

S. HRG. 114-194

**THE PRESIDENT'S FISCAL YEAR 2016 BUDGET  
REQUEST FOR INDIAN PROGRAMS**

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**HEARING**

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE**

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

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FEBRUARY 25, 2015  
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# **THE PRESIDENT'S FISCAL YEAR 2016 BUDGET REQUEST FOR INDIAN PROGRAMS**

WEDNESDAY, FEBRUARY 25, 2015

U.S. SENATE,  
COMMITTEE ON INDIAN AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:30 p.m. in room 628, Dirksen Senate Office Building, Hon. John Barrasso, Chairman of the Committee, presiding.

## **OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING**

The CHAIRMAN. Now I will call to order the oversight hearing.

As members are aware, we have a roll call vote scheduled for approximately 3 o'clock p.m. So I want to move ahead with this as rapidly as we can while still giving full attention to those who are presenting information today on behalf of the President's Fiscal Year 2016 budget for Indian Programs.

This Country faces a continuing Federal deficit and tight budgets. The Federal Government also has important responsibilities to Indian people. Those responsibilities require funding.

The President's Fiscal Year 2016 budget request calls for increases for both the Bureau of Indian Affairs and the Indian Health Service. Whatever funding is provided for these Indian programs must be used efficiently and effectively in fulfilling Federal responsibilities.

We will hear from key Federal agencies which serve Indian Country now. I am disappointed that the Department of Justice is not here to testify today. The Department of Justice provides critical public safety services to Indian Country. It also supports a multitude of important programs to tribes across the Country

Individual tribal members in Indian Country as a whole cannot afford to be ignored by the Administration's Attorney General. I have discussed the importance and responsibilities of the Department of Justice to Indian Country and this Committee with the Attorney General nominee.

Before we hear from the witnesses present today, I want to see if, as the Vice Chairman is not here, if there is an additional statement before going to the witnesses.

**STATEMENT OF HON. AL FRANKEN,  
U.S. SENATOR FROM MINNESOTA**

Senator FRANKEN. Well, I have an opening statement, but I just want to thank you for holding this oversight hearing and I want to thank the witnesses for being here today.

Budget time is a critical time of year for this Committee. I think it is time to examine Native American programs across the Federal Government and evaluate priorities for Indian Country. It is also an opportunity to shine a light on an area of the budget that doesn't receive the attention or the funding that it deserves.

I hope we members who sit on the Committee can educate our colleagues who aren't on the Committee, and get these issues to their attention, and the funding that they need. Very often what comes out of this Committee to me is underfunded. We need to do a better job, those of us on the Committee, of talking to our colleagues about the importance of this.

I am going to keep this short and just thank you, Mr. Chairman, and thank all the witnesses.

The CHAIRMAN. Any other members have an opening statement they would like to offer?

Today we are hearing from the Honorable Kevin Washburn, Assistant Secretary for Indian Affairs, Department of the Interior. We are hearing from the Honorable Yvette Roubideaux, Senior Advisor, Indian Health Service, Department of Health and Human Services. And we will hear from Mr. Rodger Boyd, Deputy Assistant Secretary, Office of Native American Programs, Department of Housing and Urban Development.

I want to remind the witnesses that your full written testimony will be made part of the official hearing record. Please keep your statements to five minutes so that we may have time for questions. I look forward to hearing your testimony, beginning with Assistant Secretary Washburn. Please proceed.

**STATEMENT OF HON. KEVIN WASHBURN, ASSISTANT  
SECRETARY, INDIAN AFFAIRS, U.S. DEPARTMENT OF THE  
INTERIOR**

Mr. WASHBURN. Thank you, Chairman Barrasso and members. Thanks for being here.

Thank you for the opportunity to speak about the President's budget request for fiscal year 2016 for the U.S. Department of the Interior. As you know, my office oversees the Bureau of Indian Affairs, the Bureau of Indian Education and several other offices at the Department.

The Fiscal Year 2016 budget request for Indian Affairs is an increase of \$323.5 million above our current budget. That is about a 12 percent increase. It raises our budget to about \$2.9 billion. We are obviously very happy with it.

As you know, we serve about 566 tribes and Native villages across the Country. Sixty-eight percent of our budget request basically goes directly to tribes through self-governance contracts and compacts. So really, much of our budget is a pass-through to Native American tribes.

This year, our budget supports an all-of-government approach to addressing Federal responsibilities, the trust responsibility. We did

something unusual this year. The White House Native American Affairs Council, which is chaired by Sally Jewell, the Secretary of the Interior, for the first time in history called multiple departments together to coordinate on our budget request. This has never been done. It probably should have been done every year. But this is the first time, at the request of Sally Jewell.

We met with HUD and we met with HHS and our colleagues to talk about, how can we work together on a budget. This budget is the outcome of that. We have made great strides.

Indeed, what is just as important in our budget is what is not in our budget. So let me first talk about that. Frankly, it gives me a chance to thank my colleague, Rodger Boyd. Because HUD has \$10 million in its budget for teacher housing for our teachers in the BIE. That is a big increase.

Another thing that is not in our budget, but you heard about it if you went to the President's State of the Union address, is full tuition for two years for students to go to community colleges and tribal colleges. So that is a big increase that is not in our budget, but it benefits Indian Country tremendously.

Chairman Barrasso, you expressed dismay that the Department of Justice is not here. Let me tell you that there is a \$100 million increase in the Department of Justice's budget for Indian Country. This again comes from all of us working together.

Likewise, there are some other things that don't appear as an increase in the budget, but they will help dramatically. So Arne Duncan at the Department of Education has made tribes eligible, along with States, to apply for early childhood education money. Before, they were not eligible to apply. So he has changed that. So that will bring a lot of new money into Indian education as well.

So those are just some things that are not in our Indian Affairs budget, but they are very important.

Now let me talk about the things that are in our budget. Among those things are tremendously increased funding for Native youth under the President's initiative called Generation Indigenious. Our budget request for the BIE increases to about \$1 billion. Some of that is for a range of things. We have a request this year for \$45 million for school construction, which will finish up the last two schools on our 2004 priority list and allow us to start planning for other schools so that when we put our priority requests together we can start next year with construction at those schools.

We also have a new line for replacement facility construction. So where we have a school, for example, like the Bug School that has an elementary school that is fine but a high school that is really weak, we don't have to measure the whole campus, we could be able to replace one building, for example.

So those are some improvements. We also have \$34 million, I believe, for improving internet access at these schools, because that is so important. A lot of our schools are on the wrong side of the digital divide.

We have also been working with Verizon to provide better connectivity at these schools and provide better facilities and computers. We have also been working with the E-RATE program at the Federal Communications Commission. So we are trying to

leave no stone unturned for getting better funding for our Indian schools.

We also this year have a request for mandatory funding for contract support costs. We have not fully funded contract support costs in the past. I think everybody knows the importance of self-governance. We have to fully fund contract support costs if we want self-governance and self-determination contracts to be effective. So we have asked for mandatory funding for contract support costs beginning next year. But we would be thrilled to start it this year, if that is what Congress so chooses.

In my budget, we also have a funding request for \$4.5 million for an Indian Energy Service Center to help tribes like Southern Ute that are in the audience, so that we can bring in the Bureau of Land Management, the Office of Natural Resources Revenue, Office of Special Trustee under one roof so that they can work better to serve our energy-producing tribes.

Finally, there is a proposed increase of about \$40 million for climate resilience to help tribes along a range of programs that are affected by weather disasters and drought. We look forward to seeing this budget passed. We know this is a place where there is a lot of bipartisanship around Indian Country, and we really hope for our support to get the President's budget for Indian Country across the finish line.

So I congratulate you on your bipartisan support for Indian Country and I thank you for having us here today. Thank you.

[The prepared statement of Mr. Washburn follows:]

PREPARED STATEMENT OF HON. KEVIN WASHBURN, ASSISTANT SECRETARY, INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Good afternoon, Chairman Barrasso, Vice Chairman Tester, and members of the Committee. Thank you for the opportunity to provide a statement on behalf of the Department of the Interior on the President's Budget Request for Fiscal Year 2016 presented to Congress on February 2, 2014. The FY 2016 budget request for Indian Affairs programs within the Department totals \$2.9 billion, which is \$323.5 million more than the FY 2015 enacted level.

As the Assistant Secretary for Indian Affairs, I have the responsibility to oversee the Bureau of Indian Affairs and the Bureau of Indian Education, along with other programs within the immediate Office of the Assistant Secretary for Indian Affairs. The Office of the Assistant Secretary for Indian Affairs, BIA, and BIE programs expend over 90 percent of appropriated funds at the local level. Of this amount, over 68 percent of the appropriations are provided directly to Tribes and tribal organizations through grants, contracts, and compacts for Tribes to operate government programs and schools. In sum, tribal self-determination and self-governance programs have eclipsed direct services provided by the BIA and BIE. Indian Affairs' programs and funding serve 566 federally recognized tribes and more than two million American Indian and Alaska Native people.

The 2016 President's budget supports an all-of-government approach to addressing Federal responsibilities and tribal needs. Coordination of this work across the Federal government is being carried out through the White House Council on Native American Affairs, established by Executive Order on June 26, 2013, by President Obama, and chaired by the Secretary of the Interior. The Council has worked diligently to break down silos in Federal agencies and increase coordination on programs and budgets. As a result of this all-of-government approach, the Administration's support for Tribal Nations goes well beyond the budget of Indian Affairs at Interior, or the Indian Health Service at the Department of Health and Human Services. Together, the IA and IHS represent less than one-half of the Administration's overall budget request for tribal programs.

The President's budget seeks increases across more than 20 Federal departments and agencies serving Indian Country. In total, the budget proposes \$20.8 billion, a \$1.5 billion or 8 percent increase over the 2015 enacted level, across a wide range



of Federal programs that serve Tribes including education, social services, justice, health, infrastructure, and stewardship of land, water, and other natural resources. These increases support improved access to Federal programs and resources, particularly focused on youth through the Administration's newly established Generation Indigenous initiative. Investments like these will provide real and sustainable improvements in Indian Country.

Our funding priorities are guided, in part, by careful coordination with Tribes through a regional-to-national planning process through the Tribal Interior Budget Council. In addition, input from Tribal leaders gained from the annual White House Tribal Nations Conference has helped guide the Administration's priorities and decision-making processes. These and other sources of Tribal input have informed legislative and programmatic initiatives and funding priorities in the 2016 budget, including full funding and a mandatory proposal for contract support costs.

The Indian Affairs budget provides significant increases across a wide range of Federal programs that serve Tribes and supports improved access to Federal program and resources. Indian Affairs plays a unique and important role in carrying out the Federal trust responsibility and in serving Tribes. The budget capitalizes on the central role of Indian Affairs in coordinating with other agencies by proposing to create a one-stop shop approach for facilitating tribal access to Federal funds and programs across the U.S. government.

#### **Creating Opportunities for Native Youth**

The 2016 budget includes key investments to support the launch of Generation Indigenous, an initiative focused on addressing barriers to success for Native American youth. This initiative takes an integrative, comprehensive, and culturally appropriate approach to help improve lives and opportunities for Native American youth. Multiple Federal agencies, including the Departments of the Interior, Education, Housing and Urban Development, Health and Human Services, Agriculture, Labor, and Justice, are working collaboratively with Tribes to implement education reforms and address issues facing youth.

In today's global economy, a high quality education is no longer just a pathway to opportunity—it is a prerequisite to success. President Obama set out a vision for a 21st century education system, grounded in both high academic standards and tribal values and traditions. The Indian Affairs' budget proposes a \$1.0 billion investment in Indian education to support a comprehensive transformation of the Bureau of Indian Education. The proposal recognizes the progress in self-governance in Indian education reflected in the fact Tribal Nations have contracted to run more than two-thirds of Federal Indian schools. The multi-year transformation process will improve the BIE's ability to support Tribes in educating their youth and help them provide a world-class and culturally appropriate education across Indian Country. The budget invests in improving educational opportunities and quality from the earliest years through college. The budget request supports this transformation with increased investments totaling \$93.9 million to improve outcomes in the classroom; provide improved instructional services and teacher quality; promote enhanced language and cultural programs; enhance broadband and digital access; and provide funds to Tribes to encourage creative solutions to school transformations. The budget includes an education construction increase of \$58.7 million to replace the Little Singer Community and Cove Day schools in Arizona and to plan for future schools to be replaced. The increase also includes \$11.9 million to address major facility repair needs. To foster public private-partnerships that will support improving student experiences at BIE-funded schools, the 2016 budget proposes appropriations language enabling the Secretary to activate the National Foundation for American Indian Education. The proposed bill language will initiate a foundation focused on fundraising to create opportunities for Indian students in and out of the classroom.

Budget increases across other Federal agencies through the Generation Indigenous initiative will support educational outcomes and provide wrap-around services in the areas of behavioral and mental health, substance abuse, and job training.

The President's budget also requests an additional \$3.0 million to support youth participation in BIA natural resources programs that focus on the protection, enhancement, and conservation of natural resources through science, education, and cultural learning. Tribal youth will benefit from the mentoring and positive role models provided by tribal personnel who work on the ground to manage and protect vital trust resources. Programs aimed at tribal youth will pay future dividends by opening future job opportunities, instilling respect for resources, and developing an appreciation of the importance of natural resources to tribal cultures and livelihoods. The request will support approximately 60 new tribal youth projects and training programs throughout Indian Country and supplement existing training pro-

grams within the forestry, water, and agriculture programs. In addition, the BIE budget includes a \$4.6 million increase for scholarships for post-secondary education, with a focus on recipients seeking degrees in the fields of science, technology, engineering, and mathematics. Making advanced education opportunities available for tribal members is a high priority for Tribes, who see education as the path to economic development and a better quality of life for their communities through an educated and skilled tribal member workforce.

### **Supporting Indian Families and Protecting Indian Country**

President Obama knows our youth must be well served in the classroom, but it is also important to support Indian families and ensure public safety in their communities. Children need a safe environment when they go home from school. That is why the President's budget request is committed to promoting prosperous tribal communities and addressing problems of poverty, violence, and substance abuse. As part of the President's commitment to protect and promote the development of prosperous tribal communities, BIA will continue the Tiwahe initiative. The initiative promotes a comprehensive and integrated approach to supporting family stability and strengthening tribal communities by addressing interrelated issues associated with child welfare, domestic violence, substance abuse, poverty, and incarceration. Tiwahe means "family" in the Lakota language. The Tiwahe initiative directly supports the Generation Indigenous initiative, which is focused on addressing barriers to success for Native youth, by leveraging BIA programs in concert with other Federal programs that support family and community stability and cultural awareness.

Child abuse and neglect continue to be serious and persistent problems among Indian populations in the United States. The impact of child maltreatment in many Indian communities has been devastating. It has disrupted extended family support networks and broken up families through placements outside the community. Children living in poverty are far more likely to be exposed to violence and psychological trauma, both at home and in the surrounding community. Many Indian communities face high rates of poverty, substance abuse, suicide, and violent crime. The U.S. Census Bureau recently reported that between the years 2007–2011, 23.9 percent of the American Indian and Alaska Native population lived in poverty—a figure that exceeded the national poverty rate of 14.3 percent.

Solutions lie in addressing the interrelated problems of poverty, violence, and substance abuse faced by many communities through a comprehensive, culturally appropriate approach to help improve the lives and opportunities of Indian families. This requires coordination of social service programs, taking steps to maintain family cohesiveness, preparing family wage earners for work opportunities, and providing rehabilitative alternatives to incarceration for family members with substance abuse issues. The proposed increase of \$6.0 million for social services programs will support the Tiwahe initiative by providing culturally appropriate services with the goal of empowering individuals and families through health promotion, family stability, and strengthening tribal communities as a whole. The budget also includes \$4.0 million for Law Enforcement Special Initiatives and \$5.0 million for tribal courts to implement a comprehensive strategy for providing alternatives to incarceration and increases in treatment opportunities across Indian Country. The BIA will work with the Departments of Justice and Health and Human Services to provide comprehensive suicide prevention training to police officers and work with tribal courts to identify and make mental health services and support more widely available.

To promote public safety and community resilience in Indian communities, the 2016 law enforcement budget builds on recent successes in reducing violent crime and expands efforts to lower repeat incarceration in Indian Country, which is a Department priority goal. In 2016, a pilot program to lower rates of repeat incarceration will be expanded from three sites to five, with the goal of reducing recidivism by at least three percent within these communities by September 30, 2017. To achieve this goal, BIA will implement comprehensive alternatives to incarceration strategies that seek to address underlying causes of repeat offenses—including substance abuse and social service needs—by utilizing alternative courts, increased treatment opportunities, probation programs, and interagency and intergovernmental partnerships with tribal, Federal, and State stakeholders.

The Violence Against Women Reauthorization Act expands the jurisdiction of tribal law enforcement and justice systems to domestic violence altercations in Indian Country. The BIA Office of Justice Services is providing technical assistance to Tribes to change tribal legal codes to reflect provisions contained in the reauthorization of the Violence Against Women Act that provide stronger protections and safety for vulnerable populations. The BIA is also implementing training for direct service law enforcement program staff in the areas of law enforcement, social services, vic-

tim services, and courts and is making this training available to Tribes operating these programs under self-determination contracts and compacts.

### **Tribal Nation-Building**

Programs run by Tribes through contracts with the Federal Government support tribal nation-building and self-determination. The 2016 President's budget request for contract support costs is \$277.0 million, an increase of \$26.0 million above the 2015 enacted level.

Based on the most recent analysis, the requested amount will fully fund estimated 2016 contract support costs. The budget also includes—for the first time—a new proposal to fully fund BIA and Indian Health Service contract support costs as mandatory funding, beginning in 2017. The BIA and IHS will continue to work together with Tribes and consult on policies to address long-term programmatic and funding goals to advance tribal self-determination.

Tribal leaders and communities need access to quality data and information as they make decisions concerning their communities, economic development, land and resource management, and other decisions. The ability to access and analyze data to support such decisions is critical to understanding the benefits and impacts of policy and program decisions. The collection and analysis of data by the Federal government is also critical to ensuring Federal agencies and programs are delivering effective services to Tribes to meet tribal needs and deliver on Federal responsibilities. The budget includes a total increase of \$12.0 million to help address long-standing concerns Tribes have expressed with the quality of data in Indian Country. This funding will enable Interior to work with Tribes to improve Federal data quality and availability, work with the U.S. Census Bureau to address data gaps for Indian Country, and create an Office of Indian Affairs Program Evaluation and Data to support effective, data-driven, tribal policymaking and program implementation.

To deliver on an all-of-government approach to Indian Country, the BIA budget proposes an increase of \$4.0 million to establish a One-Stop Tribal Support Center to make it easier for Tribes to find and access the hundreds of services available to Tribes across the Federal Government. The One-Stop Tribal Support Center will include an online portal and services to support Tribes in accessing Federal resources at the regional and local levels. The Center will make it easier for Tribes to find services and receive consistent information across Federal programs. Initially, the Center will focus on programs that serve Native American youth, in support of the Generation Indigenous initiative and to pilot this new approach to serving needs in Indian Country.

The BIA budget also includes \$4.5 million to establish an Indian Energy Service Center to facilitate energy development in Indian Country. It is imperative that tribal efforts to permit energy development on reservation lands are met expeditiously. Income from energy is one of the larger sources of revenue generated from trust lands, with royalty income climbing to \$1.1 billion in 2014. Delays in energy development can result in delayed profits to Indian mineral rights owners. The Indian Energy Service Center will expedite leasing, permitting, and reporting for conventional and renewable energy on Indian lands, and—importantly—provide resources to ensure development occurs safely, the environment is protected, and risk is managed appropriately by technical assistance to support assessment of the social and environmental impacts of energy development. The Center will be composed of staff from BIA, the Office of Natural Resources Revenue, Bureau of Land Management, and Office of the Special Trustee for American Indians—all of which have responsibilities related to tribal energy development. Working with the Department of Energy's Tribal Energy Program, the Center will provide a full suite of energy development-related services to Tribes nationwide and meet current demands for services. The Center will coordinate and enhance BIA's ability to process leases, BLM's responsibility for Applications for Permit to Drill approval and monitoring, ONRR's responsibilities for royalty accounting, and will institute streamlined processes, standardized procedures, and best practices for all types of energy at various locations and bureaus.

### **Sustainable Stewardship of Trust Resources**

The BIA's trust programs assist Tribes in the management, development, and protection of Indian trust land and natural resources on 55 million surface acres and 57 million acres of subsurface mineral estates.

Taking land into trust is one of the most important functions Interior undertakes on behalf of Tribes. Homelands are essential to the health, safety, social, cultural, and economic welfare of tribal governments. The Administration set an ambitious goal of placing more than 500,000 acres of land into trust by the end of 2016. To that end, BIA processed more than 1,835 land-into-trust applications, accepting

more than 281,755 acres in trust on behalf of Tribes since 2009. In 2014, Interior acquired 41,685 acres of land in trust on behalf of Tribes and individuals and approved 290 fee-to-trust applications. The BIA intends to meet or exceed the 500,000-acre goal in 2016.

In December 2014, BIA announced a final rule that will allow the Department to accept land into trust for federally recognized Alaska Tribes. Previously, Interior regulations allowed tribal nations in the continental United States to seek to place lands into trust, but did not allow the same for federally recognized Alaska Tribes. Taking land into trust for a tribal nation makes the land eligible for certain Federal programs that can further tribal sovereignty and economic development related to agriculture, energy, infrastructure, and health and housing programs. The new rule confirms the Secretary's pre-existing statutory authority to consider applications to take land into trust in Alaska and confirms this authority will be exercised.

The BIA budget includes a total increase of \$6.9 million for Trust Real Estate Services activities to bolster the stewardship of trust resources. The expanded capacity will address the probate backlog, land title and records processing, geospatial support needs, and database management. To foster utilization of tribal lands, BIA published a proposed new rule on June 17, 2014, to update BIA regulations—which were last revised more than 30 years ago—that govern rights-of-way across Indian land. The revised regulations are designed to result in faster timelines for BIA approval and ensure consistency with recently promulgated BIA leasing regulations. In addition, the proposed regulations would make the process more efficient and transparent, increase flexibility in compensation and valuations, and support land-owner decisions on land use.

#### **Supporting Climate Resilience in Indian Country**

Tribes throughout the U.S. are already experiencing the impacts of a changing climate including drought, intensifying wildfires, changes in plants and animals important to subsistence and cultural practices, impacts to treaty and trust resources, and coastal erosion and sea level rise. In November 2014, the State, Local, and Tribal Leaders Task Force—established under Executive Order 13653 Preparing the United States for the Impacts of Climate Change—formally released recommendations to the White House. These recommendations called on the Federal government to partner with Tribes in planning, preparing, and responding to the impacts of climate change.

Responding to these recommendations, which included input from hundreds of tribal leaders, the budget provides a total of \$50.4 million, a \$40.4 million increase over 2015, across nine BIA trust resource programs to support tribal communities in preparing for and responding to the impacts of climate change. Funds will provide support for Tribes to develop and access science, tools, training, and planning; and to implement actions that build resilience into resource management, infrastructure, and community development activities. Funding will also support Alaska Native Villages in the arctic and other critically vulnerable communities in evaluating options for the long-term resilience of their communities.

Tribal lands, particularly in the West, on the Coasts, and in Alaska, are on the frontline of climate change, yet many of these communities face immense challenges in planning and responding to the far-reaching impacts of climate change on infrastructure, economic development, food security, natural and cultural resources, and local culture. Some communities are already experiencing increasingly devastating storms, droughts, floods, sea-level rise, and threats to subsistence resources. Strengthening access to information and resources, including technical and financial assistance to address the combined and cumulative effects, are among the highest priorities for supporting climate change adaptation and resilience. Examples of projects that may be funded include training, studies, scenario planning, natural resource and infrastructure projects, public awareness and outreach efforts, capacity building, and other projects. Criteria for tribal funding will be developed and prioritized in consultation with the Tribes and the interagency White House Council on Native American Affairs subgroup on environment and climate change.

#### **Indian Water Rights**

The 2016 budget request for Indian water settlements continues to demonstrate the Administration's strong commitment to resolve tribal water rights claims and ensure Tribes have access to water to meet domestic, economic, cultural, and ecological needs. Many of the projects supported in these agreements bring clean and potable water to tribal communities, while other projects repair crumbling irrigation and water delivery infrastructure on which tribal economies depend. These investments improve the health and well-being of tribal members and preserve existing

economies and, over the long-term, bring the potential for jobs and economic development.

The FY 2016 budget request for technical and legal support and for tribal water rights settlements totals \$244.5 million, an increase of \$73.0 million over 2015. This includes a total of \$40.8 million for Interior-wide technical and legal support and \$203.7 million for settlement implementation. Of the request for settlement implementation, \$136.0 million is funded in the Bureau of Reclamation and \$67.7 million in BIA. In 2016, Interior will complete the funding requirements for the Taos Pueblo Indian Water Rights Settlement Act.

To strengthen the Department's capacity to meet its trust responsibilities and more effectively partner with Tribes on water issues, the 2016 budget includes a \$16.9 million increase across the budgets of BIA, Reclamation, BLM, the Fish and Wildlife Service, and U.S. Geological Survey. This funding will support a more robust, coordinated, Interior-wide approach to working with and supporting Tribes in resolving water rights claims and supporting sustainable stewardship of tribal water resources. Funds will strengthen the engagement, management, and analytical capabilities of the Secretary's Indian Water Rights Office; increase coordination and expertise among bureaus and offices that work on these issues; and increase support to Tribes.

#### **Conclusion**

This FY 2016 budget maintains strong and meaningful relationships with Native communities, strengthens government-to-government relationships with federally recognized tribes, promotes efficient and effective governance, and supports nation-building and self-determination. The 2016 budget request delivers community services, restores tribal homelands, fulfills commitments related to water and other resource rights, executes fiduciary trust responsibilities, supports the stewardship of energy and other natural resources, creates economic opportunity, expands access to education, and assists in supporting community resilience in the face of a changing climate.

Thank you for the opportunity to appear before you today. I am happy to answer any questions the Committee may have.

The CHAIRMAN. Thank you so much, Secretary Washburn. Dr. Roubideaux?

**STATEMENT OF HON. YVETTE ROUBIDEAUX, M.D., M.P.H.,  
SENIOR ADVISOR TO THE SECRETARY FOR AMERICAN  
INDIANS AND ALASKA NATIVES, U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES; ACCOMPANIED BY: ROBERT  
MC SWAIN, ACTING DIRECTOR, INDIAN HEALTH SERVICE**

Dr. ROUBIDEAUX. Thank you, Chairman Barrasso and members of the Committee. Good afternoon. I am Dr. Yvette Roubideaux, I am the Senior Advisor for the Secretary for American Indians and Alaska Natives.

With me today is Mr. Robert McSwain, Acting Director of the Indian Health Service. We are pleased to provide testimony on the President's proposed fiscal year 2016 budget for the Indian Health Service.

Since 2008, the Indian Health Service appropriations have increased by 39 percent, thanks to your Committee's help. These investments are making a substantial impact in the quality and quantity of health care provided to American Indians and Alaska Natives. The President's budget proposes to continue this progress, by increasing the IHS budget by \$461 million to a level of \$5.1 billion, which if appropriated will increase the IHS budget by 53 percent since 2008.

The budget continues the Administration's commitment to improving health care for American Indians and Alaska Natives. The budget proposes increases totaling \$147 million to help address

medical inflation, population growth and pay costs to maintain current services.

The budget also addresses a top tribal priority by proposing an overall \$70 million increase in Purchased and Referred Care, formerly known as Contract Health Services, which will help us fund more referrals for our patients and it has enabled us to fund more referrals over the past several years with the increase. It is also helping us reimburse more high cost cases.

The budget proposes an additional \$25 million for IHS to expand its methamphetamine and suicide prevention initiative, to increase the number of child and adolescent behavioral health professionals who will provide direct services and implement youth-based programming as a part of the President's Generation Indigenous initiative.

The budget also includes other increases focused on improving access to affordable health care, improving third party collections and helping IHS continue to achieve meaningful use of its electronic health records. The budget proposes to reauthorize the successful Special Diabetes Program for Indians, or SDPI, for another three years at the current \$150 million funding level, to continue progress in preventing and treating diabetes in American Indian and Alaska Native populations.

The budget includes significant investments in IHS facilities, including increases in maintenance and improvements, sanitation facilities construction, health care facilities construction, which will help us make progress on the priority list. The budget proposes an \$18 million increase to fund additional staff for three newly-constructed facilities scheduled to open in fiscal year 2016.

A top priority is strengthening our partnership with tribes. I truly believe that the only way we are going to improve the health of our communities is to work in partnership with them. This includes honoring and supporting tribal self-governance and self-determination. That is why we are pleased to inform you that the President's budget includes a two-part long-term approach to funding contract support costs, which is a result of our tribal consultation that was requested last year on the long-term solution.

The first part is full funding for contract support costs in FY 2016, for which the budget requests an increase of \$55 million. The second part of the approach is a proposal to reclassify contract support costs as mandatory rather than discretionary, starting in fiscal year 2017, after tribal consultation and working with all of you in fiscal year 2016. The proposal is consistent with the top recommendation from tribes to fully fund contract support costs but separate from the rest of the budget.

IHS has also worked in partnership with tribes to improve estimates of contract support cost need and the agency's business practices related to CSC funding. The proposal to reclassify CSC as mandatory helps us continue progress on this issue. We really look forward to working with you on this approach. We have also made progress on our past contract support cost claims, which we put in our testimony.

In summary, the Fiscal Year 2016 President's budget helps the Indian Health Service continue progress on improving access to quality health care, changing and improving the Indian Health

Service and strengthens our partnership with tribes. I appreciate all of your efforts in helping us ensure a healthier future for American Indian and Alaska Natives. Thank you.

[The prepared statement of Dr. Roubideaux follows:]

PREPARED STATEMENT OF HON. YVETTE ROUBIDEAUX, M.D., M.P.H., SENIOR ADVISOR TO THE SECRETARY FOR AMERICAN INDIANS AND ALASKA NATIVES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. Chairman and Members of the Committee:

Good afternoon. I am Dr. Yvette Roubideaux, Senior Advisor to the Secretary for American Indians and Alaska Natives. I am pleased to provide testimony on the President's proposed FY 2016 budget for the IHS and to describe our accomplishments that show the budgets enacted in recent years have made a difference in helping us address our agency mission to raise the physical, mental, social, and spiritual health of American Indians and Alaska Natives (AI/ANs) to the highest level.

The IHS is an agency within the Department of Health and Human Services (HHS) that provides a comprehensive health service delivery system for approximately 2.2 million AI/ANs from 566 federally recognized Tribes in 35 states. The IHS system consists of 12 Area offices, which are further divided into 170 Service Units that provide care at the local level. Health services are provided directly by the IHS, through Tribally-contracted and operated health programs, through services purchased from private providers, and through contracts and grants awarded to urban Indian health programs.

As an agency we are committed to ensuring a healthier future for all AI/AN people, and the IHS budget is critical to our progress in accomplishing this. Since 2008, IHS appropriations have increased by 39 percent, thanks in part to your committee, and these investments are making a substantial impact in the quantity and quality of health care we are able to provide to AI/ANs. The FY 2016 President's budget proposes to increase the IHS budget to \$5.1 billion, which will add \$461 million to the FY 2015 enacted funding level, and if appropriated, will increase the IHS budget by 53 percent since FY 2008.

The funding increases proposed in the President's budget are part of an "all of government" approach to addressing Tribal needs, with a particular focus on AI/AN youth. For the IHS, the increases will help us improve the quality of and access to care for the patients we serve by expanding access to priority health care services that our patients need, which will result in better quality and health outcomes.

The FY 2016 President's Budget proposes current services increases totaling \$147 million, which are critical to maintain services of our IHS and Tribal hospitals and clinics, help address medical inflation, population growth and pay costs, and ensure continued support of services that are vital to improving health outcomes.

The FY 2016 President's Budget also addresses a top Tribal priority by proposing an overall \$70 million increase to the Purchased/Referred Care (PRC) budget, formerly known as Contract Health Services. This increase includes \$43.6 million in medical inflation, \$1.2 million in additional staffing for new facilities and a \$25 million program increase. PRC funding has increased almost every year since 2008 (58 percent overall), which has allowed some of the IHS and Tribally-managed PRC programs to approve referrals in priority categories other than Medical Priority I—Emergent or Acutely Urgent Care Services (life or limb), including some preventive care services, thus increasing access to patient care services. In 2009, only four IHS-operated PRC programs were able to fund referrals that met PRC Medical Priority I. In FY 2013, 23 IHS-operated PRC programs were able to purchase services beyond Medical Priority I. This number increased to 41 of 69 IHS-operated PRC programs with the PRC increase in FY 2014. The recent increases in PRC have also enabled the Catastrophic Health Emergency Fund (CHEF) to reimburse high cost cases submitted through mid-September, rather than only through June as in the past.

The FY 2016 President's Budget proposes an additional \$25 million for the IHS to expand its successful Methamphetamine and Suicide Prevention Initiative (MPSI) to increase the number of child and adolescent behavioral health professionals who will provide direct services and implement youth based programming at IHS, Tribal, and IHS-funded Urban Indian health programs, school based health centers, or youth based programs. This funding will enable the hiring of more behavioral health providers specializing in child, adolescent, and family services, which will improve access to behavioral health prevention treatment services for AI/AN youth. This expansion of the MSPI is the central focus of the Tribal Behavioral Health Initiative for Native Youth, which is part of the President's comprehensive Generation Indige-

nous Initiative to remove barriers to success and to create opportunities for Native youth and reflects a collaborative effort between the IHS and the Substance Abuse and Mental Health Services Administration.

The IHS and Tribes have made progress in improving behavioral health over the past few years with both the MSPI and the Domestic Violence Prevention Initiative (DVPI). The MSPI has funded 130 IHS, Tribal, and urban community developed programs since 2009 that have provided over 500,000 evidence-based and practice-based youth encounters in the first five years of MSPI implementation. The successes of the MSPI highlight the effective use culturally appropriate interventions and supportive environments, such as identification with Native culture, increased social connectedness, and discussing problems with friends or family, emotional health, and connectedness to family, consistent with the scientific literature on prevention of suicide and substance abuse among AI/AN youth. The increase in services is significant and, as a result, the percent of individuals receiving depression screening in IHS and Tribal facilities increased from 35 percent in FY 2008 to 66 percent in FY 2014.

The DVPI currently funds 57 projects focusing on prevention, intervention, and treatment of domestic and sexual violence. Together these services have resulted in 50,500 direct service encounters, more than 38,000 referrals, and the delivery of over 600 forensic evidence collection kits submitted to federal, state, and Tribal law enforcement. These are vital services. According to a 2014 Centers for Disease Control and Prevention report, American Indian women residing on Indian reservations suffer domestic and sexual violence at rates far exceeding women of other ethnicities and locations. Native women are over 2.5 times more likely to be raped or sexually assaulted compared to other women in the U.S.

The FY 2016 President's budget also includes other increases focused on improving access to affordable health care. With the Affordable Care Act's Health Insurance Marketplaces and the Medicaid expansion, IHS has the potential to increase revenues to support more services through third party reimbursements when it provides services to eligible American Indians and Alaska Natives with other health insurance coverage. The FY 2016 President's budget includes a \$10 million funding increase to improve third party billing and collections at IHS and Tribally-operated facilities. Having more patients who are Medicaid beneficiaries or have private insurance is one part of increasing revenues for our hospitals and clinics. Improving our business practices to ensure timely and accurate billing, monitoring of open receivables, and follow up on unpaid bills is another critical component on which IHS has made progress. In FY 2014, IHS third party collections increased by \$49 million, mainly due to improvements in business practices and from increased third party reimbursements from patients with health coverage.

Another important component necessary to improving quality and ensuring better outcomes for our patients is an effective, state-of-the-art health information technology system that helps us measure outcomes and provide better patient care. That is why we continue to upgrade the capabilities of our IHS Resource and Patient Management System (RPMS), which includes IHS' Electronic Health Record (EHR). The FY 2016 President's budget will help IHS to comply with the requirements for the 2015 EHR Certification and Stage 3 Meaningful Use (MU), through an increase in funding of \$10 million. Participation in MU is critical for the agency since it promotes activities to improve quality and penalties in Medicare payments will occur if IHS does not participate.

IHS has implemented several major upgrades related to MU initiative. The IHS was an early adopter of EHR technology and achieved certification for Stage 1 MU, resulting in the IHS and Tribal health systems receiving over \$120 million to date from the MU incentives. IHS recently received certification for the 2014 Certified EHR and is developing upgrades that will include the ability to achieve MU Stage 2, which includes the ability to share records between facilities, have patients view their health records online, and even have patients send direct secure email to providers. IHS is also preparing to implement ICD-10 which can now proceed since IHS met the 2014 EHR Certification requirements. The IHS RPMS team is currently conducting testing of ICD-10 software upgrades with four sites and with external payers. We are on track to meet the ICD-10 implementation date of October 1, 2015 and plan to begin upgrading local RPMS systems in June.

Another successful program that is helping us improve the provision of quality health care is our Special Diabetes Program for Indians (SDPI). The FY 2016 President's budget proposes to reauthorize the SDPI for another 3 years at the current \$150 million funding level to continue progress in preventing and treating diabetes in the AI/AN population. This program has shown that, in partnership with our communities, we can prevent and treat diabetes in Indian country with innovative and culturally appropriate activities. The most recent SDPI data reflect improve-



ments in diabetes care throughout our system. For example, the rate of increase in diabetes prevalence in adults is slowing and there is almost no increase in diabetes prevalence in youth. In addition, the most recent outcomes paper for the SDPI Diabetes Prevention Program (DPP) suggests that the DPP may reduce new cases of diabetes through lifestyle changes. Preventing diabetes, especially among Native youth, is important since it will help them avoid a lifetime of diabetes and related health problems.

Ensuring access to health care requires efficient and effective facilities and infrastructure, which contribute to improving public health and health outcomes. The FY 2016 President's budget includes significant investments in IHS facilities, including increases for maintenance and improvement, sanitation facility construction, and health care facility construction. Since 2008 the IHS has maintained the facility condition of its health care facilities, provided sanitation facilities service to 159,990 Indian homes, funded 2 hospitals, 6 health centers, and 2 youth regional treatment centers, and participated with Tribes in 12 joint venture projects. However, the backlog of essential maintenance, alteration, and repair is \$467 million as of the end of FY 2014, over 34,500 AI/AN homes are without access to safe water or adequate wastewater disposal facility infrastructure and over 182,500 AI/AN homes that require upgrades and/or capital improvements to the existing sanitation facilities, and there remains \$2 billion of construction projects still to construct on the IHS Health Care Facilities Construction Priority List.

The FY 2016 President's Budget proposes an additional \$171 million for the Facilities appropriation to address these needs. Included is \$35 million to address the maintenance backlog and \$36 million to provide sanitation facilities to 7,700 more homes than estimated to be served in FY 2015. In addition, the health care facilities construction budget is proposed to be increased by \$100 million for a total funding level of \$185 million, which will enable the IHS to complete construction of the Gila River Southeast Health Center, and begin construction on three other projects on the IHS Health Care Facility Construction Priority List including the Salt River Northeast Health Center in Arizona, the Rapid City Health Center in South Dakota, and the Dilkon Alternative Rural Health Center in Arizona.

Additional staffing for newly constructed facilities is critical to achieving the planned increased access to health care. The FY 2016 President's budget proposes to fund all three of the projects that are opening just prior to or in FY 2016. The requested amount is \$18 million to complete the staffing packages for the Southern California Youth Regional Treatment Center and the Mississippi Band of Choctaw Indians' joint venture health center, and to begin funding of the staffing package for the Fort Yuma Health Center.

A top priority of the IHS is to strengthen our partnership with Tribes. I truly believe that the only way that we are going to improve the health of our communities is to work in partnership with them. This includes honoring and supporting Tribal self-determination and self-governance. That is why I am pleased to inform you that the FY 2016 President's budget includes a two-part, long term approach to funding contract support costs (CSC), which is the result of our Tribal consultation that the House Appropriations Interior Subcommittee requested last year on a long-term solution for CSC appropriations. The first part of the approach is full funding of the estimated CSC need in FY 2016, for which the budget requests an increase of \$55 million.

The second part of the approach is a proposal to reclassify CSC as mandatory, rather than discretionary, starting in FY 2017, after Tribal consultation in FY 2016. The reclassification of CSC as mandatory would be authorized for a 3-year period that specifies annual amounts that fully fund the estimated CSC need for each year for FYs 2017–2019. This proposal is consistent with the top recommendation in FY 2014 from Tribes to shift CSC to a mandatory account as the long term approach to fully funding CSC, and will accomplish the top Tribal recommendation to fully fund CSC separately from the services budgets. In the past year, IHS has worked in partnership with Tribes to improve estimates of CSC need and the agency's business practices related to CSC funding. IHS has also made progress on past CSC claims, with offers extended on 1,219 CSC claims and settlements on 883 claims for a total value of \$679 million. The FY 2016 President's Budget's proposal to reclassify CSC as a mandatory appropriation helps us continue progress on this issue which is a top priority of Tribes and we look forward to working with you on this proposed approach.

I want to close by emphasizing that even with all the challenges we face, I know that, working together with our partners in Indian Country and Congress, we can continue changing and improving the IHS to better serve Tribal communities. The FY 2016 President's Budget helps IHS continue progress on improving access to quality healthcare and strengthens our partnership with Tribes. I appreciate all

your efforts in helping us provide the best possible health care services to the people we serve, and in helping to ensure a healthier future for American Indians and Alaska Natives.

Thank you and I am happy to answer any questions you may have.

The CHAIRMAN. Thank you very much, Dr. Roubideaux. Secretary Boyd, thanks for joining us.

**STATEMENT OF RODGER BOYD, DEPUTY ASSISTANT SECRETARY, OFFICE OF NATIVE AMERICAN PROGRAMS, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Mr. BOYD. Thank you, Chairman Barrasso and members of the Committee. Thank you for inviting me to provide comments on the President's request for 2016 for the Office of Native American Programs.

HUD's programs are available to 566 federally recognized tribes, five state-recognized tribes, and the State of Hawaii's Department of Hawaiian Homelands. We serve these entities directly and through their tribally-designated housing entities by providing grants and loan guarantees designed to support the development of affordable housing and to create greater reservation-sustainable economies and communities.

In the proposal for fiscal year 2016, in the Indian Housing Block Grant program, which is the backbone of our programs, is \$660 million, an increase of \$10 million over 2015. Title 6 loan guarantee, \$2 million. Section 184, the Home Loan Guarantee Program, \$8 million, which is a \$1 million increase. Indian Community Development Block Grant, \$80 million, which is a \$14 million increase; \$10 million will be set aside for the new initiative to address teacher housing in Indian Country.

Altogether, the request provides a total of \$748 million, which is \$15.9 million more than in FY 2015.

There has been an opportunity that is being proposed for 2016 in the overall HUD budget. There is a request in the Department, a request of \$177.5 million for a new special purpose vouchers to assist Native Americans, non-Native American families and veterans experiencing homelessness, as well as victims of domestic violence. The Jobs Plus program in the Department is proposing to expand its program to include Indian tribes and Native American families and has set aside \$15 million for this purpose within the \$100 million request for Jobs Plus. The Jobs Plus program provides support to help residents at assisting housing to obtain employment and increase earnings.

ICDBG was mentioned, we are asking for an additional \$10 million set aside for the ICDBG program to help tribes attract and retain high quality teachers in Indian Country by improving the availability and physical conditions of teacher housing. The set-aside is one of several investments according to Generation Indigenous, an Administration initiative focusing on removing barriers to success for Native youth.

In closing, HUD's investments in Indian Country are yielding positive results as tribes continue to leverage and be resourceful with their Federal dollars. HUD strongly supports the reauthorization of NAHASDA, which authorized the single largest source of Federal funding for housing in Indian Country. Thank you.

[The prepared statement of Mr. Boyd follows:]

PREPARED STATEMENT OF RODGER BOYD, DEPUTY ASSISTANT SECRETARY, OFFICE OF NATIVE AMERICAN PROGRAMS, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Good Afternoon Chairman Barrasso, Vice Chairman Tester, and Members of the Committee. Thank you for inviting me to provide comments on lending and leveraging in Indian Country. In my remarks today, I will focus on how HUD's Indian housing programs provide the tools for us to work in partnership with Indian tribes to identify barriers and find solutions to further the development of better affordable homes for American Indian and Alaska Native communities.

My name is Rodger Boyd, and I am the Deputy Assistant Secretary for Native American Programs at the Department of Housing and Urban Development. At HUD, the Office of Native American Programs (ONAP) is responsible for the management, operation, and oversight of HUD's American Indian, Alaska Native, and Native Hawaiian programs.

HUD's programs are available to 566 federally recognized Indian tribes; 5 state-recognized tribes; and the State of Hawaii's Department of Hawaiian Home Lands. We serve these entities directly, or through their tribally designated housing entities (TDHEs), by providing grants and loan guarantees designed to support the development of affordable housing to create greater reservation sustainable economies and communities.

From HUD's perspective, our Title VI leveraging and Section 184 loan guarantee programs provide solutions to the barriers to Indian housing development. These programs have and are making great progress in providing housing opportunities to Native American families across the country because we do not take a "one-size-fits-all" approach to Indian Country. Our programs provide the flexibility for our grant and loan recipients to design their housing programs based on their unique tribal housing and economic development needs. We continue to build upon this approach by identifying new ways to work in partnership with tribes as we work together to build a better living environment in Native American communities through creating sustainable tribal communities and tribal economies.

HUD administers four programs specifically targeted to American Indian and Alaska Native individuals and families, including the Indian Housing Block Grant program.

Indian Housing Block Grant (IHBG) grantees received more than \$10.6 billion in 17 years of funding (1998 through 2014). Since the inception of the program, IHBG recipients have built or acquired almost 37,000 affordable housing units in Indian Country, and substantially rehabbed almost 73,000. IHBG recipients also currently maintain more than 46,000 "HUD units" that were developed before NAHASDA was enacted.

In implementing these programs, the Department recognizes the right of tribal self-governance and the unique relationship between the federal government and tribal governments, established by long-standing treaties, court decisions, statutes, Executive Orders, and the United States Constitution. Each of the 566 federally recognized tribes has its own culture, traditions, and government. We view our role as a partner to tribes and TDHEs to face challenges and achieve successes in Indian housing together.

A main barrier to Indian housing development is accessing capital on reservations. HUD, in partnership with tribes, has attempted to overcome this barrier by providing assistance in building capacity for tribes to gain private capital through sources such as Low Income Housing Tax Credits, the Title VI Loan Guarantee program, and the Section 184 Loan Guarantee program. A growing number of tribes are using these and other federal and state tools to leverage private funding on reservations and tribal lands.

HUD has encouraged tribes to use leveraging as one possible tool to build capacity and maximize the impact of their IHBG funds through the Title VI program. Under the Title VI program, HUD can guarantee 95 percent of outstanding principal and interest on a loan made by a private lender to an IHBG recipient for affordable housing activities. Borrowers pledge a portion of their current and future IHBG funds as security for the repayment of the federally guaranteed financial obligation. The 95 percent guarantee has proven to be an incentive for private lenders to get involved in the development of tribal housing. To date, tribes have used the Title VI program for 80 loans representing \$206.9 million in volume.

There have been many success stories as a result of this strategy.

The Ogala Sioux Tribe in South Dakota is borrowing \$6 million to build 45 low-rent homes (5 in each of the reservation's 9 districts). They were able to almost double the number of homes by purchasing modular homes from a state program. This enables them to start meeting the housing demand across the reservation.

The Yakama Nation Housing Authority has used two Title VI loans. The first was to finance water storage and wastewater infrastructure necessary to support existing housing and a 68-unit LIHTC project. Combined, the two loans came to about \$15.8 million.

The Tagiugmiullu Nunamiullu Housing Authority (TNHA) in Alaska is currently using Title VI to build highly energy efficient homes using technology from the Cold Climate Housing Research Center. In Alaska, it is not uncommon for the cost of energy to exceed the mortgage payments. By using new technology, TNHA has developed an energy efficient housing program that is currently using a \$6.7 million Title VI loan to build 24 homes in northern Alaska.

Also, the Tohono-O'odham Ki:Ki Association in Arizona will borrow \$2.5 million to substantially rehabilitate 20 vacant rental units. Twelve of these 20 units will receive accessibility upgrades for seniors and for persons with disabilities.

HUD encourages tribes to continue to look beyond their IHBG grant funding for other sources of capital to further the expansion of housing and economic development in Indian Country. One example is the Section 184 loan guarantee program. This program promotes home ownership by encouraging lenders to finance mortgages in Indian Country. The program has proven successful in that it has produced more than 26,000 loans in 20 years. The program is continuing to grow in popularity, and is expected to exceed the 3,400 loans guaranteed in fiscal year 2014. So far in fiscal year 2015, the program has seen a 21 percent increase in firm commitments and a 37 percent increase in certifications issued, compared to the same period a year before.

HUD is collaborating with the Bureau of Indian Affairs (BIA) to strengthen its relationship with tribes as a means of increasing the inventory of available housing in tribal communities. The Office of Native American Programs (ONAP) and the BIA have committed to improve the loan closing process to reduce the time it takes to guarantee or insure loans. The Agencies are also emphasizing self-determination and self-governance through the HEARTH Act and by compacting the Land Title Records Office functions from the BIA.

For Fiscal Year 2016, HUD is requesting: \$660 million for IHBG, which is an increase of \$10 million from Fiscal Year 2015 and includes \$2 million for Title VI Credit Subsidy; and \$8 million for Section 184 Loan Guarantees, which is a \$1 million increase from Fiscal Year 2015. HUD is also requesting \$80 million for the Indian Community Development Block Grant, which is a \$14 million increase from Fiscal Year 2015, from which \$10 million will be set-aside for a new initiative to address teacher housing in Indian Country. Tribes will be able to rehabilitate, acquire, and construct new homes to attract and retain teachers in tribal areas. All together, the request provides a total of \$748 million for these programs, \$15.9 million more than in Fiscal Year 2015.

Two additional initiatives for Fiscal Year 2016 include the Special Purpose Vouchers and the Jobs-Plus set-aside. The Department has requested \$177.5 million for new Special Purpose Vouchers to assist Native Americans, non-Native American families, and Veterans experiencing homelessness, as well as victims of domestic and dating violence.

The Jobs-Plus program provides support to help residents of assisted housing to obtain employment and increase earnings. The Department is proposing to expand this program to include Indian tribes and Native American families, and has set aside \$15 million for this purpose within the \$100 million requested for Jobs-Plus.

### **Closing**

In closing, HUD's investments in Indian Country through leveraging and loan guarantees are yielding positive results while recognizing the important of tribal sovereignty and government-to-government relationships with tribes. In order to continue doing so, HUD strongly supports the reauthorization of NAHASDA, which authorizes the single largest source of federal funding for housing in Indian Country. We have seen the great strides that have been made by tribes under this seminal piece of Indian legislation, even in challenging fiscal environments. We look forward to working with the Committee and tribes to secure reauthorization this year.

Thank you again, Chairman Barrasso, and members of the Committee, for the opportunity to appear before you today. I look forward to continuing to work with you and your staffs on these issues. I would be happy to answer any questions you may have.

The CHAIRMAN. Thank you, Secretary Boyd.  
 Senator Daines?

**STATEMENT OF HON. STEVE DAINES,  
 U.S. SENATOR FROM MONTANA**

Senator DAINES. Thank you, Mr. Chairman.

Dr. Roubideaux, thank you for being here today as well. I spend a lot of time traveling across Montana in Indian Country. One of the concerns I hear within IHS is the administrative costs, that a lot of the expense occurs before the dollars actually get down to the people who need the help.

About how much of IHS's costs are estimated to be administrative?

Dr. ROUBIDEAUX. If you look at the overall budget, it is approximately 10 percent. If you look at the area office budgets, it is equivalent, around 10 to 11 percent as well. So most of the, really 90 percent of the funds are used for service units, for direct health care for the services that we do provide. I do know that tribes have that concern and what we have been doing is putting together budgets to show them the actual numbers so they can see where that is.

The administrative portion of IHS has actually been decreasing over time, as more tribes take their shares as they take over the management of the program. So I would say about an average of 10 percent.

Senator DAINES. I appreciate that, and I would be very willing to work with you all, looking at how we can reduce the overhead so the dollars are getting down to the people who need the help.

I appreciate the comments on self-determination as well. I think that is a direction we probably need to head. I hear that from our tribes as well. So we would like to have more empowerment and control over those dollars, to spend them closer to where the people actually are receiving the services.

We had a recent article in the Billings Gazette about a family that was in Ashland, Montana. The contractions came and they were making a mad dash to Billings, came through Lame Deer Clinic. But there were not facilities there for delivering babies. In fact, to quote the mom, she says, "We were flying all the way from Ashland to Billings and we almost made it." And when she says flying, it wasn't an airplane. They were going there quickly in an automobile.

What kind of reforms do you believe are needed to ensure that folks have access to these kinds of services closer to home versus two and three hours away if you are driving fast and the roads are good?

Dr. ROUBIDEAUX. I completely understand what you are saying. When I was a doctor in the Indian Health Service, I delivered babies in the ambulance on the way to Globe, Arizona. I have delivered babies in a bathroom. And it is such a challenge on the front lines in the Indian Health Service to meet the need with the available resources.

However, especially in Montana, we have been talking with tribes, and there is a great focus on wanting to improve access to care. There have been a number of improvements that have been

made by the acting director there, trying to expand access to services, have the clinics open more hours and actually talk with tribes about priorities. Given that we have a fixed budget for the amount of services we need to provide, and the need is great, trying to align how we spend that budget with tribal priorities.

So for example, at Crow and Northern Cheyenne, they have already done renovations for the Adobe unit, and they are looking for ways to find revenue to be able to support that service and the providers.

Senator DAINES. I appreciate that. I look forward to working with you on that as well, out there in the Crow and Northern Cheyenne, part of our State.

Assistant Secretary Washburn, the Montana delegation has offered legislation to recognize the Little Shell Tribe for several Congresses. We have our entire delegation on board, introducing this legislation. I know you have been doing some work to reform the Federal recognition process for tribes. How might these reforms help the Little Shell Tribe?

Mr. WASHBURN. Senator, thank you for the question. It is a little bit premature for me to say, honestly. The Little Shell have had a tough run of it in our process. That process came to near completion. We know that Congress has every right to recognize tribes, so we encourage your efforts over here.

So I don't want to go on record just yet saying what we are going to do. We are working on that. We are still sifting through lots of comments and trying to figure out exactly what the new regulations ought to look like. We want it to be a very rigorous process and it certainly is. We know that there are other mechanisms for recognition. Congress has recognized a lot of tribes over the last couple of decades. That may be an appropriate route for Little Shell recognition.

Senator DAINES. I know they have stacks and stacks and stacks of paperwork as they move through the process. It has been decades. If I can get your commitment that we will work together, whether it is administratively or legislatively, to get that ball across the goal line.

Mr. WASHBURN. We would be delighted to work with you. Thank you, Senator Daines.

Senator DAINES. In terms of the Department's resources, how much of an impact would Federal recognition of the Little Shell Tribe have on the BIA's budget?

Mr. WASHBURN. We don't actually look at that as part of our criteria. Because if we have a Federal trust responsibility to that tribe, if they ought to be a federally-recognized tribe, then that shouldn't be a big part of our consideration. We have 566 tribes. On balance, one additional tribe doesn't add a lot of marginal costs, usually.

I don't know what the specific numbers would be with regard to Little Shell.

Senator DAINES. Thank you, Secretary Washburn.

The CHAIRMAN. Thank you, Senator Daines.

We are in the middle of a vote and a number of people have left. They are going to be returning, and I am going to have to leave shortly. It is interesting, the President's budget request proposes to

transfer the contract support costs from discretionary funding to mandatory funding. The law states that costs like this have to be offset. I am just wondering what the Administration proposes to do as an offset for these costs shifting from discretionary to mandatory. Perhaps, Mr. Secretary, you can start, then I will ask you also, Dr. Roubideaux.

Mr. WASHBURN. Thank you, Chairman. One of the things we propose to do, essentially, we have to fund contract support costs. So this year, what we would intend to do and what we have projected forward is to take the amount that would have been a discretionary fund basically and move that into the mandatory funding. So we would reduce what we ask for in our discretionary funding for that. So that is essentially, in the short term at least, how we figure this out.

We are going to need your agreement to this, because I think this Committee even has jurisdiction over part of this question. So we definitely need your support to make this happen.

We think tribes need to have certainty, and they need to be able to count on this money. We have not been very trustworthy before, neither the Administration nor Congress, in fully funding contract support costs. So this is a way, alluded to if not endorsed by the appropriations committees to deal with this issue. We hope that they do endorse it.

The CHAIRMAN. Dr. Roubideaux?

Dr. ROUBIDEAUX. Yes. We understand that it is a challenging budget climate. We also understand there is lots of need. We are hearing that tribes are really excited about this proposal. Secretary Burwell did testify today at the Labor HHS hearing, and I am waiting to get the exact language for that. But she did answer the same question that you have asked, which is, how are we going to pay for this. And she talked about how this budget was formulated over all the President's budget to be able to pay for it. So I will refer staff to follow up with us, with the Department of Health and Human Services, and we can help show you how that works.

**STATEMENT OF HON. JON TESTER,  
U.S. SENATOR FROM MONTANA**

Senator TESTER. [Presiding] It is always good to visit about the budget. I want to start out by saying, I have been critical in the past about the Bureau fighting for dollars in the budget. I am going to give you guys the credit for what is in the President's budget. I think it is much better this time around than it has been in past years. So as I give you criticism when it is not good, I give you credit when it is good. I want to thank you for that.

Kevin, it has been a while since you have been here. I know there was a point in time where you almost had a seat up here, because you were at every one of our Committee meetings. But this Committee has already reported a few bills out. This has nothing to do with the budget, it is just because I haven't seen you for a while.

[Laughter.]

Senator TESTER. We have already reported a handful of bills out. That handful of bills we dealt with in the last Congress, too. And

we didn't open it up for a new round of legislative hearings and I commend the Chairman for that.

But what I want to hear from you is, can you say anything about the importance of the self-governance amendments or the energy bill that we passed out of Committee? We also had a couple that were focused on tribal youth that we all feel were pretty darned important. So could you just comment on those four bills for the record?

Secretary WASHBURN. You bet. And Vice Chairman, I assure you that I have missed you. It is good to be back. And Senator Murkowski, you too.

One of the bills that you passed out of the Committee was the Spotted Bear and Soboleff Commission on Native Children act, co-sponsored by Senator Murkowski. We are really glad to see that one passed on. We are glad that you are moving fast. It looks like the new chairman is moving just as fast as you did. You laid the groundwork for a lot of this and we are really grateful for that.

We also testified last year on the Native American Children's Safety Act, sponsored by Senator Hoeven, primarily. And we worked with his staff, and that was a good bill, and that one has been passed on. So we feel really good about that.

The Tribal Energy Bill as well, that would make improvements to that situation. We think that is terrific that you passed that out of the Committee.

Finally, the Tribal Self-Governance Bill, we testified on that two Congresses ago. We testified on it last Congress, supportive both times. I understand that there weren't changes in it, the bill that you passed. So we think that all four of these bills, we congratulate you for getting them out of the Committee and hope that you can make progress with them in the full Senate.

Senator TESTER. It is my hope, and I think it is the hope of many, if not all, the people on this Committee, that we can get these through the Senate, through the House and on the President's desk. I appreciate your support of them.

Let's talk about the budget for a second. When we do look at budgets for tribal programs, we look at the short term and we also look at the long term. I want to talk about the long term for a bit, because a lot of these problems are not going to be solved over a one-year period.

So what is the long-term planning process, looking at some of the unmet needs in Indian Country?

Mr. WASHBURN. We have to look long term, because frankly, the unmet needs are terrific. They are very high. We have additional needs and Senator Murkowski, I don't want to preempt her, but the needs in Alaska are high, and we don't provide for some of those needs currently. So if we had more money, there are a lot of great things we could do.

However, one of the things we have to do is build up our infrastructure. So for example, we have included money for school construction this year. We have something near a billion dollars in needs in school construction. We haven't asked for a billion dollars in part because we have to have the infrastructure to spend that money. If you gave us a billion dollars today, we wouldn't be able



to spend it in the next year. We have to have the staff in place so that we can spend that in a responsible way.

So we have asked for a responsible amount of money. We haven't asked for everything that we ultimately hope for. So we think that we probably have a six-year or seven-year plan to address school construction in Indian Country. We can't swallow it all in one year.

So that is sort of the idea, and that is, frankly, the way we are working on several of our budget requests.

Senator TESTER. Okay. Let's talk about school construction for a second. It includes a new line item for replacement facility construction, which appears to fund replacement of individual buildings or portions of schools.

My question is this. Can a piecemeal response ensure the problems of BIE school conditions is adequately addressed? I don't think there is anybody on this Committee that doesn't understand the need for BIE school construction and rebuilds out there. It has been reported on in the press, it is ugly. Could you tell me how you see the piecemeal response versus a different approach?

Mr. WASHBURN. Yes, Vice Chairman, thank you. I would characterize it as thorough and comprehensive, not piecemeal. Frankly, it is piecemeal if you only focus on construction. Because there is a lot more to education than school construction. It is one of our more serious problems, but we are trying to be comprehensive. Not only are we focused on construction, we are focusing on getting IT support and internet access to those schools, crossing the digital divide. We are focusing on Johnson O'Malley to some degree, which helps schools in Alaska and other places, public schools.

And we don't have the luxury, unfortunately, of focusing just on one thing like school construction, even when it is abysmal. Because even in our functioning schools, honestly, our good condition schools, the quality of education is not high. So we have to focus on those issues as well.

Senator TESTER. Yes, and I am going to turn to Senator Murkowski for a second. But you are never going to get good teachers as long as those facilities are tanked out. It is just not going to happen.

[The prepared statement of Senator Tester follows:]

PREPARED STATEMENT OF HON. JON TESTER, U.S. SENATOR FROM MONTANA

I want to thank the Chairman for holding this hearing on the President's FY 2016 budget. While it's not possible to fix everything in Indian Country in one year's budget, I think this is a good budget for Indian Country that keeps us going in the right direction. I want to thank the Administration for its attention to tribal issues and I want to thank our witnesses as well for their work on behalf of Indian Country.

As everyone is aware, the President's budget has increases almost across the board for tribal programs, while also reining in the deficit. While we can't always agree on what issues should be prioritized, I think we all know that a responsible budget shouldn't be balanced on the backs of Indian Country.

I think the budget emphasizes many of the issues that tribes have prioritized in the past few years. Every year, for decades now, we've heard of crumbling infrastructure in our Bureau of Indian Education schools. Well finally, the Administration listened, and has asked for enough funds to finish the 2004 school construction list.

Over the past decade, tribal leaders, and the federal courts, have said we have to fund contract support costs. This budget provides for full funding of those costs, while also proposing to make those costs mandatory funding in the future, so they

no longer cut into program and service dollars. This is a good thing that I hope all my colleagues can understand and agree on.

Overall, the budget proposes over \$20 billion across all the federal agencies targeting Indian Country. It is worth noting, though, this is only an 8 percent increase over 2015, and still does not meet the full needs of Indian Country. However, sitting on this Committee and hearing week in and week out about the unmet needs of tribal communities, I know that any increases will have an enormous impact on the well-being of Native Americans, Alaska Natives and Native Hawaiians across our country.

The budget provides \$2.9 billion for Indian Affairs at the Department of the Interior, an over \$320 million increase. Nearly half of the increase is intended to improve the Bureau of Indian Education. This Committee has heard ample evidence of the impact underfunding education has on our Native youth, so focusing resources here serves as a solid step in the right direction.

The budget would also provide additional resources to allow for greater management of trust assets, address climate change in Native communities, strengthen tribal governance, and continue supporting tribal families through the "Ti-Wah-Hey" Initiative.

At IHS, the budget proposes a \$460 million increase, which would fully fund contract support costs, increase referred care, and provide for new facilities and staffing. The proposed budget provides for behavioral health targeting youth, and would strengthen third party billing and collection efforts.

Similarly, there are increases at HUD to improve tribal access to a myriad of housing programs; DOJ grant programs improving law enforcement efforts in Indian Country; initiating a loan guarantee program at DOE for tribal energy development; the list goes on and on.

I know some of my colleagues on the Hill have dismissed this budget as being a wish list from the Administration. Well, for Indian country, this is not a wish list, but steps towards keeping the promises made to tribes through treaties and legislation throughout our long history.

So I look forward to hearing from our witnesses today on the impacts that the FY 2016 budget will make in their respective departments and programs, and how we can work together to help fulfill the commitments we've made to Indian Country.

Senator TESTER. Senator Murkowski?

**STATEMENT OF HON. LISA MURKOWSKI,  
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you.

And thank you, to each of you, for being here this afternoon. I think that Senator Tester has stated it well, in terms of how we are going to meet the needs out there. We all have to be working together here. But it is difficult. Mr. Washburn, you point out the situation in Alaska quite well.

I want to start, before I go to questions, I want to direct, instead of a question, a statement to you, Director Roubideaux. I do appreciate the Administration's advocacy on fully funding contract support costs. But I also recognize that it didn't come easy. It didn't come without tribes having to win before the Supreme Court in the Ramah case.

Then the Republicans, I was pushing really hard within Interior Appropriations, to deliver justice to tribes by taking on the Administration's policy position of ignoring the responsibility of adequately funding tribal contracts. That was something that I really didn't think that I was going to have to do. It just seemed to me that once the courts ruled that the Administration would follow the direction and do the full funding right away and it didn't happen that way.

I have committed to working with tribes in Alaska and advancing an effort to move contract support cost accounts into mandatory spending. I know it is going to be a heavy lift here. I don't pretend

for a second that it won't. But I think this should be a priority. I think we should make this a priority.

Tribal self-governance is a model that must be supported. It must be expanded. We cannot, in this Country, fulfill a Federal trust relationship based on failed economic policies and models that are stifled by bureaucratic regulations and broken promises.

So I have been asking to work with the Administration for a couple of years now in partnership. Yet it seems like I am having to fight the Administration on staffing packages, on contract support costs, on base operational funding for village-built clinics. We have this conversation every single time. We have urged your leadership on achieving an administrative fix to the definition of Indian within the Affordable Care Act to confirm the definition with Medicare and Medicaid. I have worked to safeguard the Indian Health Service from sequestration, to be equally treated as other Federal health programs.

But at every turn, it seems I am not getting that partnership, that assistance from your side. There remains, in my view, no leadership from the Administration on advance funding for IHS. Tribes have been frustrated. They have certainly been frustrated when they have come to me, I know they have been frustrated when they come to you.

So I don't know what the White House is going to do with nominations. But I will just state here that should the White House be considering whether to just send your name forward for nomination, I am going to push back. I am going to suggest that they consider new leadership. Because we just haven't seen the results and the partnership that we have been hoping for. And I regret that and I am sorry that it has not proven better.

But I wanted it to be clear at the outset here in this Congress where I am coming from and what it is that we are looking for.

Assistant Secretary Washburn, I wanted to ask you about the report we had requested in the Omnibus last year that there be coordination with the Department of Justice and your agency to report to the House and Senate committees on the budgetary needs of our tribal courts within P.L. 280 States. Can you give me an update on that, when we might anticipate that report, kind of where we are in the status? This is a big priority.

We have talked about jurisdiction so much in Alaska. I keep arguing, we can talk about jurisdiction, but we must make sure that funds are there for these tribal courts. So do you know where we are?

Mr. WASHBURN. We don't have a report for you yet, Senator Murkowski. Actually, the report is not required by law. Although I don't disagree that a report is a good idea.

Senator MURKOWSKI. I thought it had to be within 180 days of when the Omnibus was signed.

Mr. WASHBURN. We understand that it wasn't in the bill. And so there's no legal requirement for that report. Now, we don't need to quibble over that too much, because again, you've asked for that, we have talked about that and I think I have even suggested it. We need to be thoughtful about these things, and preparing a report is a way to prepare a map on what we need to do.

So I am not quibbling that we should do one. But it sort of surfaced on my radar screen very recently.

Senator MURKOWSKI. Because we have been working with folks back home to get from them their costs, so that we can submit it to you all. That has been part of the problem, what is it going to take, what will it take to fund, to provide the funding for our tribal courts here. So I think we have been doing the leg work on our end with the assumption that this report was required. I don't know, maybe it is part of the Committee report.

But again, it sounds like you are willing to work with us to provide for this, because I think this is going to be key for us.

Mr. WASHBURN. We will do that, Senator. And with regard to your report about contract support costs, your comments about that, Winston Churchill once said that the United States always does the right thing after it has exhausted all other options. He might have been talking about contract support costs.

So I am really thrilled that we are now at the right place on contract support costs. I congratulate everybody who continued to beat up on us until we did get to the right place on contract support costs. As you said, you now have a heavy lift, and we support you in that lift.

Senator MURKOWSKI. It was too long in coming, and I am glad that we are here.

Mr. Chairman, I am going to be letting Mr. Boyd know that I am going to be sending you a letter on HUD income eligibility, which as you know, drives the NAHASDA funding. We have kind of an odd situation in Alaska, where in rural Alaska, the cost of living is almost double the cost of living in our urban areas. But in the reporting that goes out, it isn't reflected that way.

So we have provided you with the necessary data to support the conclusion that income limits for Alaska rural residents do not appropriately reflect the cost of living differential. So I will send that out to you and we would look forward to your response. I thank you for the indulgence of extra time.

Senator TESTER. Senator Franken?

Senator FRANKEN. Thank you, Mr. Chairman.

Mr. Washburn, when I walked in from taking the vote, I heard Senator Tester talking about school reconstruction. And yesterday I asked Secretary Jewell about the funding and you mentioned the Bug School in your statement. I know that she says and you said you need to finish the remaining schools on the 2004 list, and that the Department of the Interior plans to issue a new list for school reconstruction later this year.

I do want to know what the FY 2016 funding increase will mean for the Bug-O-Nay-Ge-Shig School in Leech Lake. Outside of school construction line items, your agency also has increased funds for technology, operations and instruction for Bureau of Indian Education schools.

Will the Bug School be eligible for any of these funds this year, and what is your plan in the future to make sure the school finally gets replaced?

Mr. WASHBURN. Thank you, Senator Franken. Our plan is to go ahead and run the new formula. I think that folks expect that it may very well be on the list, on the new priority list, when we run

the new formula. But as I have said, we have tried to be more flexible. We had never had this line for facility construction. We have had school construction. We have 183 schools around the Country, campuses, I guess I should say. And we have around 1,700 buildings.

As you know, at Bug School, there is an elementary school that is in pretty good shape. There is a high school that is absolutely atrocious. And then there is the school out back where the language program is in, it is in a portable building.

The problem, we haven't been very holistic, well, we have been too holistic in how we look at these things. Because we rate the whole campus, rather than looking at individual buildings. So Bug School didn't rate on the 2004 list, because part of the school is in fine condition.

So we started thinking about, what are the solutions to this, so that we aren't in this situation. So we have added a whole new line to our budget called, we have a school replacement line, we have added a facility replacement line. So theoretically we could replace just one building rather than having to replace the whole campus. We have put \$12 million into that line. We also have increased operations and maintenance funding as well.

So I can't guarantee you about the Bug School. But I will guarantee you that it is on everybody's radar screen. The Secretary has been to the school. I have been to the school. I have heard you talk eloquently about it and I have seen it for myself now. Exposed wiring throughout the school, no science lab, it is indeed a pole barn. It is not safe. The hallways are way too narrow. It has serious problems. Nothing would make me happier than if it was number one on that priority list.

But Congress told us that we had to use this formula. We couldn't pick and choose among our friends. We had to use the formula and we had to do that formula through a negotiated rule-making. So I didn't get to draft the formula, representatives from Indian Country drafted the formula. We just have to see how it comes out to see where the Bug School is going to be on that priority list.

Senator FRANKEN. Okay, thank you.

One area that I am seeing increasing concern about from tribal leaders in my State is drug abuse. Specifically, opioid and heroin use. This issue is particularly tragic among pregnant women, because of the extreme harm done to infants who are born addicted to opioids and suffer from withdrawal.

Based on data from Minnesota's state-run public health assistance programs, from 2009 to 2012, the prevalence of maternal opioid use has doubled. While American Indian infants make up only 3 percent of kids born in these public assistance programs, they are 28 percent of the infants born with withdrawal symptoms.

Secretary Washburn, I know the Tiwahe Initiative is intended in part to address substance abuse in Indian Country. Are you hearing about similar rates of opioid use across Indian Country as I am hearing about in Minnesota? How will the Tiwahe Initiative or other programs in the budget fight this rapidly increasing problem in my State?

Mr. WASHBURN. Thank you, Senator Franken. We have heard serious problems related to opioids and other narcotics. Before that it was meth, and it has always been alcohol and other drugs, other substances. I heard from a tribal council member from the Ho Chunk Tribe just over the border in Wisconsin from Minnesota recently, who had six babies born in that tribal council member's district of one tribe within a two-week span. And each time that happens, you have to find a healthy family to place that baby with, because you can't give it back to the mother that has been using drugs while being pregnant.

And you know, there weren't six sets, 12 parents, that you could give each one of those babies to. So it is really an epidemic, and it is something that has really informed our Tiwahe Initiative, as you recognized.

One of the things the Tiwahe Initiative does is increases money for social services and for child welfare services, so that we can be better, more proactive. Our social workers tend to be running from one crisis to another, and they need a little bit more support. So it will help. We are also working on, in law enforcement, to prevent drug use and reduce recidivism. So to get people more help.

This is somewhere where we have been focusing on an all-of-government-approach too. So SAMHSA over at HHS has been our partner, the Substance Abuse and Mental Health Administration, in trying to address these issues.

They are quite overwhelming. We are doing the best we can to try to figure out how to address them.

Senator FRANKEN. Thank you. I am well over my time, Mr. Chairman, but I will submit for the record a question for Dr. Roubideaux on this and another question.

The CHAIRMAN. [Presiding] Thank you, Senator Franken. Senator Udall?

**STATEMENT OF HON. TOM UDALL,  
U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Thank you, Chairman Barrasso.

Secretary Washburn, you mentioned in your opening about the internet and hooking up the schools. We all know the internet is really a basic tool for students building skills and for testing and for research and other purposes like that. Part of Generation Indigenious is expected to address this. But what plans do you have to connect all BIE grant and all BIE-run schools to the internet and have sufficient computer technology for the use by students and staff?

Mr. WASHBURN. Thank you, Senator Udall. We have \$34 million in this budget request, just for that purpose. We actually think this is a multi-year proposition as well. But we have to get those kids to where they need to be. They need to have internet access. These days we are required to do all sorts of testing in schools. Some of our schools in New Mexico are using pencil and paper, using the old Scantron type cards. Nowadays, most kids do those on computers, in well-funded school districts. We need all of our kids to be able to take their tests that way as well.

So we have increased, we have a lot of money in this budget, \$34 million, for this year. We are working with the Federal Commu-

nications Commission on their E-RATE program, to try to get more funding for our rural schools. We are also working with public-private partnerships, like with Verizon, to get computer access and routers and other technology that we can use in schools. We are leaving no stone unturned to try to solve this problem. Not just with our budget requests, but we are working with others as well.

Senator UDALL. Great. The next issue I would like to raise is the one of safe and clean schools. I think Senator Tester raised it in terms of teachers wanting to teach in a school like that, and clearly, students be inspired to learn, if they are in a good learning environment. What creative solutions are you developing to accelerate the repair and replacement of tribal school facilities?

Mr. WASHBURN. We have requested \$45 million for school replacement for next year. We have also requested \$12 million for facility replacement for next year.

We have also, by the way, increased funding in some other programs. Last year, we had a really tough winter. The price of natural gas went through the roof and schools were having to use some of their repair money and their operations money just to pay the gas bill. So we have put more money aside in those other lines, so that they can pay their gas bills without robbing Peter to pay Paul. So we are working on that.

We are also working on teacher housing. We have money for teacher housing. Because the housing, it is not just the classroom where we put the teachers, it is the housing that has been bad, too. So we have significant increases in those areas.

Senator UDALL. And as you know very well, recruiting and retaining the best staff is a basic principle for success in business. What are your plans to improve the recruitment and retention of the best teachers and leaders for Indian schools?

Mr. WASHBURN. Thank you, Senator Udall, that is a great question. One of the things we have done is we have increased, we have made a certification program, a professional certification program available to our teachers. Basically this is us saying, we are going to invest in you. And if you want to go through this program, we will pay for it.

It is a lot of work for them to do it, but we want to invest in our teachers. If we are helping to improve them and investing in them, we hope that will be a significant retention effort. We are really hopeful that we can keep some of those.

Senator UDALL. We are learning how important early childhood education is. There is no doubt about that. All the research is indicating that you can have a dramatic impact on human development if you do it in those early years.

What further investment is BIA and BIE making in early childhood learning, especially through the Family and Childhood Education Program, the FACE program?

Mr. WASHBURN. Senator, yes, we have not asked for big increases in our FACE program. But what we have done is we have asked Secretary Arne Duncan to allow the Department of Education programs to change. States get early childhood education funding. But tribes were not eligible to apply for that funding. And so Secretary Duncan has changed the rules so that tribes are now eligible to

apply for that funding. So that will make a lot more funding available to these programs. They are so important.

Ultimately, that will help with K through 12 education, too, because the earlier we start with these kids, the more effective the education is going to be for them over the long term.

Senator UDALL. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Tester, I know you have an additional question.

Senator TESTER. Thank you, Mr. Chairman. This is for Rodger Boyd.

Rodger, we have heard a lot about the 184 program at HUD and it is working well. One of the concerns is that it is focusing on home ownership off-reservation. Does HUD have a plan to make this program more supportive and really increase on-reservation home ownership?

Mr. BOYD. Thank you for the question. And the answer is yes. We know that initially the 184 program was really designed to focus on trust lands. Over the years, many people were, because of the difficulties in obtaining that land and mortgages on reservation, what they were doing is they were going to border towns. These are still within the service area of the respective tribe.

And at the request of many chairmen who still wanted to house their own tribal people, we expanded it to go off reservation. Fortunately, what has happened, and I have to thank this Committee for doing that, and that is the passage of the HEARTH Act. We have been, as Kevin mentioned earlier, we have been forming a really good working relationship between BIA and Interior and HUD to look at the development of the HEARTH Act because it is going to have a huge impact and allow tribes to do much better with regard to title searching and to set up the recordation of title. That has been one of the big barriers we have confronted in the past.

Senator TESTER. I appreciate that, Rodger. We are in 2015. The HEARTH Act was passed in 2012. We should already be seeing an uptick in on-reservation housing, if we are depending on the HEARTH Act. Have we seen an uptick in on-reservation housing over the last two years?

Mr. BOYD. Not to date.

Senator TESTER. Okay, so what I would suggest that you do is get together, consult with Indian Country, try to figure out how you can make this money more focused on the trust lands in Indian Country. If you can do that, I think it will make you a hero. And it will solve a problem that is a big problem.

Yvette Roubideaux, I have a real quick question. You said the President's budget has a particular focus on American Indian and Alaska Native youth. Can you tell me how IHS plans to prioritize the needs of Native youth? Do you have criteria that you are going to utilize when you talk about supporting programs in Indian Country that are going to directly affect Native youth?

Dr. ROUBIDEAUX. Yes. It is real challenging, of course, because there is so much need. But the proposal in the President's budget for the Tribal Behavioral Health Initiative is to add funds to the methamphetamine and suicide prevention initiative to increase the number of behavioral health providers for youth, adolescent and family programming.



Senator TESTER. How will you know where to put those people?

Dr. ROUBIDEAUX. There will be an application process, and it will be a demonstration of need and a demonstration of the applicant's ability to provide services to address that need.

Senator TESTER. Okay. I want to talk about veterans for a little bit. What interagency initiatives are going to be created or strengthened to ensure that Native veterans, who serve at a higher rate than any other minority, are getting the best care that they deserve, regardless of where they live?

Dr. ROUBIDEAUX. Well, we appreciate your advocacy on that issue. You have done a lot on that. We have an MOU with the VA and we have the reimbursement agreement now with the VA. We have been meeting regularly with the VA not only nationally, but locally. So we are seeing expansion of tele-medicine, sharing trainings on behavioral health initiatives. We are seeing more work on a variety of different things.

Senator TESTER. Okay, in other words, you are building a partnership with the VA that needs to be built.

Dr. ROUBIDEAUX. Yes.

Senator TESTER. Good.

Rodger Boyd, last question. Since 1982, the Congress has prohibited the use of IHS sanitation facilities construction funds for HUD-funded homes in the appropriations bill. They have prohibited the use of IHS sanitation funds. Recent legislation has been proposed that would permanently remove that prohibition.

Could you tell me what the impact would be on NAHSADA recipients?

Mr. BOYD. As I am sure you know, through the block grant program, this is an eligible activity for tribes, for housing authorities. The problem, though, is that tribes sometimes have to make very difficult decisions on how they are going to spend these funds within their communities.

Senator TESTER. But right now, right now, they can't use sanitation facilities construction funds. If we change it so that when it comes to building homes, if they changed it so they could, what impact would that have?

Mr. BOYD. Well, it would have a great impact.

Senator TESTER. Positive?

Mr. BOYD. Yes.

Senator TESTER. Okay. Thank you.

Dr. Roubideaux, you just heard Mr. Boyd's response to the questions about removing IHS sanitation construction provisions. Would you like to respond?

Dr. ROUBIDEAUX. Yes, thank you, Vice Chairman. Certainly, I want to support tribal decision-making on funding options. But the challenge we have is that we have a \$3.4 billion need for sanitation facilities construction projects in the Indian Health Service, with 2 billion feasible projects. And if that funding were now opened up, it is right now for Indian homes. If it was opened up for HUD homes, that would just add to the deficiency. So it is a challenge.

Senator TESTER. Thank you very much. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Tester.

Senator Heitkamp?

**STATEMENT OF HON. HEIDI HEITKAMP,  
U.S. SENATOR FROM NORTH DAKOTA**

Senator HEITKAMP. Thank you very much, Mr. Chairman.

First off, I know that we have been kind of hard on you guys in the past when you came here and you are talking about your commitment, especially to Native American kids, and we say we don't see that commitment in the budget. Well, we certainly feel like those concerns have at least been listened to. Whether that is a significant enough increase to deal with what we see as systemic and long-term historic issues in Indian Country remains to be seen, especially given what may or may not happen in the United States Congress regarding these requests for funds.

But I wanted to, I think, kind of start out with you, Kevin. I applaud the focus on Native American youth. I think you know that has been a major interest and concern of mine.

What do you think we can do to guarantee that if we give, if we approve this increase in funding that the American public will actually see an improvement in the conditions for Native American children, whether it is in Indian education, whether it is in housing, whether it is in health care, mental health? Whether it is in fact in education attainment standards? How will we be accountable for those dollars and how do you see deploying these dollars in a most efficient way?

Mr. WASHBURN. Well, thank you, Senator Heitkamp. That is one of the things we are most concerned about. But keep in mind, we are not just asking for more money. We are also talking about transforming the organization of the Bureau of Indian Education. We are also talking about transforming and making more holistic our BIA services as well, so that they are all working together better.

We think we need more resources, for sure, but we also know that we can deploy those resources better by working together, by breaking down the silos between Cabinet level agencies and in our own shop. So one of the things we are doing is really reforming the BIE so it works better. Monty Roessel, the Director of the BIE, is here with me. He is working hard on that so the BIE can be more effective, not just at providing services itself, but supporting the schools, the tribally-controlled schools.

Senator HEITKAMP. One of the points I want to make about Indian education, I think there can be all good intentions at the top. But if those attitudes do not filter down, with respect to tribal sovereignty, and with tribal self-determination, those conflicts will continue to have a direct effect on the quality of Indian education. I just want to set that out there, Kevin, that you need to be very, very mindful of working in concert with tribal authorities and with tribal school boards, with public school boards that are working in Indian Country.

Before my time runs out, I do want to ask you about an issue that is very significant, obviously, in my State. That is the status of the Spirit Lake Social Service Intervention that has been done by BIA. Can you provide me with just a real quick update and any kind of ideas of additional kinds of support that you would need in order to do the job that needs to be done at Spirit Lake?

Mr. WASHBURN. Thank you, Senator Heitkamp. One of the requests that would help at Spirit Lake is our Tiwahe Initiative request. Because we are really trying to increase social services and provide more support, really nationwide, for social services. But it would help Spirit Lake.

Your staff and our office have been right on top of this. I will tell you, we have seen a lot of improvement. We have fully staffed BIA social services out there, in part by hiring contractors, because we couldn't always get full-time employees. But we have fully staffed them.

We have a new superintendent out there who has a master's in social work. So that is a plus. We are working on co-locating the law enforcement with tribal social services and BIA social services so that they can all work together. We have been working closely with the Casey Family Foundation, so we have a public-private partnership there.

Actually, we didn't really, I mean, we have been trying to pull out all the stops and think of anything we could do. Recently, our BIA Office of Justice Services took Spirit Lake leadership, including law enforcement leadership, social services leadership and the chairwoman herself down to the Salt River community in Arizona, where they are running a really good family advocacy center, and showed them how it works.

Spirit Lake has been challenging. We feel like we have done everything we can do to support them. And we will continue to do that. But we really feel like they have the pieces in place to start to improve.

Senator HEITKAMP. Mr. Chairman, if you could just indulge me one additional question?

Do you believe that every child at risk has been accounted for, is in a placement that protects that child and that we are moving in the right direction to hopefully reunite those children back with their families?

Mr. WASHBURN. We are cutting down on our backlogs of investigations that we need to do. I don't know that there is any State in the Country or any tribe in the Country that meets the best practices requirement of small case loads for each social worker. But we are doing our best, and we now have staffing there to start to meet those obligations. We are doing the best we can.

Senator HEITKAMP. Thanks, Kevin.

The CHAIRMAN. Thank you, Senator Heitkamp.

Secretary Washburn, you have heard a lot of questions about education and commitment from members of this Committee in a bipartisan way, focusing on education. Right now, the Bureau of Indian Education is undergoing a major reform that involves transferring the administration of Indian schools to tribes. Several tribes currently operate schools that are working to improve the academic achievements of their students.

All the Indian schools could benefit from some technical assistance. So I am just curious, can you explain how the Bureau will assist these tribes in administering the educational services to ensure that these children's learning experience and process isn't disrupted?

Mr. WASHBURN. Thank you, Chairman. There is a lot to do there. That is exactly why we are reorganizing the BIE. It turns out that we have about 183 school campuses and boarding schools across the Country, and 125 of those are run by tribes. But we basically are still organized in the same way we were when we were running all the schools. So we need to be a different organization. We need to be an organization that provides technical assistance and supports tribes.

That is what we are trying to re-make the BIE into. So that is job one for this reorganization. We have a way to go, and it has not been easy, frankly.

A former assistant secretary told me, be careful in that area, because it is so dysfunctional you won't be able to succeed. We have waded in anyway, because we have to do something. These kids deserve it. So we are doing the best we can and we have a long way to go. But we are working diligently on our reorganization effort. President Obama himself is committed to this, and raises it every time he sees Secretary Jewell.

The CHAIRMAN. Your written testimony also talks about the BIA implementing comprehensive strategies for alternatives to incarceration. I wanted to visit a little bit about that.

The strategies are going to seek to address the underlying causes of the repeat offenders, such as substance abuse and alcohol is a significant contributing factor. It also contributes, certainly, in Wyoming, to high rates of death on the Wind River Reservation. I would ask you to elaborate on the types of strategies that you intend to implement.

Mr. WASHBURN. We are working on some specific reservations, to try to adopt new strategies. Some of it is job training, some of it is substance abuse counseling and other things like that. We are trying to provide more support for those people who are re-entering the community, so that they won't re-offend.

You have to be creative, we have found out. We need more social workers, we need more substance abuse counselors, and we need jobs. Those are the three basic legs of the stool, and we are working to increase those.

The CHAIRMAN. Then you think that will lead to success in the long run to really make this a sustainable, rather than a one-shot problem?

Mr. WASHBURN. We do. The question though, is, we are trying to pilot it at certain reservations. What we find as we pilot these programs, and sometimes we show that they succeed, but we don't necessarily then have the money to go to 566 different tribes. That is one of the challenging things.

But we need to prove it out, to make sure it works.

The CHAIRMAN. Dr. Roubideaux, kind of following on this issue of substance abuse, according to the National Tribal Budget Formulation Work Group that you are familiar with of the challenges facing Indian people, no challenge seems to be more far-reaching than the epidemic of alcohol and other substance abuse. It is often a precursor to other serious issues, including violence in tribal communities. You've also heard at prior hearings that alcohol contributes to unacceptably high rates of death, certainly on the Wind River Reservation.

Could you please explain how the behavioral health proposals, including this new Generation Indigenous Initiative in the budget request, is going to address these high rates of death on the Wind River Reservation due to alcohol-related injuries and abuse?

Dr. ROUBIDEAUX. Thank you for your question, and I know you have a big interest in this area. I hope that we can work together on the tribal behavioral health for youth initiative.

As we thought about the Generation Indigenous Initiative as an overall government initiative, we thought about, what is the role of the Indian Health Service. We have the clinical providers that can provide the mental health and wellness and treatment services for youth and adolescents, families, and for individuals in the community. Our alcohol and substance abuse line item is about 80 percent tribally-run. So we already work with tribes on culturally appropriate, holistic ways to address alcohol and substance abuse.

I think that one of the biggest requests from tribes is, we need more behavioral health providers. This particular proposal helps us get more trained behavioral health providers in the communities, not only just in the clinic, but working with the schools and working in other youth-based places. So we think it will add value to providing the actual clinical services that are needed.

The CHAIRMAN. I had a chance to spend some time this morning with some remarkable young people. Senator Dorgan, former chairman of this Committee, former Senator from North Dakota, he has a program, Center for Native American Youth, and a number of their champions were here today, and I have the privilege of spending some time with them.

They have great concerns in these areas, and I think they are going to be champions and partner with you. This Committee has received testimony at prior hearings regarding the relationship between the risk factors of physical abuse, alcohol abuse, even suicides among young people. We had that discussion and those young people brought those things up today.

So the Administration's Generation Indigenous Initiative is intended to improve programs or services for all Indian youth. In terms of families and adults in the households, I think if they are not included in any plan to address these risk factors that we may be missing a real opportunity to get a handle on these problems. That is what I heard this morning from these young folks.

How is this new initiative going to address risk factors in families and communities?

Dr. ROUBIDEAUX. I absolutely agree with you. If we don't address the issues in families, then the problems the youth are having won't go away. We actually heard that when the President went to visit Standing Rock. The youth told him about all the issues around them that are barriers to their success.

So the purpose of this initiative is to try to reduce barriers and create opportunities for youth and their families. The reason we are adding the funding to the methamphetamine and suicide prevention initiative is that it is already a successful program that has many examples of successful youth and family-based programs, and a more holistic approach to integrating behavioral health and primary care. So we really feel like this adding value to an already

evidence and practice-based program that will help address these issues.

The CHAIRMAN. Thank you, Dr. Roubideaux.

Secretary Boyd, the Committee held a hearing earlier this month on loan leveraging in Indian Country, highlighting in particular the Section 184 program that you have already discussed. This program provides access to mortgage financing and has been a fundamental driver, I believe, for tribal economies.

There still is a high disparity of these loans approved for transactions occurring off-reservation compared to those on-reservation. I am wondering how we can even that playing field so that tribal members living on the reservation can then take full advantage of this 184 program?

Mr. BOYD. Yes, thanks, Senator. I mentioned earlier that our goal really is to increase the opportunities for members living on reservation lands. Certainly I think in working with BIA and working with the Agriculture Department, we are all looking at this as to how we can turn this around. Certainly, I believe, as tribes gather greater control through the HEARTH Act, on leveraging or taking control over the titles and the title searches, I think there is a tremendous market on-reservation.

So we are hoping our work will bring fruit to increasing more 184 on reservations.

The CHAIRMAN. I want to ask you a question also about the Indian Community Development Block Grant funds, looking at fiscal year 2014. Over 1,100 affordable units were rehabilitated, and 86 jobs were created. I think the statistics are that about 23 community buildings were built. The figures are notable. I think we must ensure that all the funds are being used effectively.

The written testimony notes that the Indian Housing Block Grant Program and the Indian Community Development Block Grant programs have both been increased by about \$24 million. Does the Department have any metrics or performance measures that can support this request for either of these programs?

Mr. BOYD. Yes, well, one of the things that happens, especially with ICDBG, every year we have anywhere from two to three times more requests than we can fill. As I mentioned earlier, part of this increase of \$10 million is set aside specifically for teacher housing throughout reservations, which is based really on a very high request and demand from tribal leaders who are trying to sort of complement some of the questions for Kevin, and that is to try and create an environment where teachers will come and want to live in the communities. I think that has been sort of a challenge. I think that will be extremely helpful.

But this increase, since we do have anywhere from 50 percent more requests than we have funds for, that certainly, I think, will help us fill that gap.

The CHAIRMAN. Thank you.

Would any other members of the Committee like to ask additional questions?

Senator FRANKEN. One I was going to submit, for Dr. Roubideaux. You have this crystal meth, or the meth program. Are you going to do a program for opioids?

Dr. ROUBIDEAUX. Yes. The methamphetamine and suicide prevention initiative complements the alcohol and substance abuse funding. You can't just treat one sort of addiction. There are multiple things that people get addicted to in our communities. So we have had a big focus on opioids. Actually, the tribes in your area have been the leaders in that. They convened the first summit to look at the problems of opioid drug dependence. Because of their effort, we have established a new chronic non-cancer pain policy. We have established a number of trainings for our staff. We are the first Federal agency to actually require training for providers to help handle drug dependence, with a focus on opioids.

So I really appreciate your interest in this, and especially the tribes in your area, they really helped us spur the entire system to try to help address this problem.

Senator FRANKEN. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Heitkamp?

Senator HEITKAMP. Just one additional question for Kevin. Tribal colleges, there are really only five that don't have forward funding. During the period of sequestration, this was hugely troublesome for the United Tribes. Obviously, providing for a one-time payment would do the kind of catch-up that we need to do. I am wondering what the Administration can do administratively to solve the problem of these forward-funded tribes, or the ones that are not forward-funded, and try and put them on equal footing with the other tribal colleges?

Mr. WASHBURN. Thank you, Senator Heitkamp. I will look into that issue. I think that is statutory. I don't think it is our rules, I think it is yours, in other words.

So I would be happy to look at that. But I do want you to know, you were at the State of the Union, I think I saw you on TV at the State of the Union. The President rolled out the proposal for providing tuition for two years, and this is the Department of Education budget, for every student in community college and tribal college. There would be a big plus-up in this budget if it gets enacted for tribal colleges, many more resources becoming available.

UTTC does a great job. They are one of the leaders of tribal colleges. They have great leadership themselves. I will look into that issue and talk about it with my staff and see if we can make a proposal to you or something like that.

Senator HEITKAMP. Just want to make the point, as we look at building out education opportunities, the recruitment and training of a workforce that can bring that jobs development, it is critical that we make sure that we recognize the critical cultural importance of our tribal colleges but also the workforce training implications, whether it is in health care, which we have great concerns all across rural America, but particularly in tribal areas, whether it is in housing and building trades.

This is really a building block of infrastructure that needs to be protected. I hope that as we talk about Indian education and we realize that that early childhood, that early experience that helps brain development of young children, so that they come ready to learn, they come already prepared, combined with that opportunity to transition into job training, which could in fact create real economic opportunity for jobs is also critical.

So it doesn't just stop at that K through 12. It begins much earlier and hopefully continues that commitment in education to lifelong learning that will provide education and employment opportunities for tribal members.

Mr. WASHBURN. Amen, sister

[Laughter.]

The CHAIRMAN. If there are no more questions for today, members may also submit follow-up written questions for the record. The hearing record will remain open for two weeks.

I want to thank the witnesses for their time and testimony today. The hearing is adjourned.

[Whereupon, at 3:58 p.m., the Committee was adjourned.]



## A P P E N D I X

### PREPARED STATEMENT OF THE U.S. DEPARTMENT OF JUSTICE

Chairman Barrasso, Vice-Chairman Tester, and members of the Committee:

Thank you for inviting the Department of Justice to testify regarding the substantial support that the President's FY 2016 Budget requests for the Department of Justice for public safety initiatives in Tribal communities. Improving public safety in Indian Country continues to be a top priority for the Department. If enacted, this budget would represent a historic level of funding for American Indian and Alaska Native communities.

The FY 2016 President's Budget for the Department of Justice requests \$417 million in total resources to address public safety in Indian Country, or \$296 million excluding funding for the Bureau of Prisons. Investments include significant and versatile grant funding totaling \$221 million, an increase of 74 percent over FY 2015 enacted levels.

Among the grant programs is a \$5.0 million request for a new Tribal Domestic Violence Criminal Jurisdiction program authorized by Congress in the Violence Against Women Reauthorization Act of 2013 (VAWA 2013). This program would provide grants to Tribal governments and their designees to support Tribal efforts to exercise special domestic violence criminal jurisdiction over non-Indian offenders who commit violence against Indian spouses, intimate partners or dating partners, or who violate protection orders, in Indian Country. The funds may be used by Tribes to implement a broad range of criminal justice reforms, including updating criminal codes, providing counsel to indigent defendants, and supporting victims.

The Department is also requesting \$20.0 million to support enhanced victims assistance services to Tribal victims of crime as part of OJP's Vision 21 strategic plan. OJP's Office for Victims of Crime (OVC) worked with service providers, advocates, criminal justice professionals, allied practitioners, and policymakers to develop OVC's ground-breaking 2013 report, *Vision 21: Transforming Victim Services*, which outlines the difficulties faced by most providers in meeting the challenges of serving victims in the 21st century. One of the report's key findings is that a number of subgroups among the general population of crime victims—including Native Americans and Alaskan Natives—are underserved by existing programs and services. Through a portion of the \$12.5 million in discretionary funding provided to support Vision 21 in FY 2014, OVC began implementing new programs to help Tribal communities improve services to victims of crime. The FY 2016 request, which would be funded through the Crime Victims Fund, would further expand OVC's efforts to develop evidence-based, culturally appropriate victims' services programs for the nation's Tribal communities.

In addition to new grant funding, the Environment and Natural Resources Division is requesting an increase of \$3.0 million to support an additional four attorneys who will work closely with federal and Tribal agencies to litigate cases addressing environmental violations in Indian Country, particularly violations resulting from the rapid expansion of oil and gas extraction on Indian lands. Additionally, the Office of Tribal Justice requests \$240,000 in new resources for one additional attorney position to support the office's efforts to serve as the primary Department of Justice point of contact for federally-recognized Tribes, to advise the Department on legal and policy matters pertaining to Native Americans, and to ensure internal uniformity of Department of Justice policies and litigation positions relating to Indian Country.

The Department has worked hard to make its funding particularly responsive to the needs of Tribal communities. Departmental leadership, including the Attorney General, meets regularly with Tribal leaders through the Tribal Nations Leadership Council to gain valuable feedback about the most pressing issues in Indian Country and to discuss how the Department can work with Tribes to resolve these issues. The Department formalized its consultation policy in August of 2013 and issued a statement of principles to guide future interactions with Tribes in December of 2014.

Closer collaboration and consultation led the Department to launch in FY 2010 the Coordinated Tribal Assistance Solicitation (CTAS), which streamlines the solicitation process that encompasses most of our available Tribal government-specific grant programs. Through CTAS, the Department has awarded over \$525 million to hundreds of American Indian and Alaskan Native communities to invest in a variety of public safety-related purpose areas. For FY 2016, the Department proposes a seven percent set-aside from OJP's discretionary grant and reimbursement programs to support Tribal justice assistance. Based on funding levels requested in the President's Budget, this set-aside would make \$114 million available in FY 2016 to support flexible Tribal justice assistance grants. The set-aside will provide a consistent source of significant, Tribal-specific grant funding that can be distributed through a Tribal assistance grants model based on the lessons learned from CTAS and allow OJP increased flexibility in awarding funds and streamlining reporting requirements.

A better understanding of Tribal needs also led the Department to include in the FY 2016 President's Budget appropriations language changes that would provide two mechanisms for Tribes to access critical national crime information databases that do not exist under current law. A proposed change to the Department's Working Capital Fund statute would allow Tribes to reimburse the fund for supplies, materials, and services related to access to law enforcement databases. Additionally, the Department is requesting a change to OVW's appropriations language that would allow the use of certain prior year balances to develop and maintain tribal protection order and sex offender registries, to be used to enhance the ability of Tribes to access existing federal criminal information databases, which will provide Tribes with more comprehensive, national criminal history information.

While federal taxpayer dollars are scarce and appropriators must consider many competing priorities, public safety in Indian Country is an investment that we cannot afford to forgo. As members of this Committee know, Tribal communities face severe problems: staggering violent crime and substance abuse rates, and unacceptable levels of domestic violence and sexual assault against Native women. The oil boom in the Bakken region has also brought increased crime, drug, and human trafficking, as well as potential environmental concerns, to Tribal communities in North Dakota and Montana.

The FY 2016 President's Budget request for the Department of Justice represents a historic commitment towards addressing the public safety issues plaguing Tribal communities, and maintains our promise to fulfill our trust responsibility to Indian Country.

The Department thanks the Committee for its interest in these critical issues and for its support.

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PREPARED STATEMENT OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE  
FLATHEAD NATION

Dear Senator Tester:

The President's Budget for Fiscal Year 2016 (FY16) is another opportunity for this administration to express its priorities as you stated in your letter to me dated February 10, 2015. The Tribal Council and I share your concerns and thank you for the opportunity to comment. We understand that you have a hearing on Wednesday, February 25 and that the record is open for comments for two weeks after the hearing. We may provide additional written comment as well during the comment period.

First we recognize that the President's budget is always subject to the Congressional action. Tribal Departments and Programs at the ground level can only partly interpret the numbers in the President's budget. Increases that appear in the President's budget are always welcome and appreciated. The challenge is in determining what will actually reach the programs. Our perspective is that even with increases at this time, historic cuts and sequestrations have depleted so many programs such that it is difficult to meet the many and growing needs of our people.

I have attached a summary of some comments submitted to me by our Departments. We are still collecting comments from a few. We would be glad to expand on any part of the summary. If you have a specific point of interest or if you have any questions about any of our comments please let me know and we will be glad to answer your questions and provide more detail as needed.

The Confederated Salish and Kootenai Tribes know you have our best interest in mind and we look forward to working with you on budget matters, especially those that affect the Federal trust responsibility. We appreciate all you have done and continue to do for Indian Country.

## **Attachment**

### **Introduction**

This summary highlights some of the important features of comments from CSKT managers in the Departments listed below. The comments are not in order of priority.

### **Tribal Lands**

If resources for purchasing land and managing this asset are reduced it will affect our work in Appraisals, Fee to Trust transactions, Weed management, Land Title and Records, Range Inventory, probate processing and lease compliance. Each one of the areas listed is an important component to the management and protection of the Tribe's land base.

### **Natural Resources**

The Natural Resources Department is organized in three Divisions; Water, Environmental and Fish, Wildlife and Recreation. The Water Division includes Water Resources, Safety of Dams and Roads.

*Water Division:* The shortfall comes in Safety of Dams rehabilitation, Road Maintenance, Water Management and Water Rights.

*Environmental Division:* The shortfall comes in Non-Point Source program (an EPA program), Air Quality Improve Program (an EPA program), Air Quality monitoring (an EPA program), Pesticide Circuit Rider Program (an EPA program) and Water Quality related programs including Clean Water Act 106 and Wetlands.

*Fish, Wildlife and Recreation (Wildlife Program):* The Wildlife program funding is in the Bureau of Indian Affairs funding compact. Compact funding has been gradually reduced over the years and without an increase in funding the program has set the annual funding shortfall at about \$132K. Reduced funding reduced core wildlife management functions, initiatives and comprehensive wildlife management activities.

### **Housing**

NAHASDA funds have been flat lined since 2000 and a \$10 million increase is nice but it falls way below what our appropriation should be if we apply inflation to \$650 million in 2000. A steady \$10 million increase per year would be nice just to somewhat keep up with inflation.

In the NAHASDA act, section 703 provides that Tribes have control over any training and technical assistance funds made available to Native American Tribes. The intent of this section was to dedicate the funds authorized to the Native American Indian Housing Council (NAIHC) as the NAIHC is the most familiar and comfortable with Indian specific issues. The NAIHC serves the Native Programs best in terms of meeting and understanding Tribal self-determination and local Tribal housing program design.

Section 703 was put into statute at the request of Tribes as a negotiated section agreed to by the Tribes and Congress, after lengthy consultation.

However, in recent years, the NAIHC has been required to compete for the training and technical assistance funds thereby defeating the purpose of Section 703. It appears HUD has been transferring dollars out of program line items for the HUD "Transformation Initiative". The transformation initiative funds reduce program operations and also fund training and technical assistance to "for profit contractors". These contractors are not familiar with the unique needs of Tribal Housing Programs.

In the FY 2016 President's budget the NAIHC is allocated a certain amount of funding, but they must compete for any additional funding above the designated level. This competition requirement defeats the prior commitment and understanding of Section 703. This seems arbitrary and contrary to our earlier agreements. Not only that, the competition requirement takes time away from other more meaningful tasks. This arbitrary action decreases the effectiveness of the NAIHC and its service to Indian Country. Our position is that this requirement for competition is a direct move to reduce NAIHC's training and technical assistance efforts.

The competition for training and technical assistance funds was put in place with little or no Tribal consultation. It disregards and dishonors prior Tribal—Congressional agreements.

The CSKT Tribes are concerned as we have watched the Section 703 mandate and understanding be ignored. Further, we are not aware of any Tribal consultation on modifying NAHASDA requirements previously negotiated by the Tribes in good faith.

The CSKT remain concerned about any effort by the Native American Programs, HUD, to ignore the importance of past Tribal Nation agreements related to Indian Housing.

We request that the Senate Committee Indian Affairs (SCIA) express opposition to any proposed HUD Native American Programs policy change which modifies earlier Congressional and Tribal agreements on how Indian Country is served.

#### **Cultural Preservation**

Two important parts of this program are Rights Protection and Historic Preservation. Bureau of Indian Affairs Rights Protection funding has and continues to be short by an estimated \$16K. Historic Preservation funding may show an overall increase but with the decline in funding over the years the program considers the funding levels to be inadequate and unpredictable, and the increase in number of Tribal Historic Preservation programs (from 12 to 157) continues to reduce the each programs share of the allocation.

#### **Law and Order (Tribal Police)**

As with so many BIA funded programs, the historic decline in funding for Law enforcement has reduced the overall level of staffing. Any increase in the overall program is appreciated but more is needed to keep up with the increasing demands.

#### **Forestry**

Tribal Forestry is organized in two divisions, Forest Management and Fire. Forest Management overall may see an increase but on the ground we see a need for an additional \$1M. Such an increase would (1) Begin to reduce the glaring funding disparity with other similar federal programs and (2) Strengthen base tribal forest staffing and management activities. Fire funding has been an issue for a number of years. CSKT leadership presented testimony at the House Committee on Natural Resources in April 2014. Issues that have been raised include lack of ongoing Tribal Consultation, and while progress was made on the funding formula the fear is that the funding formula process is reverting back to the old HFPAS. Forestry recommends for fire:

1. Continue to work on implementation of the findings and recommendations from the Indian Forest Management Assessment Team report which included adding \$100 million per year to BIA and Tribal forestry programs. Adding approximately 800 staff positions. And another \$12.7 million annually for forestry education and training programs.
2. Consider and evaluate separating BIA Fire Program Funding from any allocation formula developed by the Interior Office of Wildland Fire, Interior Fire Executive Council. We have requested a separate funding mechanism in the past. Fund BIA \$50 million/year in fuels or not less than 25 percent of the total allocation.

#### **Education**

The proposed increase for BIE would potentially benefit Two Eagle River School. Other proposed increases aimed at systemic assistance to Indian families would synergistically assist our mission in Education. For example, again thinking of the needs at Two Eagle, the proposed \$34.2 million for increasing broadband Internet and computer access would be beneficial. To the extent that the President's request reflects increased attention to Indian Country's needs, we are in support.

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PREPARED STATEMENT OF SAMI JO DIFUNTORUM, CHAIRWOMAN, NATIONAL AMERICAN INDIAN HOUSING COUNCIL

#### **Introduction**

Chairman Barrasso, Vice Chairman Tester, and members of the Committee, I am submitting this prepared statement regarding the President's Budget Request (PBR) for fiscal year (FY) 2016 on behalf of the National American Indian Housing Council (NAIHC). My name is Sami Jo Difuntorum and I am the elected Chairwoman of the NAIHC, the only national, Tribal non-profit organization dedicated to advancing housing, physical infrastructure, and economic and community development in Tribal communities throughout the country. I am also an enrolled member of the Kwekaeke Shasta in northern California, and the Executive Director of the Siletz Tribal Housing Department located in Oregon.

I want to thank you for the opportunity to submit written testimony for the Committee's consideration as it reviews the PBR for the Department of Housing and Urban Development (HUD).

### **Background on the National American Indian Housing Council**

The NAIHC was founded in 1974 and has, for over 40 years, served its members by providing invaluable Training and Technical Assistance (T/TA) to Tribes and Tribal housing entities; providing information to Congress regarding the issues and challenges that Tribes face in terms of housing, infrastructure, and community and economic development; and working with key Federal agencies to address these important and, at times, vexing issues. The membership of NAIHC is expansive, comprised of 279 members representing 463<sup>1</sup> Tribes and Tribal housing organizations. The primary mission of NAIHC is to support Native housing entities in their efforts to provide safe, decent, affordable, culturally appropriate housing for Native people.

### **Brief Summary of the Problems Affecting Housing in Indian Country**

Historically, providing adequate housing throughout Indian Country has been a significant challenge, beginning with a lack of access to capital. Because of the trust nature of Tribal lands, title restrictions and jurisdictional issues, Native Americans have not been well served by traditional lending institutions when it comes to investing in economic, community and housing development projects. Private investment in the real estate market in Indian Country is virtually non-existent, with Tribes almost entirely dependent on the Federal government for financial assistance to meet their growing housing needs. Developing and improving housing infrastructure on Tribal land is critical to the promotion of economic development in Indian Country.

A 2013 U.S. Census Bureau analysis reported that American Indians and Alaska Natives were almost twice as likely to live in poverty as the rest of the population—27 percent compared with 14.3 percent. Over 40 percent of Native Americans in North Dakota and South Dakota live below the poverty line, and in seven other states (Arizona, Maine, Minnesota, Montana, Nebraska, New Mexico, and Utah) Native American poverty rates are about 30 percent or more. In addition, overcrowding, substandard housing, and homelessness are far more common in Native American communities.

Because of the remote locations of most Tribal communities, there is a lack of basic infrastructure, economic development opportunities are difficult to identify and pursue. As a result, the poverty rate in Indian country is exceedingly high at 25.3 percent, nearly three times the national average.<sup>2</sup> These employment and economic development challenges exacerbate the housing situation in Indian Country. The First Americans face some of the worst housing and living conditions in the country and the availability of affordable, adequate, safe housing in Indian Country falls far below that of the general U.S. population, as demonstrated by the following:

- According to the 2000 U.S. Census, nearly 12 percent of Native American households lack plumbing compared to 1.2 percent of the general U.S. population.
- According to 2002 statistics, 90,000 Indian families were homeless or underhoused.
- On Tribal lands, 28 percent of Indian households were found to be over-crowded or to lack adequate plumbing and kitchen facilities. The national average is 5.4 percent when structures that lack heating and electrical equipment are included, roughly 40 percent of reservation housing is considered inadequate, compared to 5.9 percent of national households.
- Seventy percent of the existing housing stock in Indian Country is in need of upgrades and repairs, many of them extensive.
- Less than half of all reservation homes are connected to a sewer system.

There is a consensus among most members of Congress, HUD, Tribal leaders, and Tribal organizations that there is a severe housing shortage in Tribal communities; that many homes are, as a result, overcrowded; that many of the existing homes are in need of repairs, some of them substantial; that many homes lack basic amenities that most Americans take for granted, such as full kitchens and plumbing; and that at least 250,000 new housing units are needed in Indian Country.

<sup>1</sup> There are approximately 566 federally-recognized Indian Tribes and Alaska Native villages in the United States, all of whom are eligible for membership in NAIHC. Other NAIHC members include state-recognized Tribes eligible for housing assistance under the 1937 Housing Act and grandfathered in to the Native American Housing Assistance and Self-Determination Act of 1996, and the Department of Hawaiian Home Lands that administers the Native Hawaiian Housing Block grant.

<sup>2</sup> U.S. Census Bureau, *American Indian and Alaska Native Heritage Month: November 2011*. See <http://www.census.gov>

### **The President's FY 2016 Budget Request for the Indian Housing Block Grant**

On February 2, 2015, President Obama issued his PBR for 2016. The 2016 budget includes \$49.3 billion for the Department of Housing and Urban Development. The focus of this year's HUD budget is helping to secure quality housing for Americans; to end homelessness; to make communities more resilient from natural disasters; to protect people from housing discrimination; and to provide critical rental assistance for millions of extremely poor families. The PBR proposes an increase of \$4 billion, or 8.7 percent, over current levels, to fund the Department.

The PBR includes level funding of \$660 million for Indian Housing Block Grant (IHBG) accounts, and \$2 million for the Title VI loan Guarantee. The PBR calls for \$6 million for the Section 184 Loan Guarantee fund, and \$80 million for the Indian Community Development Block Grant (ICDBG), an increase of \$16 million over the enacted FY 2015 level.

Inexplicably, the Administration has again zeroed out the T/TA program line item, typically included in the IHBG account. Similarly, the PBR does not include any funding for the Native Hawaiian Housing Block Grant (NHHBG) or the 184a Loan Guarantee Loan program. The NHHBG was funded at \$9 million in 2015 and the 184a program at \$100,000.

NAIHC respectfully requests that the IHBG be funded at \$700 million, which is still far short of the estimated need of \$875 million. Even at \$875 million, this funding will not meet all Tribal housing needs. Instead, it will only keep pace with the increased cost of housing construction, energy costs, and other inflationary factors. An analysis made by NAIHC indicates that since the inception of the IHBG program, the flat-funded program has lost tens of millions in purchasing power due to inflation. The ICDBG program should be appropriated at \$100 million for the much-needed housing, infrastructure and economic development activities that the ICDBG provides, and the T/TA be funded at not less than \$4.8 million and be delivered in accordance with the Native American Housing Assistance and Self-Determination Act, the authorizing statute.

In its March 2014 report, the General Accountability Office entitled "Native American Housing: Additional Efforts Needed to Better Support Tribal Efforts," (GAO-14-255) the GAO found that limited capacity at the Tribal level is exacerbated by changes in the delivery of T/TA they receive under the IHBG program. After Congress stopped appropriating T/TA funding exclusively to the NAIHC in FY2012, the GAO found that Tribes experienced confusion, unresponsiveness and other problems in accessing these services from the 7 other entities receiving T/TA funds. *See* Report at pp. 19-22.

The simple fact is that the NAIHC is the only national Indian housing organization that provides comprehensive T/TA on behalf of Tribes and their housing entities. Because they know the value added by NAIHC's T/TA programs, the NAIHC membership has voted unanimously during each its annual conventions since 2006, to support a resolution that seeks to set-aside a portion of their own IHBG funding to support NAIHC's T/TA program. In addition, many NAIHC members have expressed concerns with the HUD demand/response delivery system for training and technical assistance and prefer to receive T/TA directly from the NAIHC.

### **Other Indian Housing and Related Programs**

#### *The Title VI and Section 184 Indian Housing Loan Guarantee Programs*

The PBR includes \$2 million for the Title VI Federal Guarantee for Financing Tribal Housing Activities and \$8.0 million for the Section 184 Indian Housing Loan Guarantee Program. The Title VI program is important because it provides a 95 percent loan guarantee on loans made by private lenders, which is an incentive for lenders to get involved in the development of much-needed housing in Tribal areas. The target for fiscal years 2015 and 2016 is to guarantee five loans each year through Title VI.

NAIHC believes that the PBR of \$2 million for the Title VI program is insufficient and we strongly encourage an increase to \$5 million to allow additional access to financing and credit to develop affordable housing in Indian Country. NAIHC respectfully requests that the funding for the Section 184 program be increased from \$7 million to the \$9 million level that was Congress appropriated in FY 2009.

#### *The Indian Community Development Block Grant (ICDBG)*

While appreciated, the President's proposal of \$70 million for the ICDBG is insufficient to meet the current needs for essential infrastructure, including sewer and running water, in Indian Country. In recent years, HUD has received two or three times as many ICDBG applications as can be funded. NAIHC requests that this pro-

gram be funded at \$100 million to provide additional resources for Tribes to rehabilitate, repair, acquire and construct new homes throughout Tribal communities.

*Native Hawaiian Housing*

Low-income Native Hawaiian families continue to face tremendous challenges, similar to those that Tribal members face in the rest of the United States. The President's funding request of \$13 million for the Native Hawaiian Housing Block Grant is appreciated. The PBR includes \$1 million to fund the Section 184A program in Hawaii, which should be sufficient to fund this important homeownership program.

*Training and Technical Assistance and the Proposed Transformation Initiative*

The PBR fails to provide the much-needed, exceptional T/TA that has been provided by the NAIHC since the inception of NAHASDA. The provision of T/TA is critical for Tribes to build capacity to effectively plan, implement, and manage Tribal housing programs. Eliminating funding for T/TA would be disastrous for Tribal housing authorities and would be a huge step in the wrong direction. Tribes need more assistance in building capacity, not less.

The PBR proposes an agency-wide Transformation Initiative Fund (TIF) with up to 0.5 percent of HUD's total budget, which would draw funds away from essential housing programs, including \$3.3 million from the IHBG account "to continue the on-going comprehensive study of housing needs in Indian Country and native communities in Alaska and Hawaii." While the NAIHC membership believes the TIF may have merit, it does not believe that transferring nearly \$3.3 million from the IHBG is a wise or even defensible use of IHBG funds.

More importantly, the \$3.3 million affects funding that has historically been appropriated to NAIHC for T/TA. As I have previously noted, the NAIHC membership has consistently taken the position that a portion of the IHBG allocation should be provided to NAIHC for T/TA, which is a reflection of the continuing demand for the essential capacity-building services that we provide. We request that funding in the amount of \$4.8 million for T/TA is appropriated in FY 2016 with 3.3 million provided to the NAIHC.

**Conclusion**

NAHASDA was devised and enacted to provide Tribes with new and creative tools necessary to develop culturally appropriate, safe, decent, affordable housing. While we value and appreciate the investment and efforts that this Administration and the Congress have made, NAIHC has very specific concerns with the PBR for the Indian housing funding levels and hopes that Congress, guided by the leadership of this important Subcommittee, will work with the NAIHC and the Administration to recognize the acute housing and capacity building needs that continue to exist in Tribal communities.

Consider these needs against a backdrop that includes the following observation from the GAO in its February 2010 Report (10-326, "Native American Housing"), to the Senate Committee on Banking and the House Committee on Financial Services:

NAHASDA's first appropriation in fiscal year 1998 was \$592 million, and average funding was approximately \$633 million between 1998 and 2009. The highest level of funding was \$691 million in 2002, and the lowest was \$577 million in 1999. For fiscal year 2009, the program's appropriation was \$621 million. However, when accounting for inflation, constant dollars have generally decreased since the enactment of NAHASDA. The highest level of funding in constant dollars was \$779 million in 1998, and the lowest was \$621 million in 2009.<sup>3</sup>

The path to self-sustaining Tribal economies is not achievable without a robust housing sector and Tribal housing conditions will not be improved without adequate funding. NAHASDA is not just about constructing houses. It is about building Tribal communities—communities where health and safety are a top priority and where education can take thrive.

Thank you Chairman Barrasso, Vice Chairman Tester for your continued support tribal housing programs, the housing and living conditions for America's indigenous people, and pursuit of ways we can mutually address housing and housing-related community development throughout Indian Country.

<sup>3</sup>See GAO Report 10-326 at [www.gao.gov/products/GAO-10-326](http://www.gao.gov/products/GAO-10-326)

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. STEVE DAINES TO  
HON. KEVIN WASHBURN

**Question:** The Confederated Salish and Kootenai Tribes manage their forestland under a Public Law 93-638 Self Determination Compact. They were recently notified that they are to receive a 32% reduction in their FY15 Preparedness budget. This comes five months into the fiscal year. How can you explain this reduction within the Bureau of Indian Affairs when the Preparedness budget was increased for 2015? Is the BIA fulfilling its contractual obligations to the tribes if there is this level of uncertainty in their budget?

**Response:** The Department of Interior's Wildland Fire Management appropriation is distributed among the Bureau of Indian Affairs (BIA), Bureau of Land Management, National Parks Service, and the Fish and Wildlife Service. The Department works with all four bureaus to distribute the Department's WFM appropriation.

In FY2014 the Confederated Salish and Kootenai Tribes (Tribes) received approximately \$1,232,000 in preparedness funding and an additional \$235,000 of one-time allocation to improve their prevention program. In FY2015 the Confederated Salish and Kootenai Tribes received approximately \$1,231,000 in preparedness funding, a net change of approximately \$1,000 from the FY 2014 level.

In addition, the BIA has been working with the Salish and Kootenai Tribal College to create opportunities for bachelor's degrees in Forestry and Natural Resources. In FY 2013 the BIA and the Tribes collaborated to establish the Tribal Research and Education in Ecosystem Sciences (TREES) program. Since FY2013, the BIA has provided \$350,000 a year to the Tribal College for the TREES program. In FY2015, the BIA will expand its partnership by adding an additional \$350,000 from the BIA Wildland Fire Management budget to increase the total of tribal students to 40.