

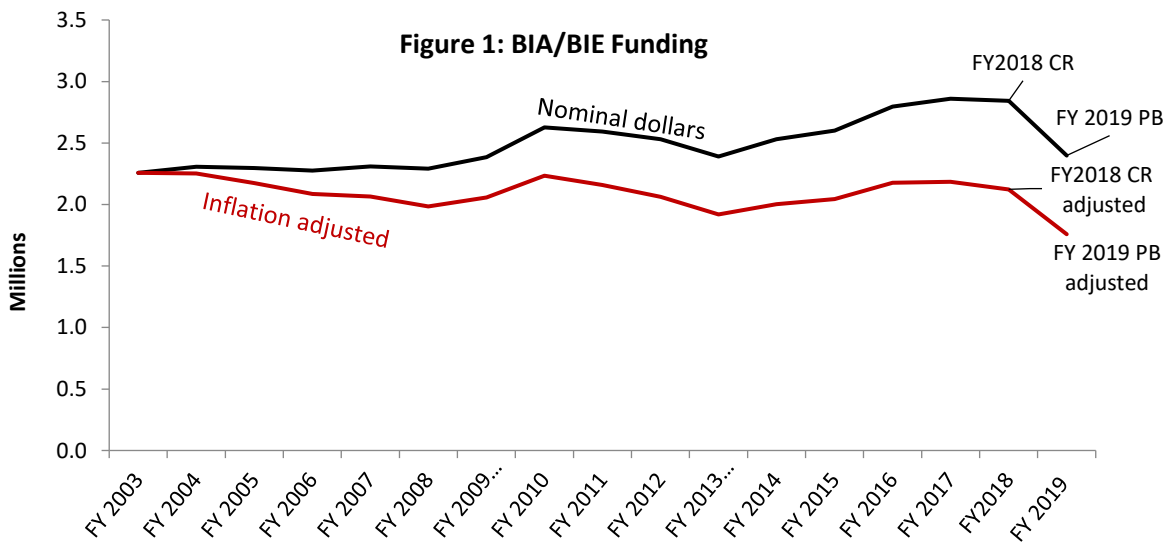
**Testimony to the House Appropriations Committee - Subcommittee on Interior,
Environment, and Related Agencies**

**Written Testimony of the National Congress of American Indians for Fiscal Year 2019
April 30, 2018**

On behalf of the National Congress of American Indians (NCAI), thank you for holding this American Indian and Alaska Native Public Witness Hearing. Tribes seek only those things promised to us and every citizen by the Constitution, and the solemn treaties and agreements reached between our tribal nations and the United States. At the founding, the United States dealt with our tribal governments as sovereign equals. In exchange for Federal protection and the promise of certain benefits our ancestors gave forever to the people of the United States title to the very soil of our beloved country. Many of the proposed deep reductions in the President’s Budget threaten to limit this protection and these benefits. The proposed budget cuts to tribal governmental services, if enacted, would represent a clear retreat from the federal commitments and treaty promises made to tribes. NCAI appreciates that the President’s budget is just the starting point and that Congress will have the final say. We in Indian Country have appreciated the fact that members of this subcommittee have worked to protect the federal trust and treaty obligations in the budget in a nonpartisan way. We urge Congress to restore the eliminations and reductions and build on the increases made in the FY 2018 Omnibus appropriations bill.

Bureau of Indian Affairs

The 2019 President’s budget for Indian Affairs is \$2.4 billion in current appropriations, a 15.6 percent decrease from the FY 2018 CR level. Nearly every line item in the BIA budget would see reductions in the FY 2019 budget request. The BIA’s budget provides funding for tribal base operations, including social services, education, road maintenance, water resources, forestry, law enforcement, tribal courts, and many other core governmental services.

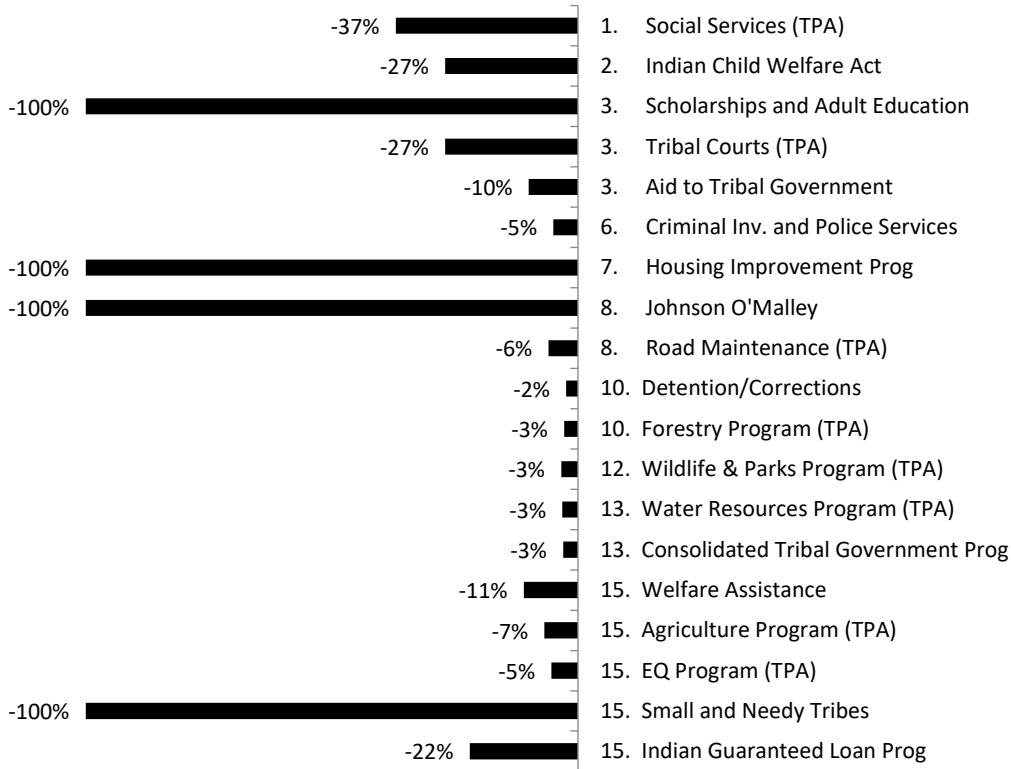


The proposed overall level for BIA/BIE would take funding in nominal dollars back to the FY 2013 sequestration levels. However, adjusted for inflation, the proposed funding is lower than any enacted amount going back to FY 2003, and 21 percent lower than the level in FY 2010.

NCAI urges Congress to reject the steep reductions in the BIA’s proposed budget and instead invest in the programs ranked as most in need of increases as a part of the FY 2019 tribal budget formulation process as described below.

Figure 2 shows the proposed decreases to the top preferred programs identified by tribes as part of the Tribal Interior Budget Council (TIBC).¹

Figure 2: PROPOSED DECREASES IN FY 2019 to TOP RANKED PROGRAMS



As part of the FY 2019 budget formulation process, tribes from each BIA region completed a survey to outline which 10 budget lines they would prefer to provide increased funding to and why. The results of this process show that BIA Social Services, Indian Child Welfare Act (ICWA), Scholarships and Adult Education, Tribal Courts, and Aid to Tribal Government made up the top five. Unfortunately, most of the programs identified by tribes as needing increases in FY 2019 would receive reductions in the FY 2019 President’s Budget Request.

Four programs in the top 15 identified by tribes were proposed to be eliminated in the President’s Budget: Scholarships and Adult Education, Housing Improvement Program, Johnson O’Malley Program, and Small and Needy Tribes.

Social Services and ICWA would be cut 37 percent and 27 percent respectively, both cuts disproportionately larger than the overall reduction for the Department of the Interior, which would see a reduction of 16.8 percent.

¹ Indian Affairs Fiscal Year 2019 Budget Formulation Guidelines, October 2016

For **Public Safety and Justice Programs**, Indian Country faces funding shortfalls in a number of areas while at the same time facing increased need due to a climbing trend in drug use. The BIA submitted a report to Congress in 2016 estimating that to provide a minimum base level of service to all federally-recognized tribes, \$1 billion is needed for tribal law enforcement, \$1 billion is needed for tribal courts, and \$222.8 million is needed to adequately fund existing detention centers. Based on recent appropriation levels, BIA is generally funding tribal law enforcement at about 20 percent of estimated need, tribal detention at about 40 percent of estimated need, and tribal courts at a dismal 3 percent of estimated need.

The BIA Office of Justice Services (OJS) reports that at the end of 2014 and into 2015, Indian Country faced a drastic increase in violent crime, partially due to a change in Uniform Crime Reporting (UCR) definitions, but also due to increasing drug trends.ⁱ Anytime the drug trend climbs, so does violent crime and property crime. In 2016 OJS had an increase in methamphetamine seizures of 106 percent over the year before and an increase of opioid seizures of 56 percent. With about 30 BIA criminal investigators nationwide to address that, the opioid and meth trends require a much higher level of staffing to adequately address the issue. NCAI recommends an increase in funding for BIA law enforcement and detention of \$353 million for FY 2019.

Similarly, **BIA Social Services** help to address the underlying conditions such as drug addiction, poverty, and violence that tend to create and perpetuate the circumstances that produce victims. Sub-activities include services in the areas of family and domestic violence, child abuse and neglect, and protective services. However, many tribes' Social Services departments are understaffed and experience high turnover rates. As an example, in FY 2017, Osage Nation case workers averaged 25-30 cases a month each. This exceeds the standard of one case worker for every 15 cases administered. A lack of increased yearly funding tends to hinder these protective services.

With **child welfare**, 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.ⁱⁱ ICWA funding is the foundation of most tribal child welfare programs. In order for AI/AN children and families to get the best possible services at home and in state systems and allow tribes to assist state agencies and courts, adequate funding must be provided to tribal governments to support their child welfare programs. At the time that ICWA was passed in 1978, Congress estimated that between \$26 million–\$62 million would be required to fully fund tribal child welfare programs on or near reservations.⁴⁵ Even after recent increases in FY 2015, current funding levels fall far short of this estimate—especially after adjusting for inflation.

The need for every other program listed in Figure 2 has similar levels of shortfall. NCAI urges Congress to invest in these areas as well as providing an overall increase to the BIA's budget to support the base budget for core tribal programs.

Indian Health Service

One agency that would receive increases in the President's budget is the Indian Health Service (IHS). Overall, IHS would receive \$5.4 billion, \$413 million over the FY 2018 CR (an 8 percent increase). Although the proposed increases are certainly welcome, it is important for context to note that the IHS Tribal Budget Formulation Workgroup recommended \$6.4 billion in FY19.

Additionally, the proposal would cut or eliminate several important programs at IHS. One such troubling proposal would be to move the Special Diabetes Program for Indians (SDPI) from mandatory to discretionary—meaning Congress would provide funding to SDPI through the annual appropriations process. This proposal moves in the opposite policy direction of what tribes have been calling for – to make the entire IHS budget mandatory instead of discretionary.ⁱⁱⁱ

While the opioid crisis is plaguing communities across the country, studies indicate that American Indians and Alaska Natives are impacted at a higher rate than other groups. According to the Centers for Disease Control, the drug overdose death rates for AI/ANs in nonmetropolitan areas increased by more than 500 percent between 1999 and 2015. In addition, pregnant AI/AN women are nearly 9 times more likely than others to be diagnosed with opioid dependency or abuse. The epidemic has even led several tribal communities to declare public health emergencies.

The President's Budget includes \$10 billion to combat the opioid epidemic. IHS would receive \$150 million "to provide multi-year competitive grants based on need for opioid abuse prevention, treatment, and recovery support in Indian Country."^{iv} NCAI considers competitive grants as not the best way to administer this funding. NCAI strongly encourages Congress to allocate funding directly to tribal communities in order to address this crisis in a flexible and culturally relevant manner.

Environmental Protection Agency

NCAI requests funding for the Tribal General Assistance Program at \$99.5 million. 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. GAP funding is particularly critical to Alaska Native villages, where it provides 99 percent of the overall funding to address their often dire needs. GAP funding has not kept pace with the growth of tribal environmental programs over the years: the average cost for tribes to sustain a basic environmental program was set at \$110,000 per tribe in 1999, but tribal demand for implementation across various media includes the need to establish climate change plans. A \$175,000 per tribe distribution, totaling \$99.5 million, reflects an equitable adjustment.

Conclusion

We look forward to working with this subcommittee on a nonpartisan basis to protect the federal trust and treaty obligations in the budget. Thank you for your consideration of this testimony.

ⁱ Bureau of Indian Affairs, Office of Justice Services, Nov. 8-9, 2017 to the Tribal Interior Budget Council

ⁱⁱ Stoltzfus, E. (2014). Child welfare: An overview of federal programs and their current funding. CRS

ⁱⁱⁱ NCAI Resolution MKE-17-011, Reclassification of IHS Budget to Mandatory Spending Program

^{iv} U.S. Department of Health and Human Services FY 2019 Budget in Brief