



National Indian  
Health Board



**NATIONAL CONGRESS OF AMERICAN INDIANS  
NATIONAL INDIAN CHILD WELFARE ASSOCIATION  
NATIONAL INDIAN EDUCATION ASSOCIATION  
NATIONAL INDIAN HEALTH BOARD**

December 6, 2013

Senator Jack Reed  
Chairman, Subcommittee on Interior,  
Environment, and Related Agencies  
Washington, DC 20510

Senator Lisa Murkowski  
Ranking Member, Subcommittee on Interior,  
Environment, and Related Agencies  
Washington, DC 20510

Re: The Interior Appropriations Bill and the Crisis in Public Safety, Health and Education for Indian People

Dear Chairman Reed and Ranking Member Murkowski,

On behalf of the National Congress of American Indians, the National Indian Education Association, and the National Indian Health Board, we write to remind members of the Subcommittee on Interior, Environment, and Related Agencies of the direct and profound impact that the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) accounts have on American Indian/Alaska Native (AI/AN) people. In any effort crafting a final FY 2014 appropriations bill, we urge you to restore the resources to: 1) IHS, which lost \$228 million in FY 2013 due to sequestration and rescissions, and which was already only funded at 56 percent of total need; and 2) BIA, which lost \$119 million to the FY 2013 sequester, because this agency provides critical governmental infrastructure to Indian Country for law enforcement, human services, natural resources management, as well as Indian education.

We would ask you to remember the major role these accounts play in Indian Country:

- Indian programs in this appropriations bill have the most direct and profound impact on people's safety and well-being of all of the programs in the Subcommittee's jurisdiction;
- BIA and IHS fund critical government services like health, public safety, and education that cannot be deferred;
- Continued reductions for BIA and IHS directly affect the employment of Native people who have jobs in the health, social services, education, and public administration in economies that have the highest rate of joblessness of any communities in the United States, especially in reservation areas where there are few if any meaningful private sector employers largely due to historical Federal actions and policies;
- Most tribes lack the practical ability to use tax laws to raise additional revenue to offset cuts in federal funding, unlike other units of local government;
- Finally, existing laws and regulations mandate federal handling of activities like land leases, rights of way, and easements; failing to perform these everyday tasks in a timely way can defeat a tribe's ability to earn revenues off its land and resources, exacerbating shortfalls in federal funding.

As elected officials, we know it is difficult to prioritize programs and services under these circumstances. But we ask that you follow the recommendations tribal leaders developed in the Tribal/Interior Budget Council, the IHS Tribal Budget Formulation Workgroup and testimony to this subcommittee. We urge you to remember the 1.7 million AI/AN people hurt by the \$119 million removed from the BIA budget; the 88,000 AI/AN students in tribal colleges losing programs and courses; and the 2.1 million people affected by the \$220 million cut to the Indian Health Service.

Indian Health Service: Indian health is not another federal program, but a fulfillment of promises made by the federal government to tribes. Tribes depend on this revenue to fulfill health care needs of their people who suffer disproportionately from a variety of diseases. IHS spends roughly \$2,896 on each patient per year. This is far less than the national average of \$7,535 for health care spending per capita per year and even less than the \$12,042 average for Medicare and \$6,980 for the Veteran's Administration. Despite the legal promise to provide health care in perpetuity for AI/ANs, the federal government is falling woefully short. AI/AN people die from alcoholism, for example, at a rate that is a staggering 552 percent higher than those of all other races, and they die from diabetes at a rate that is 182 percent higher. Without adequate funding for things like Contract Health Care and Contract Support Costs, those conditions will remain the everyday reality for many of our people.

The recent cuts are hurting Indian health. The Rosebud Sioux Tribe has lost over \$119,000 due to sequestration. Initial estimates indicate that since March 2013, the death rate on the reservation has increased because patients coming into facilities with critical problems just cannot get the care they need. The Mississippi Band of Choctaw Indians has said that referrals for medical services except those that are necessary to prevent the immediate death or serious impairment of the health of the individual have been delayed or denied. These delays and denials often cause the patients' health to get worse, leading to higher treatment costs down the road and sometimes death.

Bureau of Indian Affairs: In BIA, tribes have identified **law enforcement** (including criminal investigations, police services and tribal courts), **Indian education** (including scholarships, Johnson O'Malley, and the Indian School Equalization Program, BIE facilities operation and construction), **human services**, with an overarching emphasis on full funding for **contract support costs**, as key line items which are critical to Indian self-determination. Unpaid obligations hurt not only those who rely on tribal services but also undermine the Indian self-determination policies that this Congress says it so strongly supports.

- Public Safety: Congress documented the need for improved Indian Country law enforcement when considering the Tribal Law and Order Act of 2010 (TLOA). The recent Tribal Law and Order Commission report details the impact that inadequate law enforcement has on reservations and surrounding non-Indian communities. TLOA's passage was a historic achievement. But without enough funds to put officers on the ground and tribal judges on the bench, TLOA's promises will remain unfulfilled.
- Staffing: Additionally, please help ensure that the BIA has enough staff to timely process the leases, permits and easements needed for Tribes to make productive economic use of their tribal lands and resources. As the federal budget gets tighter, the need for this private tribal income is critical.
- Infrastructure: Also, please lend your support for the programs that will at least maintain our roads, schools, and jails. Many of these outdated, unmaintained pieces of infrastructure will literally become unusable without minimal maintenance and this will create a new crisis for our national Indian budget.
- Education: Without adequate funding, federal education services are jeopardized. Native students today struggle to improve their lives in schools that are literally falling apart. No tribe can sustain its economy or improve its future without a well-educated, well-trained workforce. We also encourage you to push hard for new school construction dollars.
- Human Services: Tribes have highlighted the importance of BIA Social Services, which facilitate critical support services to the elderly, children, and families. Similarly, Indian Child Welfare Act funding is crucial for child protective services, family reunification and rehabilitation, case management, foster care recruitment and retention, and adoption services. Due to sequestration, these critical Human Services programs lost about \$7 million, placing further strain on already overloaded tribal social workers and agencies.

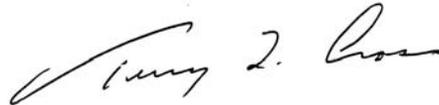
- Tribal Governmental Infrastructure: We urge you to honor tribal contracts and fund contract support cost requirements in both BIA and IHS. Failure to do so is contrary to the Indian Self-Determination Act. Tribal leaders have also recommended increases for Aid to Tribal Government, critical to tribes' exercising self-determination and serving as effective governments.
- Strike Mini-Caps on Contract Support Costs: We respectfully request that the Subcommittee strike from the pending appropriations draft bill the two provisos beginning on line 3 page 28 and on line 15 page 98. This language, modeled on an Administration request, would represent an enormous step backward in the Nation's dealings with Indian Tribes under the Indian Self-Determination Act. The correct response is to follow the House Subcommittee's approach, endorsed by the co-chairs of the House Native American Caucus, to altogether delete any mention of contract support costs. This bipartisan approach solves CBO's problems, leaves intact the Indian Self-Determination Act, and honors the Supreme Court's judgment that Indian tribal contractors must be treated at least as well as any other government contractor.

Nearly one in three AI/AN people—29.1 percent—lived below the federal poverty line in 2012. For Native people living on reservations, the rate is a far-higher at 38.6 percent, 2.5 times higher the national rate. Eleven of every thousand Native children are abused or neglected, and the high school drop-out rate for AI/AN students is estimated at 14.3 percent, the second highest of any other group of students. For Native people, these statistics are not just a moral call to action; they also represent a serious legal failing of our federal government to honor the treaty obligations it made to AI/AN people generations ago—obligations to provide basic services that promote good health, education, and economic growth. Thank you for your support for upholding Indian trust and treaty promises in the past and we hope you will continue to honor these promises in any final FY 2014 appropriations bill. If you have any additional questions, please contact Amber Ebarb on our staff ([aebarb@ncai.org](mailto:aebarb@ncai.org)) or by phone at 202-466-7767.

Sincerely,



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Executive Director  
National Congress of American Indians



Terry Cross  
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