



NATIONAL CONGRESS OF AMERICAN INDIANS

U.S. Senate Committee on Indian Affairs Oversight Hearing on the President's FY2017 Indian Country Budget Recording Secretary Aaron Payment, National Congress of American Indians March 9, 2016

EXECUTIVE COMMITTEE

PRESIDENT
Brian Cladoosby
Swinomish Tribe

FIRST VICE-PRESIDENT
Fawn Sharp
Quinault Indian Nation

RECORDING SECRETARY
Aaron Payment
*Sault Ste. Marie Tribe of Chippewa
Indians of Michigan*

TREASURER
W. Ron Allen
Jamestown S'Klallam Tribe

REGIONAL VICE-PRESIDENTS

ALASKA
Jerry Isaac
Native Village of Tanacross

EASTERN OKLAHOMA
Joe Byrd
Cherokee Nation

GREAT PLAINS
Leander McDonald
Spirit Lake Nation

MIDWEST
Roger Rader
Pokagon Band of Potawatomi

NORTHEAST
Lance Gumbs
Shinnecock Indian Nation

NORTHWEST
Mel Sheldon, Jr.
Tulalip Tribes

PACIFIC
Jack Potter, Jr.
Redding Rancheria

ROCKY MOUNTAIN
Darrin Old Coyote
Crow Nation

SOUTHEAST
Larry Townsend
Lumbee Tribe

SOUTHERN PLAINS
Liana Onnen
Prairie Band of Potawatomi Nation

SOUTHWEST
Joe Garcia
Ohkay Owingeh Pueblo

WESTERN
Bruce Ignacio
Ute Indian Tribe

EXECUTIVE DIRECTOR
Jacqueline Pata
Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

Introduction

On behalf of the National Congress of American Indians (NCAI), I'd like to thank you for holding this important hearing on the President's Fiscal Year 2017 Indian Country Budget. 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. Since then, NCAI has fought to preserve the treaty rights and sovereign status of tribal governments, while also ensuring that Native people may fully participate in the political system. 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 2017 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.

Due to fluctuations in federal funding and the uncertain budget process, many tribes have faced continued emergencies in meeting the public service needs of their citizens.ⁱ Effective tribal governments that can meet the essential needs of their citizens require the fulfillment of the federal trust responsibility and respect for tribal self-determination. This testimony calls for equitable funding for tribal governments across the board, and then addresses specific proposals in the Administration's FY 2017 budget, including the Bureau of Indian Affairs, natural resources and environment, health care, human services, and public safety and justice; however, NCAI, in collaboration with national, regional and issue specific tribal organizations, has developed comprehensive recommendations included in the FY 2017 Indian Country Budget Request, and we request for the document to be entered into the record.ⁱⁱ

Overall, we appreciate the cross-agency coordinated aspect of this budget and encourage Congress to see the trust responsibility upheld across departments. We also support efforts to address interrelated issues when possible. For instance, the Tiwahe initiative is a holistic approach to addressing family and community well-being. We have to tackle the inter-related problems of poverty, violence, substance abuse, and unemployment in Indian Country. We have seen tremendous progress in the last few years with Congress's support for Indian Country and self-determination in the Federal budget. The Omnibus included substantial increases for BIA, BIE, IHS, and other core tribal government programs and we are hopeful that the FY 2017 budget will build on the investments made in Indian Country in the Omnibus.

Remember the Promises

The relationship between tribal nations and the federal government is unique and founded on mutual promises. The obligations to tribes and their citizens funded in the federal budget reflect the trust responsibility. This solemn commitment is the result of treaties negotiated and agreements made between Indian tribes and the United States in exchange for land and resources. The trust responsibility commits the federal government to the protection of Indian lands; protection of tribal self-governance; and, provision of social, medical, and educational services for tribal citizens.

The authority to fund programs that fulfill this responsibility is founded in the Constitution. In the course of American history, Indian tribes lost millions of acres of land through treaties and agreements, causing devastating losses through displacement and disruption of culture and religion. Tribal nations, however, continue to remember their treaties and agreements that made the United States what it is today. Moreover, tribes continue to defend their treaty-guaranteed rights and assert their powers of government, which emanate from the U.S. Constitution, treaties, acts of Congress, and presidential executive orders.

Respect for Tribal Governments

As a part of tribes' responsibility to their people, tribal governments provide a range of governmental services on tribal lands, including education, law enforcement, judicial systems, health care, environmental protection, natural resource management, and basic infrastructure such as housing, roads, bridges, sewers, public buildings, telecommunications, broadband and electrical services, and solid waste treatment and disposal. Tribes are assuming greater levels of government responsibility to meet their citizens' needs in culturally appropriate ways, but receive exceptionally inadequate federal funding for roads, schools, police and public services promised by treaty and the federal trust responsibility. A growing body of literature indicates that sound governance institutions are critical to improved tribal economies, and a lack of federal funding of trust and treaty obligations undermines the progress made in the Indian Self-Determination era.ⁱⁱⁱ

After federal policies, such as removal, relocation, forced assimilation, allotment, and termination, the continuing viability of tribal cultures and governments reflects the determination of Indian tribes to endure as distinct peoples. Indeed, understanding the role of tribes as governing entities is central to understanding the resilience of Indian Country and Native people today. Efforts to disband and assimilate tribes have drawn on the view of American Indians/Alaska Natives as ethnic or racial groups, as opposed to self-governing entities. In addition to military efforts against Native people, many iterations of federal policy attempted to destroy traditional tribal governments and eliminate tribal culture, most recently during the Indian termination era of the 1950s. Despite such efforts, hundreds of tribes remain and millions of American Indian/Alaska Native people survived, carrying the cultures and lifeways of their forebears, even if some wounds remain to heal.

Importance of Federal Treaty and Trust Obligations to Tribal Governments

Tribes' abilities to govern effectively remain a defining challenge for the revitalization of Indian Country. Indian Country continues to face tremendous economic need, the result of adverse policies, which affects not only employment, income, and poverty, but also the ability of tribes to raise revenues to finance their government services.

Many tribal nations face the under provision of basic public goods and services, such as public safety and justice, due to inadequate federal funding, weak tax bases, and dual taxation. Publicly provided services, such as education, sanitation, basic infrastructure, social services and natural resource management, have suffered due to the confluence of these barriers to tribal revenue. State governments provide few services on Indian reservations, but impose taxes on natural resources, retail sales, and increasingly on property such as wind generation facilities. Dual taxation exacerbates problems posed by weak tax bases: if tribes impose a tribal government tax, then the resulting dual taxation drives business away. Often, non-Indian businesses make up the bulk of a reservation's economy. Dual taxation causes many tribes to collect no taxes, leading to inadequate roads, schools, police, courts and health care. Reservation economies funnel millions of tax dollars into the treasuries of state and local governments who spend the funds outside of Indian Country. This fundamentally unfair dilemma undermines the Constitution's promise of respect for tribal sovereignty, and keeps Indian reservations the most

underserved communities in the nation. While tribal leaders pursue solutions for tribal authority to provide government revenue, the fulfillment of trust and treaty obligations remains of utmost importance to the well-being of American Indian and Alaska Native people.

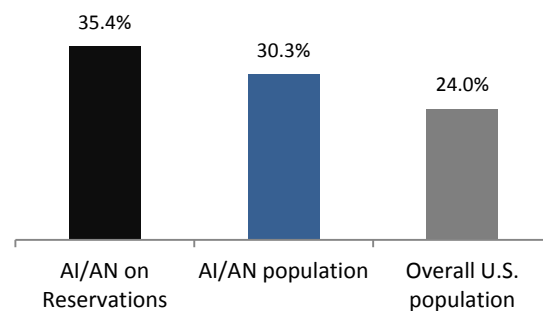
Federal Funding for Core Tribal Governmental Services

Funding decisions by the Administration and Congress are an expression of our nation's policy priorities, and the federal budget for tribal governmental services reflects the extent to which the United States honors its obligations to Indian people. As a consequence of federal actions and sequestration, Indian tribes across the nation have been forced to spend large amounts of scarce tribal funds to support the services that should have been provided or paid for by the United States. Tribal leaders as part of the Tribal Interior Budget Council have requested more information and detail on the Native American cross cut^{iv} of federal funding for Indian tribes and their citizens.^v Specifically, tribal representatives identified the need for data on the most highly accessed and important programs that tribes depend on as "base funding," the number of tribes accessing the programs and funding opportunities, whether tribes must compete with other entities such as state and local governments, whether the funding passes through states, whether a match is required, and whether indirect costs are allowed. Other questions include why tribes have challenges accessing new funding opportunities and what action agencies could take to address those challenges.

Status of Indian Country

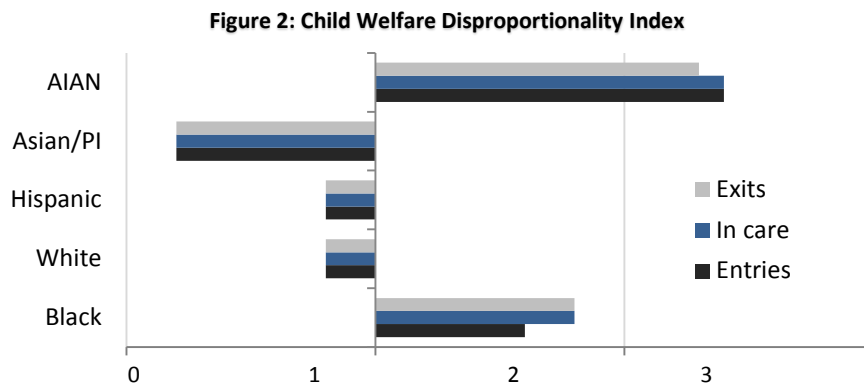
Trends throughout Indian Country reveal vast improvements in health, education, and social welfare since the beginning of the Indian self-determination era. While encouraging, addressing gaps in opportunity remains a pressing need, given the young population of Indian Country. Thirty-five percent of the Native population in the United States is 18 years old or younger, compared to 24 percent of the overall population. The median age on reservations is 27, ten years younger than for the overall U.S population.

Figure 1: Percent of Population 18 & Under



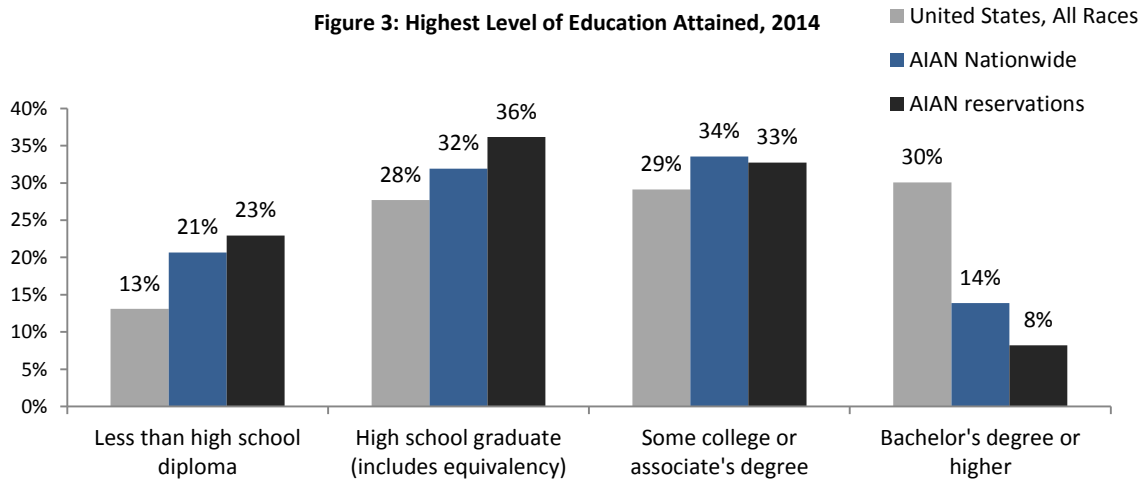
Source: American FactFinder, "Median Age By Sex: 2010 Census American Indian and Alaska Native Summary File, Table PCT4"

Child and Family Welfare: Ensuring tribal governments have the resources to meet the interrelated needs of their children, families, and communities are essential. Although Indian Country has much hope for our Native youth, our children are over represented in the foster care system, two and a half times their share of the population (Figure 2).^{vi, vii} The Tiwahe Initiative, which tribes have undertaken in coordination with the Bureau of Indian Affairs, represents a promising approach to addressing the interrelated problems of poverty, violence, and substance abuse in Indian communities. Tribes are expanding and integrating job training and social services programs to address child and family welfare, job training, and incarceration issues to promote family stability. However, recent reports on reducing children's exposure to violence call for directing "sufficient funds to bring funding for tribal criminal and civil justice systems and tribal protection systems into parity with the rest of the United States."^{viii} Tribal courts, Indian Child Welfare Act programs, and social services are critical funding streams addressing child and family welfare.



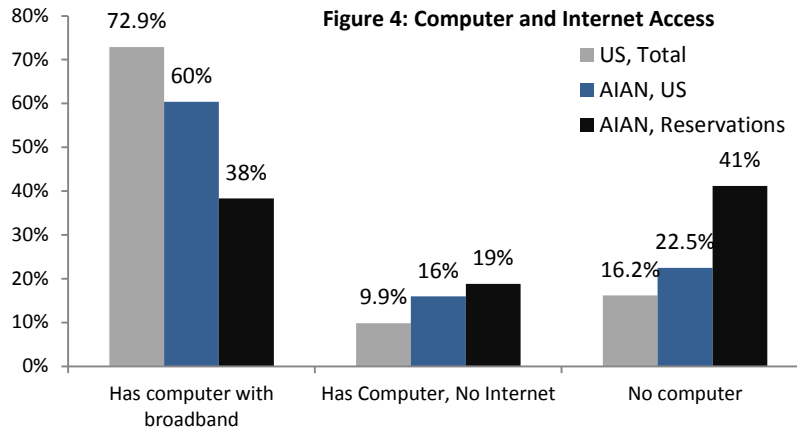
National Council of Juvenile and Family Court Judges (NCJFCJ), Disproportionality Rates for Children of Color in Foster Care, 2012

Opportunity: Education contributes to economic growth, while also expanding opportunities for individual advancement. For tribal communities, an educated citizenry serves as a catalyst to boost economic productivity and growth through a more highly-skilled workforce. In addition, investments in education strengthen the human capital across all sectors of society by attracting new businesses, reducing unemployment, and stimulating reservation economies through direct spending. However, low rates of educational attainment among American Indians and Alaska Natives continues to limit opportunity for economic success. In 2014, less than one in ten American Indians on reservations had a bachelor’s degree or higher. Tribal leaders and our federal partners must work to promote educational success to nurture the next cadre of young people to lead tribal governments, strengthen tribal economies, while carrying forward their cultures. Funding and tribal control are key factors that must be addressed.



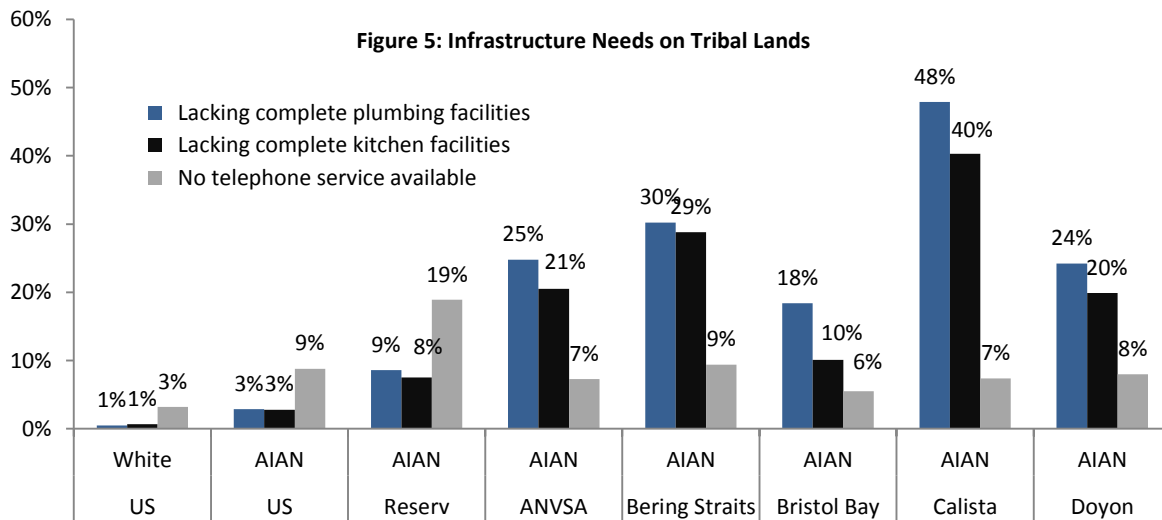
Source: U.S. Census Bureau, 2014 American Community Survey

Infrastructure: Tribal communities still lag behind the rest of the United States in access to radio, wireless, and broadband services. This disparity underscores the critical opportunity to ensure the advancement of telecommunications access throughout Indian Country. According to recent data, only 2 out of 5 Native households on reservations have a computer and broadband compared to 73 percent of all US households. Only 4 out of 10 Native households had a computer and broadband, compared to 7 out of 10 among the total population.



Source: U.S. Census Bureau, 2013 American Community Survey, Table B28009C

Tribal citizens have witnessed progress in addressing basic infrastructure disparities, but much work remains. Nationally, about 1 percent of households lack plumbing and kitchen facilities; but ten percent of AI/AN households are still missing basic necessities like plumbing and kitchen facilities. In Alaska, a quarter of AI/AN households lack complete plumbing and one-fifth lack kitchen facilities, still. Addressing these infrastructure gaps remain important



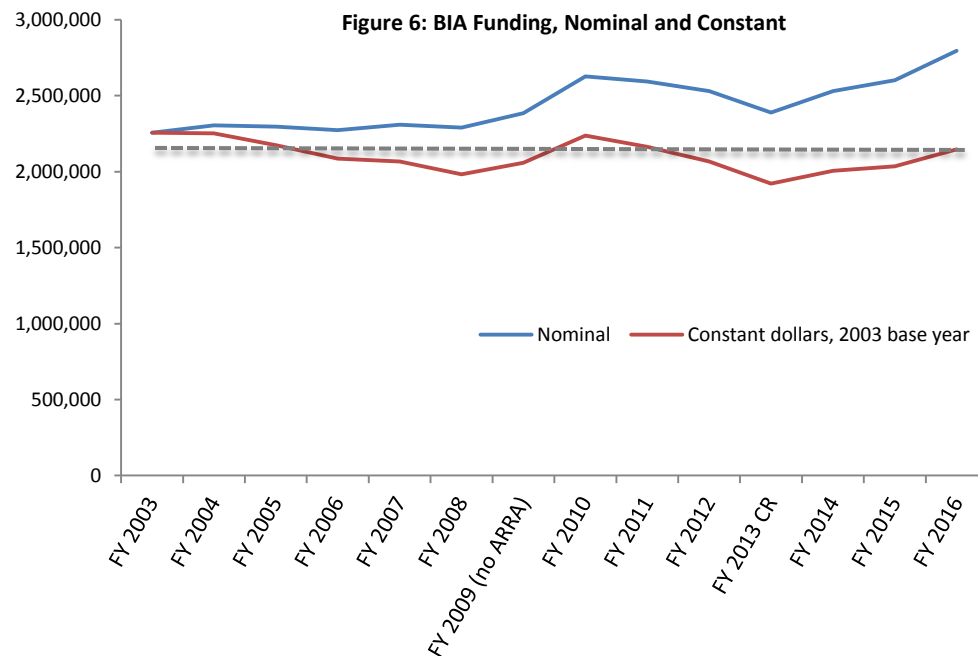
Likewise, the more than 160,000 miles of roads in Indian Country comprise the most underdeveloped roadway network in the nation. Critical 21st century infrastructure, such as broadband access, is also severely underdeveloped in Native communities. Undeniably, the lack of basic housing, transportation, and broadband infrastructure continues to pose significant challenges for tribal health, safety, and economic security.

Bureau of Indian Affairs

BIA provides the funding for core tribal governmental services, such as law enforcement and tribal courts, Indian child welfare programs, social services, Indian education, road maintenance, and energy development. The FY 2017 budget for Indian Affairs would be \$2.9 billion, an increase of \$137.6 million

above the FY2016 level, an increase of about 5 percent. Increases include \$49 million for the Bureau of Indian Education's transformation, \$15 million for tribal climate resilience, \$12.9 million for Indian water rights, and \$21 million for the Tiwahe Initiative. NCAI urges Congress to adopt at least the 5 percent increase for BIA's budget to counteract the historic underfunding of the agency. For instance, since FY 2003, BIA funding has increased in nominal dollars by about 24 percent, but when adjusted for inflation, the FY 2016 enacted level is below the FY 2003 level by about 5 percent.

Tribes are eligible for other grants, state pass-through funding, and set-asides, but BIA provides the stable base funding for governmental services for self-governance tribes, 638 contracting tribes, as well as direct service tribes. Other agencies provide important funding, such as the Department of Justice, but often are time-limited and may be competitive, so that the neediest tribes may not win grant funding.



Bureau of Indian Education

The BIE school system is one of only two federally-run school systems, the other being Department of Defense Schools. The Department of Defense schools serve approximately 78,000 students in 181 schools located in 12 foreign countries, seven states, Guam and Puerto Rico. Funding for BIE schools is derived primarily from federal sources (about 75% from the Department of the Interior; 24% from the Department of Education and 1% from the Department of Agriculture and other federal agencies). In comparison, public schools nationwide receive about 9 percent of their funding from federal sources and rely mostly on state and local funding. Currently, 620,000 or 92% of Indian students attend public schools and approximately 48,000 or 7% attend BIE schools.

A major issue for BIE schools is the condition of BIE schools. According to prior testimony by the BIE, of the 184 BIE schools, 34 percent (63 schools) are in poor condition, and 27 percent are now over 40 years old. These substandard conditions are not conducive to educational success and impact the quality of education that the students receive. It is worth noting that a significant disparity exists in the treatment of BIE schools when compared to Department of Defense school funding. Despite demonstrated need, the Department of the Interior has consistently proposed low levels of funding for replacement school funding when compared with Department of Defense schools. At a 2014 Senate hearing where the

Department of Defense testified, it was noted that the fiscal year budget request for replacement of Department of Defense schools was \$315 million compared to a budget request of \$2 million increase for BIE schools. This is despite a demonstrated need of \$1.3 billion to clear the construction backlog at BIE schools. The FY 2016 Omnibus appropriations bill includes \$138 million total for education construction, which the explanatory statement notes is to “begin to restore the education construction budget which has declined significantly in recent years.”

In the FY 2017 Budget Request, **Education** would see an increase of \$72 million for BIE activities and construction. Increases include:

- \$24.6 million for **Elementary and Secondary Education**
- \$2.1 million to fully fund **Tribal Grant Support Costs**
- \$8 million for **Education Program Management**
- \$6.5 million for the **Indian School Equalization Program**
- \$16.8 million for **education information technology** to enhance broadband and digital access
- \$6.6 million for **scholarship** and **adult education** and an increase of \$250,000 for Special Higher Education Scholarships
- \$3.6 million for **Johnson O’Malley**

Education Construction would receive a total of \$138.3 million. The increase includes \$25.3 million for replacement school construction to complete construction on the final two schools on the 2004 replacement school priority list. Tribal leaders as part of the Tribal Interior Budget Council have strongly supported education in Indian Country, specifically scholarships and adult education as well as Johnson O’Malley. We urge Congress to retain these increases for education programs.

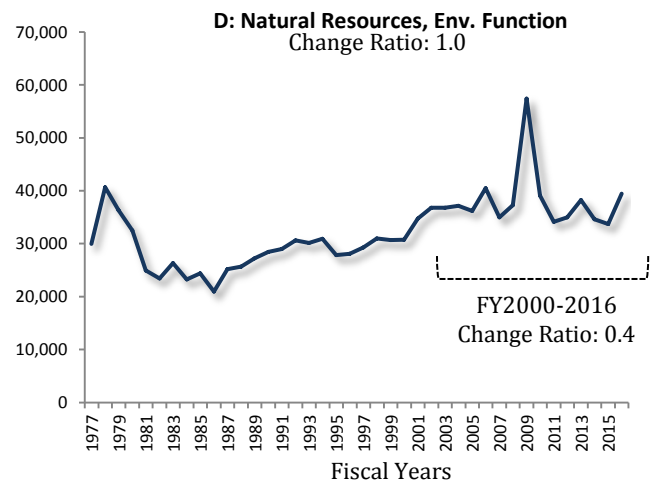
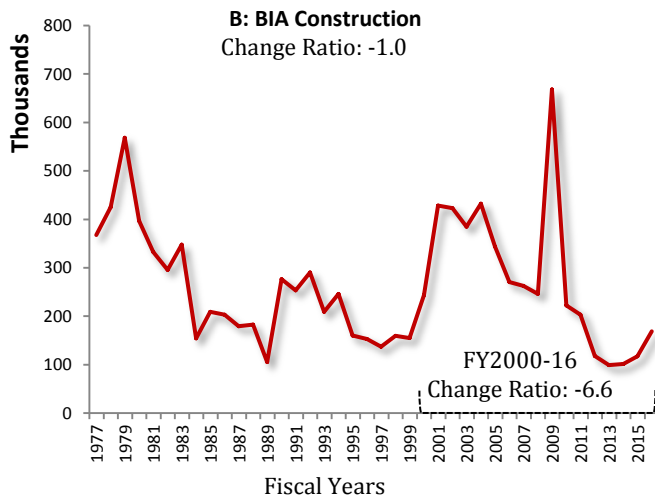
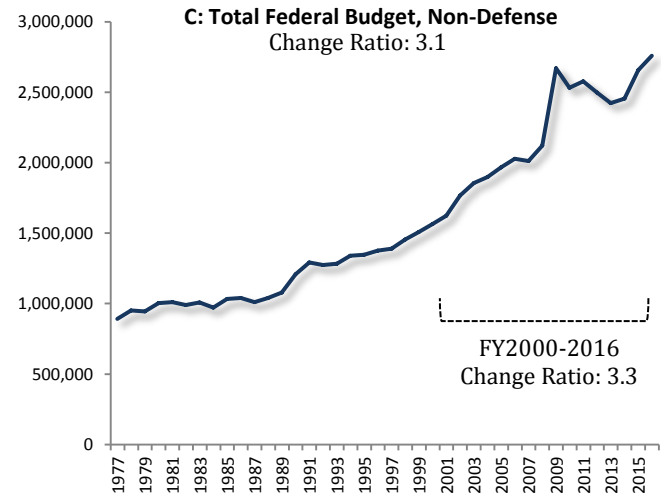
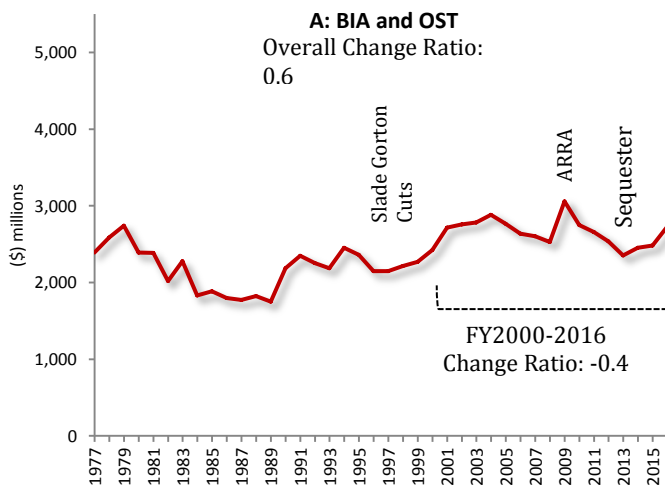
The President’s budget also proposes \$4 million in the BIA’s budget to establish a One-Stop Shop approach to support Tribes in accessing hundreds of services across the Federal government and build on the “Native One-Stop” effort launched in 2015. Ensuring that other bureaus and agencies outside of BIA and IHS meet their trust responsibility to Indian tribes will benefit all of Indian Country, so long as the major base funding for tribes continues to receive support from Congress and the Administration.

BIA’s FY 2017 budget includes a propose data initiative of \$12 million to enable the DOI to work with tribes to improve Federal data quality and availability, to create a reimbursable agreement with Census to address data gaps in Indian Country, and to create an Office of Indian Affairs Policy, Program Evaluation, and Data. This initiative would support data-driven, tribal policy-making and program implementation. This committee has been asking for data on tribal programs for years. We hope this office will provide the opportunity to improve program evaluation and justification as well as helping this committee in oversight. Many tribes however caution against funding for this initiative affecting tribal funding in BIA’s budget.

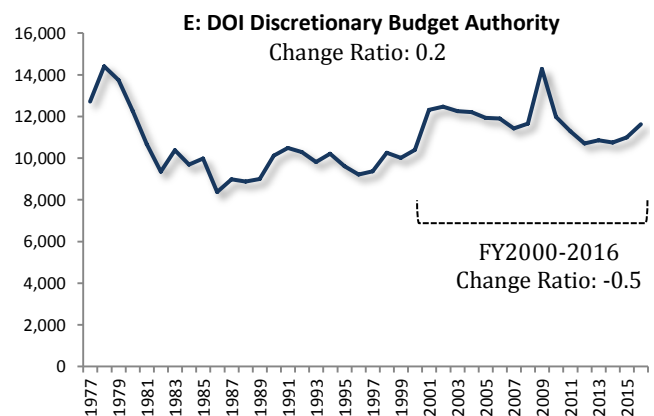
Trends in BIA Funding

The line graphs in Figure 7 show the BIA/OST budget from FY1977 to FY2016 (President’s budget, which is slightly more than FY 2016 enacted), adjusted for inflation, followed by the trend for the BIA construction account, the total federal budget (excluding defense and payments on the national debt), and the Natural Resources Budget function. From FY1977 to the levels proposed in the FY2016 President’s budget, BIA and OST’s budget trend has been irregular, with declines in the mid-1980s, gains in the early 1990s, reductions again in the mid-1990s, and high points in FY2004 and FY2010 (excluding one-time Recovery Act funds in FY2009).

Figure 7: FY1977-2016 BIA Trends in Inflation Adjusted Dollars



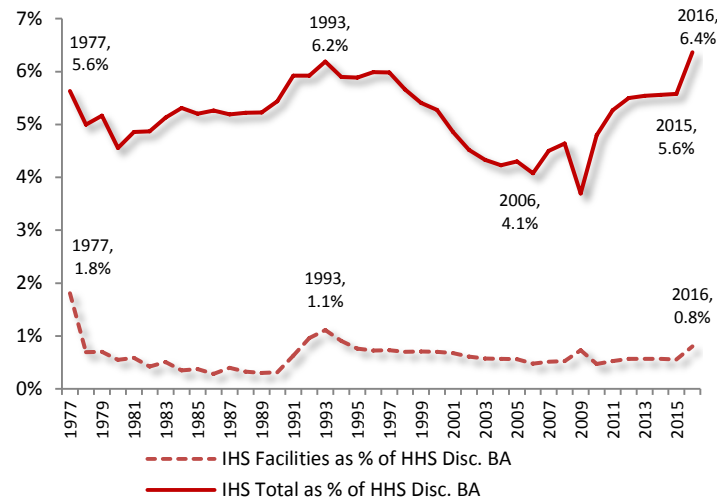
Sequestration erased many of the gains BIA’s budget made in FY2009 and FY2010, taking the budget back to FY2001 levels and lower than FY1977 in constant dollars. In FY 2016, funding for BIA/OST is at about the FY2010 level, when adjusted for inflation, and less than FY1979. The BIA/OST and BIA construction trend differs from overall non-defense spending from FY1977-2016, which increased in constant 2009 dollars at a fairly consistent rate of \$49 billion a year, with a 3.0 change ratio. However, DOI’s discretionary budget change ratio was lower (0.2) than BIA/OST’s (0.6) from FY1977-2016.



Indian Health Service

The Indian Health Service budget (IHS) request for FY 2017 of \$5.185 billion in budget authority is an increase of \$377.4 million (nearly 8 percent) above the FY 2016 enacted level. This FY 2017 Budget includes a long-term proposal to fully fund Contract Support Costs (CSC), which is done by the reclassification of IHS CSC to mandatory funding beginning in FY 2018. The Budget also proposes to provide increased resources to purchase health care services outside of IHS when services are not available at an IHS-funded facility. The President's budget would extend the 100 percent Federal Medical Assistance Percentage (FMAP) for services that are provided to AI/AN through IHS under the Medicaid program. This expansion would include the entire Indian health system, including Urban Indian Health Programs (UIHP), bringing the federal match to UIHPs in line with current law for IHS and other tribally-operated programs. For FY 2017, the [Tribal Budget Formulation Workgroup](#) requested \$6.2 billion for IHS. NCAI appreciates the bipartisan support for the Indian Health Service budget in Congress and we look forward to ongoing support for the IHS budget in providing much needed increases for the IHS budget.

Figure 8: IHS as % of HHS Discretionary Budget



Substance Abuse and Mental Health Services Administration (SAMHSA)

For FY 2017, the Department of Health and Human Services (HHS) includes a department-wide Tribal Health and Well-Being Coordination Plan that calls on several HHS agencies—the Indian Health Service, Administration for Children and Families, SAMHSA, Health Resources and Services Administration, and the Centers for Disease Control and Prevention—to collaborate to improve health outcomes for AI/AN populations. NCAI welcomes the department-wide focus on tribal health and well-being, which will help address urgent behavioral and health disparities throughout Indian Country.

Tribal Behavioral Health Grants

The FY 2017 Budget Request is \$30 million, the same as the FY 2016 enacted budget. This request includes \$15 million in the Mental Health appropriation and \$15 million in the Substance Abuse Prevention appropriation. This funding will promote mental health and prevent substance use activities for high-risk AI/AN youth and their families. As a braided activity, SAMHSA will track separately any amounts spent or awarded under Tribal Behavioral Health Grants through the distinct appropriations and ensure that funds are used for purposes consistent with legislative direction and intent of these

appropriations. The Tribal Behavioral Health Grants program addresses the Administration's multi-agency Native Youth priority to reduce teen suicide, in support of the HHS Tribal Health and Well-Being Coordination. NCAI thanks for Congress for its support of the Tribal Behavioral Health Grants in FY 2016, and urges further increases now and in future appropriations.

Administration for Children and Families (ACF)

Within HHS, ACF provides the largest amount of funding to American Indians/Alaska Natives outside of the funds provided by the Indian Health Service. Out of a budget of \$50 billion, ACF awards on average \$647 million to Native Americans from Head Start, Child Care, TANF, LIHEAP, Child Support and the Administration for Native Americans, to name a few. NCAI's recommendations on many of these programs are available in the [Human Services](#) section of the NCAI FY17 budget request.

The FY 2017 Budget Request includes proposals designed to improve tribes' capacity to operate effective title IV-E programs, which NCAI has called for in the Native Children's Agenda, such as providing start-up funding for tribal title IV-E programs.

- **Provide start-up funding for tribes approved to operate title IV-E programs:** This re-proposal from the FY 2016 Budget allows Indian tribes, tribal organizations, or consortia that are approved to operate a title IV-E program under section 479B of the Social Security Act to apply for start-up funding, at the time of plan approval, to assist with the implementation of the program requirements in title IV-E of the Social Security Act. This includes time-limited enhanced FFP for administration and a temporary waiver of cost allocation requirements.
- **Increase IV-E match for tribal child welfare workforce:** This new proposal would amend title IV-E in order to develop the tribal child welfare workforce by increasing the match rate for case management and other case work activities performed by tribal casework staff and increasing FFP to 90 percent for training tribal caseworkers.

Increasing Tribal Access to Promoting Safe and Stable Families (PSSF): the FY 2017 budget requests a \$20 million increase in the discretionary PSSF appropriation from the FY 2016 enacted level to increase the capacity of tribes to administer child welfare services. American Indian and Alaska Native children are disproportionately represented at two times their population in state child welfare systems nationally. The PSSF proposal aims to address disproportionality, where in some states AI/AN children are overrepresented by as much as 10 times their population rate, by investing in tribal child welfare systems and culturally appropriate services to tribal families.

Tribal Court Improvement: A \$2.75 million increase is proposed for this program to allow ACF to fund a total of 25 tribal court improvement grants. The expansion of the Tribal Court Improvement Program would continue to strengthen the tribal court's capacity to exercise jurisdiction in Indian Child Welfare Act cases and to adjudicate child welfare cases in tribal court.

Department of Energy

In FY 2017, the Department of Energy again requests that Office of Indian Energy Policy and Programs (IE) be moved out of the Departmental Administration (DA) account and be established as a new stand-alone office with a separate appropriation under Energy Programs. The Energy Efficiency and Renewable Energy's Tribal Energy Program and the DA's Office of Indian Energy Policy and Programs would be consolidated under the new IE appropriation to promote alignment of the Department's Indian energy policies and financial assistance programs. Consolidation would result in more efficient and effective administration and management of Tribal activities and programs via a single program office.

The IE is requesting to double its FY 2016 budget to \$6 million to Indian tribes, Alaska Native Villages, Regional Corporations, and Tribal Energy Resources Development Organizations to meet the increased demand. Further, the office will provide \$12 million in grants for the deployment of innovative energy systems and technologies and for efficient delivery of technical assistance through the intertribal technical assistance networks.

For FY 2017, the Office of Indian Energy Policy & Programs would receive \$4.8 million and the Tribal Energy Programs would receive \$18.130 million, for a total of approximately \$23 million for the Office of Indian Energy Policy & Programs.

Environmental Protection Agency

Recognizing tribes and states as the primary implementers of environmental programs, the EPA continued funding its State and Tribal Assistance Grants program, which accounts for the largest percentage of the EPA's budget request at 39.7 percent, or \$3.3 billion. Further, for the third year in a row, EPA requests an increase of \$31 million for the Tribal General Assistance Program. These additional funds will assist tribes in capacity building and promote protections for the environment and human health. This reflects an increase in base funding available for GAP grants, which will: (1) increase the average size of grants made to eligible tribes while providing tribes with a stronger foundation to build tribal capacity; and (2) 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 continues to support increased funds for Tribal GAP grants.

Department of Justice

The President's FY 2017 Budget request for the Department of Justice is \$29 billion. This includes \$420.3 million for the Department of Justice (DOJ) public safety initiatives in Indian Country, an increase of more than \$105 million over FY 2016 enacted levels. DOJ's request provides tribes with more flexibility in how they spend their DOJ grant dollars. Tribal justice systems are chronically under-resourced. There are three proposals that have repeatedly been made in the appropriations process that would begin to address this deficit in funding:

1. Direct 10% from across Office of Justice Programs (OJP) programs to create a flexible tribal program to support tribal criminal justice systems. This proposal, which has been included in the Senate Commerce-Justice-Science appropriations bill and the White House budget request for the past several years at the 7% level, would consolidate tribal public safety funding at DOJ and allow DOJ to move away from its current competitive grant funding model to provide more sustainable, base-funding for tribal criminal justice systems.
2. Direct 10% of the disbursements from the Crime Victims Fund to tribal governments. Unfortunately, victims in tribal communities, who experience the highest rates of criminal victimization in the country, have largely been left out of the annual disbursements from the Crime Victims Fund. While Congress has tripled disbursements over the past two-year to \$3 billion in FY 16, none of this funding has been directed to tribal governments. This must be remedied so that tribal governments can build the crime victims services infrastructure that is taken for granted in most of the rest of the country. (10% would be over \$250M)

3. Fund the program authorized in VAWA 2013 for SDVCJ implementation at the authorized level of \$5 million. Congress appropriated \$2.5 million for this program for the first time in FY 2016.

Housing and Urban Development

Native American Housing Block Grant

The President has requested \$700 million for the Native American Housing Block Grants, a \$50 million increase over enacted appropriations level for FY 2016. Included in the increase is \$20 million to address the President's initiative on Native youth by increasing housing for teachers in tribal areas. HUD acknowledges that having decent, safe, and affordable housing is critical for stable families and communities.

Indian Housing Loan Guarantee Program (Section 184)

HUD has requested \$5.5 million for Section 184 Program for FY 2017, a decrease of \$2.3 million over FY 2016 enacted funding level.

Indian Community Development Block Grant

The budget request for Indian Community Development Block Grant for FY 2017 is \$80 million, a \$20 million increase from enacted FY 2016. The \$20 million increase is proposed to further the President's priority on Native Youth by funding construction and renovations of community centers, health clinics, transitional housing, pre-school and Head Start, and teacher housing.

Conclusion

Thank you for this opportunity to share our concerns on programs that fulfill treaty and trust obligations in the federal budget. We look forward to working with this Committee on a bipartisan basis once again this year.

ⁱ See NCAI Resolution ATL-14-084: Recommendations for Addressing the State of Emergency in Federal Underfunding of the Trust Responsibility

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

ⁱⁱⁱ "Reloading the Dice: Improving the Chances for Economic Development on American Indian Reservations," Chapter One of What Can Tribes Do? Strategies and Institutions in American Economic Development, edited by Stephen Cornell and Joseph P. Kalt.

^{iv} Native American Crosscut, FY 2016 Federal Funding for Programs Serving Tribes and Native American Communities, accessed at <http://www.doi.gov/budget/budget-data.cfm>

^v Tribal Interior Budget Council. (2015). Action Tracking Document, Motion passed on May 22, 2014 for a subgroup to work with OMB on Crosscut Document

^{vi} National Council of Juvenile and Family Court Judges (NCJFCJ), Disproportionality Rates for Children of Color in Foster Care, 2012

^{vii} These calculations require (1) the child population (by race) for any given state or jurisdiction, available from the 2010 census data; and (2) the number of children in the child welfare system (by race), available from the National Data Archive on Child Abuse and Neglect's Adoption and Foster Care Analysis and Reporting System (AFCARS).

^{viii} U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2014). *Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending violence so children can thrive* (p. 51). Retrieved from <http://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf>