

**TESTIMONY OF HEIDI HEITKAMP
U.S. SENATOR FROM NORTH DAKOTA**

**BEFORE THE
HOUSE NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON INDIAN, INSULAR, AND ALASKA NATIVE AFFAIRS**

**LEGISLATIVE HEARING ON
H.R. 4289 AND S. 246**

MAY 18, 2016

Chairman Young, Ranking Member Ruiz, and members of the Subcommittee, I appreciate you holding this hearing regarding S. 246, *the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act*. And, thank you for your tireless work with tribes to build up Indian Country and support Native youth. I also want to personally thank you, Chairman Young, Ranking Member Ruiz as well as Natural Resources Committee Chairman Bishop and Ranking Member Grijalva and your staff for bringing Native children to the forefront of your work.

I am grateful for the many partners, in particular Representatives McCollum, Cole, Takai, Denham, and Ranking Member Ruiz, who have worked to build momentum in the House for this legislation. After S. 246 passed the Senate unanimously on June 1, 2015, they introduced the companion bill, H.R. 2751, illustrating the bipartisan and bicameral support for Native children and the Commission intended to help them. We have also garnered widespread support from partners across Indian Country for this legislation, including the Alaska Federation of Natives, Great Plains Tribal Chairman's Association, National Congress of American Indians, National Indian Education Association, National Indian Health Board, United South and Eastern Tribes, and the United Tribes of North Dakota, among many others.

Statistics Illustrate Tremendous Need

Working to address the needs of this country's most vulnerable population started well before I entered the Senate or became a member of the Senate Indian Affairs Committee. As North Dakota Attorney General, I worked with the tribes in my state to highlight the many issues afflicting tribal reservations. Too often, the needs of Indian tribes go ignored because the data is inadequate to illustrate local need. NCAI calls Indian Country the "Asterisk Nation" because of an invisibility that is perpetuated by federal and state agencies and policies that leave American Indians and Alaska Natives (AI/AN) out of data collection and reporting efforts.

Where there is information portraying Native communities, the statistics are often disparaging, including:

- 22 percent of Native youth suffer post-traumatic stress at the same rate as veterans returning from Iraq and Afghanistan.¹
- At least seven states have a Native student graduation rate of approximately 50 percent or lower as compared to a national graduation rate of over 80 percent.²
- Nationally, only 67 percent of AI/AN students graduate high school. Bureau of Indian Education (BIE) schools have a graduation rate of only 53 percent.³
- Suicide is the second leading cause of death (behind unintentional injuries) for Native youth ages 15-24 residing in Indian Health Service service areas.⁴
- The Native youth incarceration rate is three times that of the general population.⁵

Native Children Commission

The federal government has a trust responsibility to provide for the education, health, and safety of Native children, yet the above statistics show that Native children are the most at-risk population facing significant disparities with their peers. Tribal governments face numerous obstacles in responding to the needs of Native children partly due to existing programmatic rules and the volume of resources required to access grant opportunities. At the same time, federal agencies lack clear guidance or operate in silos inhibiting their ability to effectively address the needs of Native children and fulfill the trust responsibility to tribal nations.

S. 246 would create a Commission on Native Children to conduct a comprehensive study regarding the federal and local programs, grants, and supports available for Native communities and Native children as well as assist non-Native partners and communities in understanding and addressing the needs of Native children. The 11-member Commission, appointed by the President and leadership in the House of Representatives and Senate, would include experts in areas of juvenile justice, social work, education, and mental and physical health.

The appointment model ensures the President and federal agencies have input while guaranteeing congressional oversight and engagement. Recognizing the need to include children in the conversation, the bill establishes a Native Children Subcommittee to advise and offer insight to guide the Commission's work.

Three years after the date the Commission is fully appointed and funded, the Commission will issue a report with its recommendations on how to achieve:

- **Better Use of Existing Resources** – The Commission will identify ways to streamline current federal, state, and local programs to be more effective. It will provide ideas to give tribes greater flexibility to devise programs for their communities in the spirit of

¹ Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence Report: Ending Violence so Children Can Thrive, Final Report, November 2014.

² National Indian Education Association, 2014 State of Native Education Report.

³ National Indian Education Association, 2014 State of Native Education Report.

⁴ Senate Indian Affairs Committee Testimony of IHS Acting Director Robert McSwain, Youth Suicide in Indian Country, February 2009.

⁵ Aspen Institute Fast Facts, Native Youth Report, April 2014.

self-determination and suggest best practices for assisting government agencies in redirecting resources to the areas of most need.

- **Increased Coordination** – The Commission will seek to improve coordination of existing programs and resources currently addressing Native children’s needs. The federal government houses programs across numerous different agencies, yet these programs often work independently and inefficiently.
- **Measurable Outcomes** – The Commission will recommend measures to determine the wellbeing of Native children and use such measurements to propose short-term, mid-term, and long-term national policy goals.
- **Stronger Data** – The Commission will seek to develop better data collection methods. Too often Native children are left out of the conversation because existing data collection, reporting, and analysis practices exclude them.
- **Enhanced Private Sector Partnerships** – The Commission will seek to identify obstacles inhibiting public-private partnerships in Native communities.
- **Implementation of Best Practices** – The Commission will identify and highlight successful models that can be adopted in Native communities.

Conclusion

Chairman Young, Ranking Member Ruiz, and members of the Subcommittee, I appreciate your willingness to consider this legislation. For too long, the answer has been the creation of new grant programs or addressing the symptoms of poverty and trauma, which afflicts Native children. Now is the time to have the conversation about the root cause of issues affecting Native youth and the means to effectively address them. As this federal government looks to use its already limited funds more wisely, I respectfully urge you to move this legislation so that experts, tribal leaders, and Native children have the conversation on how best to address their needs and uphold our treaty and trust responsibilities.

As a North Dakotan with five tribes in my state and as a member of the Senate Indian Affairs Committee, I have seen firsthand and heard repeatedly about the issues that have persisted in Native communities for decades due to failed federal policies. But, we cannot give up the hope that reform can create change and breed success. This Commission will create the impetus for such reform.

Once again, thank you Chairman Young, Ranking Member Ruiz as well as Natural Resources Committee Chairman Bishop and Ranking Member Grijalva and the cosponsors of my bill’s House companion. Your dedication to Indian Country is second to none. As such, I challenge you to stand with me and fight to build up Native communities and support their future generations by establishing this Commission. Together, we can support a measure to identify barriers to success and build out best practices for helping this country’s most vulnerable population – Native children.