fencing, roof and ceiling repair, and rearing tank installation.

Wildlife and Parks Tribal Priority Allocation supports tribal activities in the areas of fisheries, wildlife, outdoor recreation, and public use management, conservation enforcement, and related fields. Activities conducted are determined by tribes, and cover a broad array of diverse fisheries, wildlife, conservation enforcement, public use, habitat management and related programs. Tribes, through a local priority setting process, determine any changes in annual funding and performance. The base Tribal Priority Allocations (TPA) funding for tribal fish and wildlife protection activities has remained relatively flat for years, at approximately $5 million. Funding for Wildlife and Parks TPA should be increased to $10 million in FY 2020 to expand the capacity of tribal fish and wildlife management departments to meet the needs of their communities and to work with federal, state, and local partners.

DEPARTMENT OF THE INTERIOR
Interior - Environment Appropriations Bill
BIA Natural Resources Tribal Priority Allocations

• Increase funding to $10 million for the Natural Resources Tribal Priority Allocations.

The Natural Resources program fulfills the federal trust obligation through improved management, protection, and development of Indian land and natural resource assets. Funding for this Tribal Priority Allocation (TPA) program has remained flat for years, at around $5 million. Funding for the Natural Resources program should be increased by $5 million in FY 2020. This investment will substantially increase tribal land and resource management capabilities and increase economic independence through generating revenues for tribal economies. By enhancing tribal economies through this program, the economic costs of social decline (e. g., increased need for law and order, social services, and health services) are decreased, resulting in cost savings.
DEPARTMENT OF THE INTERIOR
Interior - Environment Appropriations Bill

- *Increase funding to $12 million for the BIA Invasive Species Program.*

The Invasive Species Program provides critical funds to tribes to control noxious and invasive species. Invasive species cause approximately $3 billion in damage on tribal trust land. The impacts of invasive species have a particularly disproportionate impact upon tribes because such species affect plants, animals, and other wildlife that are essential to tribal members for sustenance, medicines, ceremonies, cultures, and economic health.

This BIA program, which was funded at $6.7 million in FY 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-Indian lands. The BIA program is a critical element of the Department’s Invasive Species Crosscut Initiative, since tribal trust land is often contiguous to other federal lands.

In light of the disproportionate impact invasive species have on tribes, the significant disparity in funding between non-Native and tribal land under DOI’s jurisdiction, and the contiguous nature of many tribal and non-Native DOI land areas, an increase to $12 million in BIA’s Invasive Species Program for FY 2020 is an equitable and reasonable request.

DEPARTMENT OF THE INTERIOR
Interior - Environment Appropriations Bill
Fish and Wildlife Service’s Tribal Wildlife Grants Program

- *Increase funding to $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 Indian tribes. The TWG was originally established in recognition that tribes 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, on average, tribes have received only $6 million per year despite having the need for significantly more funding. TWG will be a key program in the coming decades as tribes address fish and wildlife conservation and climate change influences on natural resources. Given past underfunding of this initiative, tribes request an increased appropriation to at least $12 million.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY
Commerce, Justice, Science Appropriations Bill
Pacific Coastal Salmon Recovery Fund (PCSRF)

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

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

This fund originated the groundbreaking multi-governmental collaborative project in salmon habitat restoration that was led by the Nisqually Tribe and recognized by President Obama with the nation’s first and only Coastal America Partnership Award in late 2011. For FY 2017, $65 million was appropriated for the Fund, and was increased to $70 million in FY 2019.
support an increase to $110 million for FY 2020 as a wise investment in a program that creates a ripple effect including economic, ecological, social, cultural, legal, and intergovernmental co-benefits.

**DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY**  
**Commerce, Justice, Science Appropriations Bill**  
**Salmon Management**

*Provide $25.9 million for NOAA Mitchell Act Hatchery Programs.*

Mitchell Act hatchery production is intended to mitigate 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 PST.

NCAI requests $25.9 million for the Mitchell Act Hatchery Programs. The FY18 appropriations provided a total of $20.2 million. The request for an additional $5.7 million in Mitchell Act funds above the FY18 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 tribes and tribal consortia and local communities to address environmental and human health risks and for tribal capacity building and project implementation. Tribes are seeking to restore funding to this program after steep reductions from $50 million in 2010 to $28 million in FY 2016 and FY 2017.

**FORESTRY**

Tribes are among the largest private owners of forest lands in the United States. Of the total 56 million acres of federal Indian trust land, more than 18 million acres are forest lands, of which 7.3 million acres are designated for commercial forestry. The BIA estimates that these forests contain 43 billion board feet of commercial timber with a maximum sustainable annual cut of 1.02 billion board feet per year, although tribal non-harvest priorities typically reduce this number by a third or more. In the 1980s, these forests produced $100 million annually in stumpage revenue and provided the equivalent of over 12,000 full-time, year-round jobs. The more than 10 million acres of woodlands held in trust for Indians provide habitats for fish, animals, and plants, protect water, and provide fuel, foods, and medicines for tribal communities.

Tribes are increasingly involved in the administration and management of forest resources. Commercial forestry on tribal lands is a key economic driver on over 103 reservations and the surrounding communities across 23 states. For example, some of the larger forested tribes operate the only sawmills in their region and are major employers of not only their own people, but of the non-Native residents who live in or near their communities. Additionally, several timber tribes are engaging in biomass projects to generate renewable energy and jobs for tribal people and the surrounding community.

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

**Key Recommendations**

**DEPARTMENT OF THE INTERIOR**

**Interior - Environment Appropriations Bill**

**BIA Aid to Tribal Government**

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

**BIA FORESTRY**

- Add $20 million to BIA Forestry Projects for continued post-fire recovery and rehabilitation activities on Indian trust land. Making the addition to BIA Forestry Projects rather than the DOI Office of Wildland Fire Management will simplify and speed delivery of funds to on-the-ground projects. The post-fire recovery and rehabilitation funding should be continued annually through FY 2020 to provide for longer-term activities such as replanting and habitat restoration.

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

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

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

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

Even with the funding and staffing shortfalls, IFMAT III shows the resiliency of tribes to operate innovative and efficient forestry programs. By combining sound business practices, traditional ecological knowledge, modern techniques, and an inherent respect for the land, many tribes engage in superb sustainable forestry management practices that are recognized nationally and internationally as innovative models. Indian trust forests are significantly more productive than U.S. Forest Service forests, generating on a per-acre basis about 250 percent of the harvest of comparable federal forest lands. These tribal achievements and initiatives demonstrate high return on federal dollars, which tribes accomplish in profoundly inequitable circumstances. In an era where federal funding commitments must demonstrate high return and accountability for administering trust programs, tribal forests and their management are strong, essential investments.

**OFFICE OF WILDLAND FIRE**

- In Preparedness, maintain separate funding for tribal Contract Support Costs, with directions that DOI office and agencies be transparent and consult with tribes on getting CSCs to the tribes.

- Increase Fuels Management funding to $206 million, the amount provided in FY 2010, and directing the funds be eligible to address burned and down Indian trust timber that could re-burn in subsequent fires and undo land recovery and replanting efforts. Addressing fuels issues before forests burn is more environmentally effective and cost efficient than waiting for wildland fire to strike and then paying suppression costs.

- In Fuels Management, allow funds for Reserved Treaty Rights Lands to be used on tribal lands. Intended to benefit tribes, these funds should be eligible for on-reservation use as well as within treaty ceded areas.

- Support continuation of the $30 million Resilient Landscape initiative, to conduct fuels and forest health projects in the deeper forest beyond the Wildland-Urban Interface, which currently absorbs most federal forest fuels and health treatment funding.

- Support disaster fire funding legislation that treats wildfires like other natural disasters and emergencies to ensure federal funding.

Due to a number of factors including a history of natural fire suppression, diminished active management of forests and climate change, wildland fires on federal lands are significantly increasing in size, intensity and cost. For example, in 2017 9.8 million acres burned nationwide. Appropriated sums are often insufficient to cover these large and unpredictable costs. As a result, fire suppression funds must often be “borrowed” from regular federal forest management programs. NCAI applauds Congress’ action to end fire borrowing and will monitor the new funding system’s impact on tribal lands and fires.
U.S. DEPARTMENT OF AGRICULTURE
Interior-Environment Appropriations Bill
U.S. Forest Service

• Make USFS implementation of the Tribal Forest Protection Act a priority.
• Fully implement new congressional authorities for Good Neighbor and tribal biomass.

Tribal forests and forestry programs are working to embrace forest resource management on a more comprehensive scale. Tribal forests share thousands of miles of common boundaries with the U.S. Forest Service, in addition to extensive borders and watersheds with other forest owners and operators. Tribes developed and are leading Anchor Forest pilot projects in Washington.

Tribes 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 (TFPA). Individual TFPA projects and Anchor Forest involve non-tribal neighboring forests, and implementation relies largely upon support from sources other than BIA. BIA has contributed to these initiatives where and when it can, but with severe and chronic underfunding already constraining BIA Forestry on trust lands, other federal agencies with lands involved in TFPA need to better honor their own trust obligations with improved support of and engagement in TFPA projects.

Last year, Congress enacted several laws that recognize tribes’ proven ability to improve forest health across landscapes. The Farm Bill (P.L. 115-334) created a pilot program for USDA and DOI to use 638 contracting authority with tribes to implement the TFPA. The bill also gave tribes parity with states in using Good Neighbor Authority with the U.S. Forest Service. The Indian Tribal Energy Development and Self-Determination Act Amendments (P.L. 115-325) created a tribal forest biomass demonstration program that requires federal land management agencies to work with tribes to produce forest biomass. All of these new authorities will give tribes new tools to improve the health of federal forestlands where tribes have treaty, historic and cultural interests.

NCAI requests that Congress use report language in the FY2020 appropriations bills to encourage the Forest Service and Bureau of Land Management to work with the BIA and tribes to quickly implement these new authorities and get projects accomplished on the ground.
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. As part of a nation-wide commitment to a diversified approach to energy development, energy infrastructure is integral to many tribes’ 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 tribes 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 tribes and individual Indian resource owners. This sector of tribal development continues to grow. While tribes are becoming serious contributors to the nation’s energy future, there is also a great demand for funding for energy programs that service Indian Country, particularly in areas where the cost of energy is 275 percent or higher than the national average.

Even with substantial potential, there are very few commercial-scale energy projects operating in Indian Country. Tribes boast nearly a quarter of the nation’s on-shore oil and gas reserves and developable resources and one-third of the nation’s western low-sulfur coal. Indian tribes and communities face many of the same challenges in developing their energy resources and infrastructure that state, local governments, and other non-Indian communities face. They also face additional challenges—including special laws, regulations, and policies that are completely unique to Indian Country and often to a specific tribe. Additionally, many tribes are beginning from square-one in terms of developing adequate physical infrastructure, access to capital, and workforce training and development needs. Given the historic, social, and economic impediments tribal governments, their representatives, and citizens face, and the relatively short time tribes have been involved in energy development, their successes are clear indicators of future potential.

Investing in and empowering tribes provides strong returns and outcomes for tribes and for rural communities. Within the last decade, the Department of Energy (DOE) has deployed 43 energy programs in Indian Country valued at over $70 million. This investment is already paying significant dividends. For every $1 invested by DOE, tribes save $7.22. These savings total over $500 million, the equivalent of creating 13,700 jobs. Further, these projects reduced the demand on diesel fuel in rural areas, saving each rural household $240. Additionally, over 2,500 tribal buildings and 29,000 tribal citizens had their electric bills reduced by 58 percent. There is also a great demand for funding for energy programs that service Indian Country, particularly in areas where the cost of energy is 275 percent or higher than the national average.

In addition, 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. Tribes 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 requirements that burden tribes. 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 in addition to existing liaison employees within DOE.

This FY 2020 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 governments. Continued development of a myriad of tribal energy resources will contribute significantly to national energy security, clean energy development to reduce greenhouse gas emissions; as well as tribal economic development and job creation.

**Key Recommendations**

**DEPARTMENT OF THE INTERIOR**

**Interior - Environment Appropriations Bill**

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

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

The Energy Policy Act of 2005 authorizes the Secretary of the Interior to provide assistance to tribes for use in developing and sustaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues. In FY 2016, OIEED received 32 grant applications requesting more than $7 million in funding under this program and awarded $1.4 million to fund 16 projects.

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

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Labor, HHS, Education Appropriations Bill**

**Low Income Home Energy Assistance Program (LIHEAP)**

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

LIHEAP is intended to assure that low-income families will not be forced to choose between food and heat. With high unemployment and long-standing barriers to economic development, much of Indian Country cannot afford the rising costs of heat and power. Alaska Native villages are experiencing some of the highest costs for energy with fuel prices, recently reaching over $7 per gallon. In FY 2018, LIHEAP was appropriated $3.64 billion total, with $40.09 million allocated to tribes and tribal organizations. This funding is well below the FY 2011 levels of $4.7 billion, with $51 million to tribes. Full funding is crucial to address the extreme need for heating assistance in Indian Country. Accordingly, funding for FY 2020 should be $51 million for tribes.
DEPARTMENT OF ENERGY
Energy and Water Development Appropriations Bill
Office of Indian Energy Policy and Programs (IE)

• **Provide $30 million for DOE Office of Indian Energy (IE) Policy and Programs.**

The Energy Policy Act of 2005 established the Office of Indian Energy and Policy Programs. Since its inception, the Office of Energy Indian has established new programs and aligned efforts across DOE in close consultation with tribes and in response to priorities identified by tribes and the DOE Indian Energy Working Group. The Office of Indian Energy provides technical assistance, direct and remote education, policy research and analysis, and financial assistance to Indian tribes, Alaska Native Village and Regional corporations, and Tribal Energy Resource Development Organizations. The resources the Office of Indian Energy provides assists tribes with many aspects of energy development, including planning, project development, transmission interconnection, utility formation, and intertribal coordination. Providing $30 million in funding to the Office of Indian Energy for FY 2020 will help tribes overcome the unique obstacles that hinder energy development in Indian Country.

DEPARTMENT OF ENERGY
Energy and Water Development Appropriations Bill
Office of Indian Energy Policy and Programs (IE)

• **Provide $2 billion loan authorization together with $2 million in administrative funding for the Tribal Loan Guarantee Program.**

The Energy Policy Act of 2005 (Section 2602(c)) authorized DOE to establish a Tribal Loan Guarantee Program (TELGP) and to create related loan guarantee regulations. FY 2017 appropriations provided $9 million dollars to establish the program with $8.5 million for the credit subsidy cost and $500,000 for administrative expenses. FY 2018 appropriations provided $1 million to the program. 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. Tribes continue to urge Congress to fund the program at the full authorization level of $2 billion. Additionally, appropriations language should not impose stricter limits on the use of program resources than those included in the Energy Policy Act of 2005.
Housing infrastructure in Indian Country still lags behind than the rest of the country. Tribal governments are still struggling to reduce overcrowding and the long waitlist for housing. The Native American Housing Assistance and Self-Determination Act (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—resulting in tens of thousands more housing units being constructed, as well as increased tribal capacity to address related infrastructure and economic development challenges.

Funding is vital for the Indian Housing Block Grant; Indian Community Development Block Grant; Sections 184 and 184A Guaranteed Loan Program; Title VI Guaranteed Loan Program; NAHASDA’s Training and Technical Assistance Funding; and Title VIII Housing Assistance for Native Hawaiians.

Over 70 percent of existing housing stock in tribal communities is in need of upgrades and repairs, many of them extensive. A fast growing population in tribal communities will intensify existing housing needs. For example, from 2000 to 2010, the population of American Indians/Alaska Natives rose 18 percent, which is almost twice the population growth rate of the U.S. population in general. Poverty and unemployment rates remain consistently higher in Indian Country than the American population in general.

Other federal programs outside of the Department of Housing and Urban Development also address housing issues for tribal nations. These include the 502 direct home loan program in the Department of Agriculture, the Housing Improvement Program in the Department of the Interior, and the Native American Direct Home Loan Program in the Department of Veterans Affairs.

Key Recommendations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Transportation, HUD Appropriations Bill

- Fund the Indian Housing Block Grant (IHBG) at $932 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 governments and 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.

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

- **Fund the Indian Community Development Block Grant (ICDBG) at not less than $100 million.**

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

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

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

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

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

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

The Section 184 Loan 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 or tribal 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 $7 million.**

The HUD-VASH program is a successful program combating veterans’ homelessness; however, it does not provide direct funding opportunities for Native veterans. Tribal nations should have the same opportunity afforded to other local governments in providing affordable housing for its veterans.

In FY 2015, Congress appropriated funding for a tribal HUD-VASH demonstration project to address at-risk and homeless Native veterans on tribal lands. This funding was the first time tribal nations and tribal veterans organizations could apply for HUD-VASH funding. Funding has decreased for the Tribal HUD-VASH program from $7 million to $5 million in FY 2019. Funding should be restored to $7 million.
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 also includes developing model policies, which saves tribal nations tens of thousands of dollars each year by sharing information about successful efforts undertaken by other tribes.

Each year, hundreds of tribal housing professionals attend training courses to enhance their management skills and broaden their knowledge of tribal housing operations and management. Over 14,400 housing 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 demonstration relending program for Indian Country.**

Rural Development has limited staff resources to provide Single Family Housing direct loans on tribal land. In FY 2016, of the 7,113 direct loans made nationally by Rural Development, only 12 of them were to American Indians or Alaska Natives on tribal land. Native Community Development Financial Institutions (CDFIs) have experience operating on tribal land. In addition, they provide extensive financial and homebuyer education to help their clients become self-sufficient, private homeowners. The proposed demonstration relending program would increase the flow of mortgage capital to Indian Country by allowing Native CDFIs to be eligible borrowers under the 502 Direct Loan Program and enabling them to relend to eligible families for the construction, acquisition, and rehabilitation of affordable housing.

DEPARTMENT OF THE INTERIOR
Interior – Environment Appropriations Bill

**Bureau of Indian Affairs**

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

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

- Fund the Native Hawaiian Housing Block Grant at $20 million and maintain funding for the Section 184A Loan Guarantee at $1,000,000.

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

DEPARTMENT OF VETERANS AFFAIRS
Military Construction, Veterans Affairs, and Related Agencies Appropriations Bill
Veterans Benefit Administration

- Authorize the Secretary of Veterans Affairs (VA) to designate $1 million of the VA Department’s program income generated from VA funding fee proceeds to compensate third parties to provide loan packaging and homebuyer education to Native American veteran homebuyers.

- Authorize the VA Secretary to designate $10 million of existing program allocation from the VA’s 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 Native American Direct Loan program and reblend to qualified Native American veterans.

The Native American Direct Loan program is a home loan program authorized by 38 U.S.C. chapter 37, section 3761 to provide direct loans to Native American veterans living on trust lands. The loans are available to purchase, construct, or improve homes to be occupied as veteran residences, or to refinance a loan previously made under this program to lower the interest rate. The program began as a pilot program in 1993 and was made permanent by Public Law 109-233, the Veterans Housing Opportunity and Benefits Act of 2006.

However, the Department of Veterans Affairs lacks adequate staff and resources to provide the required level of technical assistance to help qualified Native American veterans to fully access this VA benefit. By providing the appropriate authority to access a budget-neutral source of funding, the Secretary of Veterans Affairs can follow the practice of other federal 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, 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 American veteran homebuyers.
Transportation

The economy in Indian Country is 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 infrastructure and facilities that are used by tribal citizens and nontribal citizens alike. Investment in tribal transportation infrastructure improves public safety and commerce at the tribal, federal, state, and local levels.

The most recent National Tribal Transportation Facility Inventory (NTTFI) reports there are approximately 161,000 miles of roads and trails in Indian Country eligible for federal funding. Of those, Indian tribes own and maintain 13,650 miles of roads and trails, of which only 1,000 (or 7.3 percent) are paved, and 12,650 miles are gravel, earth, or primitive. Of the 29,400 miles owned and maintained by the BIA, 75 percent are gravel, earth, or primitive. All combined, the 42,000 miles of roads are still among the most underdeveloped, unsafe, and poorly maintained road networks in the nation, even though they are the primary means of access to American Indian and Alaska Native communities by Native and non-Native residents and visitors alike.

Another federal transportation program that is vital to infrastructure in Indian Country is the BIA Road Maintenance Program, which is funded 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 $30 million in FY 2018, while deferred maintenance has risen to $498 million for FY 2018. The condition of these roads is increasingly concerning for tribal citizens and all surrounding communities. The lack of sufficient transportation infrastructure also hampers economic development opportunities for tribal nations and their citizens. The integrity of the transportation infrastructure systems in Indian County includes not only TTP and Tribal Transit Programs but it also includes BIA-owned roads and facilities that have a direct impact on tribal and surrounding non-tribal communities.

According to a recent GAO Report published in May 2017, "Better Data Could Improve Road Management and Inform Indian Student Attendance Strategies" the BIA did not provide adequate documents on road maintenance and no process exists for tribal nations to properly report on road maintenance. The BIA conducted a road maintenance survey, which found that the cost of road maintenance more than doubled the allocated amount of funding for proper maintenance in FY 2018 and that deferred maintenance had risen to $498 million. Further data on road maintenance is needed to adequately address the deferred maintenance of roads throughout Indian Country.
It is imperative federal funding levels for the Tribal Transportation Program (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 (TTP)

*Provide $505 million for the Tribal Transportation Program.*

The Tribal Transportation Program 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. The Tribal Transportation Program is funded from the Highway Trust Fund and allocated through a statutory formula.

**DEPARTMENT OF TRANSPORTATION**
Transportation, HUD Appropriations Bill
Tribal Technical Assistance Programs

*Provide $5 million for Tribal Technical Assistance Programs.*

The Tribal Technical Assistance Program (TTAP) is the only program providing technical assistance and training for tribal nations to build capacity through training and technical assistance from experts who oversee and construct highways and roads in tribal communities. In fall 2016, the Federal Highway Administration (FHWA) announced the restructuring of the TTAP, and eliminated the seven TTAPs around the country that served all 573 federally-recognized tribal nations. In December 2017, the 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 has proceeded without proper tribal consultation. NCAI is deeply concerned about the restructuring of TTAP without tribal input. NCAI requests a $5 million increase to TTAP funding, in order to improve technical expertise for tribal transportation officials and to ensure proper tribal consultation is carried out by FHWA regarding the restructuring of the TTAP.

**DEPARTMENT OF TRANSPORTATION**
Transportation, Housing and Urban Development Appropriations Bill
Tribal Transit Program

*Provide $35 million for the Tribal Transit Program.*

The Public Transportation on Indian Reservations (5311(c)) (also known as Tribal Transit Program), is a program that enables tribal nations to use the funding for capital, operating, planning, and administrative expenses for public transit projects to meet the needs of public transportation in rural tribal communities. This program continues to be a successful program for tribal governments.
DEPARTMENT OF TRANSPORTATION
Transportation, Housing and Urban Development Appropriations Bill
Tribal High Priority Projects Program
• **Fund the Tribal High Priority Projects Program at $30 million.**

In the Fixing America’s Surface Transportation (FAST) Act, P.L. 114-94, the Tribal High Priority Projects Program (THPP) was not authorized. This very critical program is needed for the safety and welfare of tribal and surrounding non-tribal communities. The THPP program is crucial for tribal nations to support completion of their highest 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 $50 million for the BIA Road Maintenance Program.**

Currently, BIA has a deferred maintenance backlog to maintain BIA-owned roads and bridges to an adequate standard. As part of a recent survey conducted by the BIA, the deferred maintenance backlog throughout Indian Country is estimated in excess of $490 million. For FY 2018, $34.6 million was appropriated for BIA roads maintenance, and has remained steadily around this amount for prior fiscal years, while maintenance need continues increase. The relatively high inflation of construction costs has diminished the purchasing power of these inadequate funds even further. Increased funding for the BIA Road Maintenance program is needed in order to begin to address public safety and commercial activity concerns that affect all Americans. NCAI requests $50 million to begin to address the deferred roads maintenance need in Indian Country.
Historic & Cultural Preservation

Preserving the history and traditions of American Indians and Alaska Natives is necessary to preserving America’s history as a whole. Federal funding to support the repatriation of sacred objects and ancestors, for the preservation of cultures, and for the protection of sacred and historical places continues to remain a paramount priority for tribes. The protection of Native cultures spans across complex statutory and regulatory aspects of the federal government. Success in navigating these complex structures has resulted in the repatriation of cultural items, guidance regarding tribal member possession of eagle feathers, and protection of and increased tribal access to sacred places for religious and spiritual purposes.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill
Tribal Historic Preservation Officer Program

- Provide $20 million for the Tribal Historic Preservation Officer Program.

Now in its twenty-third year of existence, the Tribal Historic Preservation Office (THPO) program has grown from 12 participating Indian tribes to more than 183 tribal programs today. Tribal Historic Preservation Officers (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 tribes. They are active in recording oral histories, preserving and revitalizing Native languages, seeking the return of Native American 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 longevity of tribal sacred places, objects, and ideas.

Authorizing $20 million specifically for THPOs will ensure that grants from the Historic Preservation Fund keep pace with the cultural preservation needs of the country’s 573 federally-recognized tribes. This amount would provide $109,289.62 to each tribal historic preservation office. This represents a modest increase in funding that nevertheless falls short of the actual needs. As illustrated in the graph below, the average grant funds awarded have not kept pace with the increasing number of and need for Tribal Historic Preservation Officers.
DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill
Native American Graves Protection and Repatriation Act (NAGPRA)

• Provide $4 million for Section 10 of NAGPRA and create a line item for grants to fund work that would lead to cleared determinations of culturally-unidentifiable remains.

The NAGPRA Section 10 program authorizes the Secretary of the Interior to award funds to tribes, Native Hawaiian Organizations, and museums to implement provisions of the Act, including the repatriation of cultural items and human remains. To date, a majority of Section 10 funds have consistently been used to cover NAGPRA administrative costs under the National Park Service. This practice has diverted critical funds from tribes 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 tribes. Additionally, a separate line item should be created to fund work with culturally-unidentifiable remains to further support tribal repatriation efforts. Because ancestral remains or items are 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. The National Park Service should restore funding for grants and staff in the NAGPRA program.

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

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


4. Ibid


17. U.S. Global Change Research Program, *Climate Change Impacts in the U. S.*


19. U.S. Global Change Research Program, *Climate Change Impacts in the U.S.*

20. *Fourth National Climate Assessment*.

21. U.S. Global Change Research Program, *Climate Change Impacts in the U.S.*

22. *Fourth National Climate Assessment*.

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


27. The Native median age on reservations is 29.1 years compared to the U.S. median age of 37.8 years. ”Median Age by Sex (American Indian and Alaska Native).” U.S. Census Bureau, retrieved 2017, available at: https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15_1YR/B01002C/0100000US01000089US.

28. 2012-2016 5-year ACS estimates by land area


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


44. Ibid, p. 15.


65. U.S. Commission on Civil Rights.


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


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

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


infra-task-force-progress.pdf.
Acknowledgements

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American Indian Higher Education Consortium
Bureau of Indian Affairs Self-Governance Advisory Committee
Columbia River Inter-Tribal Fish Commission
Consortia of Administrators for Native American Rehabilitation
Environmental Protection Agency National Tribal Operations Committee
Exchange Network Tribal Governance Group
Indian Health Service Tribal Self-Governance Advisory Committee
Intertribal Agriculture Council
Intertribal Timber Council
National American Indian Court Judges Association
National American Indian Housing Council
National Association of Indian Legal Services
National Association of Tribal Historic Preservation Officers
National Center for American Indian Enterprise Development
National Council of Urban Indian Health
National Indian Child Welfare Association
National Indian 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