



NATIONAL CONGRESS OF AMERICAN INDIANS

U.S. House of Representatives Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies

April 3, 2014

On behalf of the National Congress of American Indians (NCAI), we thank you for holding this important hearing on the President's Fiscal Year (FY) 2015 Budget for Native American programs. NCAI is the oldest and largest American Indian organization in the United States. Tribal leaders created NCAI in 1944 as a response to termination and assimilation policies that threatened the existence of American Indian and Alaska Native tribes. As the most representative organization of American Indian and Alaska Native tribes, NCAI serves the broad interests of tribal governments across the nation. As Congress considers the FY 2015 budget and beyond, leaders of tribal nations call on decision-makers to ensure that the promises made to Indian Country are honored in the federal budget.

Introduction

Annual funding decisions by Congress are an expression of our nation's moral priorities. Numerous treaties, statutes, and court decisions have created a fundamental contract between tribal nations and the United States: tribes ceded millions of acres of land that made the United States what it is today, and in return tribes have the right of continued self-government and the right to exist as distinct peoples on their own lands. And for its part, the United States has assumed a trust responsibility to protect these rights and to fulfill its solemn commitments to Indian tribes and their members. Part of this trust responsibility includes basic governmental services in Indian Country, funding for which is appropriated in the discretionary portion of the federal budget. The federal budget for tribal governmental services reflects the extent to which the United States honors its promises to Indian people.

NCAI includes recommendations for Interior bureaus, the Indian Health Service, and the Environmental Protection Agency, but the FY 2015 Indian Country Budget Request¹ includes many more specific recommendations and we urge this subcommittee to use it as a resource during this appropriations cycle. NCAI also supports the testimony of the National Indian Health Board, National Indian Child Welfare Association, National Indian Education Association, and American Indian Higher Education Consortium.

Department of the Interior, Bureau of Indian Affairs (BIA)

The FY 2015 budget request for the Operation of Indian Programs account is \$2.4 billion, an increase of \$33.8 million, or 1.4 percent, above the FY 2014 enacted level. The FY 2015 budget request for the Construction account is \$109.9 million; a decrease of \$216,000 below the FY2014 enacted level.

¹ National Congress of American Indians. (January 2014). Fiscal year 2015 Indian Country Budget Requests: An honorable budget for Indian country. Washington, DC: Author.

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The FY 2015 budget proposes a total of \$922.6 million in Tribal Priority Allocations, an increase of \$19.3 million over the FY 2014 level, a 2 percent increase.

The budget request for contract support is \$251 million; including funding for the Indian Self-Determination Fund, an increase of \$4 million above the FY 2014 enacted level. The requested amount will fully fund estimated FY 2015 contract support costs, according to BIA based on the most recent analysis. NCAI commends the Administration for requesting full funding for Contract Support Costs in FY 2015. NCAI recommends that the Tribal Grant Support Costs for tribally controlled schools and residential facilities should also be fully funded. Tribal Grant Support Costs (formerly referred to as Administrative Cost Grants) funding is provided to the schools to cover administrative and indirect costs incurred in operating contract and grant schools. In SY 2012-2013, tribally controlled grant schools received an estimated 64 percent of the grant support funding needed as defined by the administrative cost grants formula.

Major Initiatives

The Tiwahe (Family) Initiative would provide an additional \$11.6 million to expand Indian Affairs' capacity to address Indian child and family welfare and job training issues and implement processes to better sustain Indian families. Increases include: \$10 million to build on social services and Indian child welfare programs that provide culturally-appropriate services toward health promotion, family stability, and strengthening tribal communities; \$550,000 to expand job placement and training programs; BIA law enforcement would begin a pilot program to implement a strategy for alternatives to incarceration and increased treatment; \$1 million to develop and institutionalize a program for evaluating social service and community development needs and to inform programmatic design, evaluation, management, and budgeting.

Tribal leaders through the Tribal Interior Budget Council have repeatedly called for increases to Social services and Indian Child Welfare Act (ICWA) funding. NCAI also supports increases to these two activities. ICWA was enacted in 1978 in response to the troubling practices of public and private child welfare agencies that were systematically removing American Indian and Alaska Native children from their homes, communities, and culture, and placing them in non-Indian foster and adoptive homes. The Act not only provides protections for Native children in state child welfare and judicial systems but recognizes the sovereign right of tribes to care for their children. The crippling of Native economies before the Self-Determination Era left tribal citizens overwhelmingly impoverished, facing high unemployment compared to non-Native people, and with few economic opportunities. 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. This, coupled with the recent economic down turn, makes the Social Service program an essential yet underfunded part of anti-poverty programming on reservations nationwide. For these reasons, NCAI supports the increase BIA Social Services.

Education increases include: \$500,000 for Johnson O'Malley education assistance grants to support a new student count in 2015 and provides funding for the projected increase in the number of students eligible for grants; \$1 million to support the ongoing evaluation of the BIE

school system. NCAI also recommends \$263.4 million for School Construction and Repair, \$73 million For Tribal Grant Support Costs; \$431 million for Indian School Equalization Program Formula Funds; \$73 million for Indian student transportation; and \$42 million for Johnson O'Malley funding (justification is included in the FY 2015 Indian Country Budget).

Public Safety: Indian Country has long struggled with high crime victimization rates. Violent crimes impose economic costs on the victims and their families, in the form of medical and other expenses and the loss of earnings. Areas with high crime also experience reduced investment. Safe communities are necessary for economic development. Moreover, the Indian Law and Order Commission found that tribal nations throughout our country would benefit enormously if locally based and accountable law enforcement officers were staffed at levels comparable to similarly situated communities off-reservation. In 2010, DOI established a High Priority Performance Goal (HPPG) initiative to reduce violent crime by at least five percent over 24 months on four reservations that were experiencing high rates of violent crime. In FY 2010, all four locations received an increase in base funding to support additional sworn staff. The additional resources assisted in closing the staffing gap and bringing each location up to national sworn staffing levels as listed under the US Department of Justice Uniform Crime Report staffing averages. The effort resulted in a 35 percent decrease in violent crime across the four sites. The Indian Law and Order Commission report states, “[d]espite the current budget reality, the results of the HPPG Initiative should not be forgotten: parity in law enforcement services prevents crime and reduces violent crime rates.”² NCAI also recommends an increase for BIA Tribal Courts.

BIA Overall: NCAI appreciates recent support for some tribal programs over the last few years, especially for the Indian Health Service, contract support costs, and law enforcement. In the FY 2015 President’s Budget, DOI’s current appropriations would increase 2.6 percent, without BIA. For BIA to at least match the 2.6 percent increase over FY2014 for DOI’s current appropriation level would require an additional \$69.2 million. About 91 percent of the funding proposed that that would benefit Indian tribes in DOI is through BIA and OST and 9 percent of funds to tribes (excluding fire) are in other bureaus.

| Agency (Dollars in thousands) | 2015 Request | Tribes | % of Agency |
|--------------------------------------|---------------------|---------------|--------------------|
| US Geological Survey (USGS) | 1,073,268 | 7,600 | 0.7% |
| Fish & Wildlife Service (USFWS) | 1,476,202 | 10,700 | 0.7% |
| National Park Service (NPS) | 2,614,599 | 13,500 | 0.5% |
| Bureau of Land Management (BLM) | 1,113,542 | 16,900 | 1.5% |
| Dept. Wide Programs | 876,053 | 35,000 | 4.0% |
| Bureau of Reclamation (BOR) | 1,042,995 | 186,500 | 17.9% |

The other Interior agencies certainly provide assistance to Indian tribes. The President’s budget includes funds for tribes such other DOI budgets: 0.7 percent of the USGS budget, 0.7 percent

² Indian Law & Order Commission. (November 2013). *A roadmap for making Native America safer: Report to the President & Congress of the United States*, Executive Summary, p. xxx

of the USFWS budget, 0.5 percent of the NPS budget, and 18 percent of the BOR budget.³ NCAI appreciates that, for instance, USGS is increasingly engaging with tribes to develop climate adaptation programs and working to meet tribes' needs for scientific and planning information. The USFWS also is improving its work with tribes, such as with the North Pacific Landscape Conservation Cooperative (NPLCC). Increased tribal engagement is good, to the extent that non-BIA bureaus are assisting tribes, providing resources and upholding the federal trust responsibility.

But BIA provides the primary resources for carrying out the core governmental services to about 2 million American Indians and Alaska Natives. Funding for tribal capacity building is critical. Individual projects, such as the NPLCC, do not provide the long-term capability that tribes need to be able to address climate issues. The \$9.947 million in the BIA's budget for Cooperative Landscape Conservation does not go far for 566 federally recognized tribes. Even as other agencies work to improve meeting their obligations to tribes, NCAI urges Congress to ensure that the BIA budget can provide the resources that modern and sophisticated tribal governments require.

Indian Health Services

NCAI requests that for FY 2015, Congress truly restore the sequestration cuts remaining from FY 2013, and adjust for inflation and population growth. Though discretionary spending is not facing sequestration in FY 2015, NCAI urges this Subcommittee to continue to advocate for a permanent, full exemption from sequestration, as well as rescissions, for Tribal programs for FY 2016 and beyond. NCAI supports the recommendations of the Tribal Budget Formulation Workgroup for FY 2015 as well as the National Indian Health Board's testimony.

Environmental Protection Agency (EPA)

Tribal General Assistance Program (GAP) Grants: GAP would receive a \$31 million increase in base funding in the President's budget, which would increase the average size of grants made to eligible tribes while providing tribes with a stronger foundation to build tribal capacity; and further the EPA's partnership and collaboration with tribes to address a wider set of program responsibilities and challenges. As the largest single source of the EPA's funding to tribes, the Tribal GAP grants assist tribes to establish the capacity to implement programs to address environmental and public health issues in Indian Country. NCAI supports this proposed increase.

Conclusion

Thank you for this opportunity to share our concerns on programs that fulfill treaty and trust obligations in the Interior, Environment, and Related Agencies Appropriations bill. We look forward to working with this Subcommittee on a bipartisan basis once again this year.

³ Analysis of Appendix A of the FY 2015 Interior Budget in Brief, retrieved at <http://www.doi.gov/budget/appropriations/2015/highlights/upload/A001.pdf> and March 26 Testimony of Asst. Sec. Washburn before the Senate Committee on Indian Affairs, retrieved at <http://www.indian.senate.gov/sites/default/files/upload/files/032614%20Kevin%20Washburn%20FINAL.pdf>