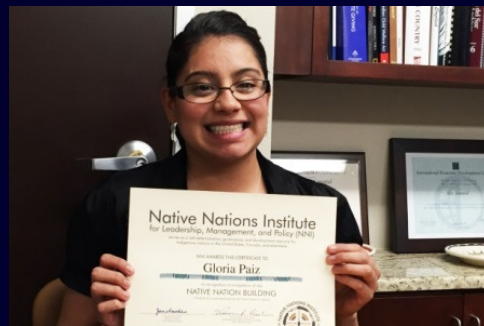


# Empowering Tribal Workforce Development

Indian Country's Policy Recommendations  
for the Federal Government



This brief presents policy recommendations for the federal government as it supports tribal nations, Native organizations, and tribal colleges and universities as they design, refine and strengthen their workforce development efforts. These recommendations were collated by the National Congress of American Indians (NCAI) Partnership for Tribal Governance.

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*Cover photos courtesy of Coeur d'Alene Tribe Council Fires, Ysleta del Sur Pueblo, and Gila River Indian News.*



# **Empowering Tribal Workforce Development: Seeding Opportunities for Innovation**

**Indian Country's Policy Recommendations for the Federal Government**

**Collated by the National Congress of American Indians (NCAI)  
Partnership for Tribal Governance (PTG)**

*This brief presents a list of key policy recommendations for the federal government as it supports tribal nations, Native organizations, and Tribal Colleges and Universities (TCUs) as they design, refine, and strengthen their workforce development efforts. It is not an exhaustive list; rather, it features Indian Country's primary recommendations for actions that the federal government can take to empower tribal workforce development.<sup>1</sup>*

*NCAI compiled these recommendations over 18 months through: its research project documenting innovative tribal approaches to workforce development; interviews and surveys it conducted with tribal leaders and workforce development practitioners; a series of tribal workforce development sessions it convened at its conferences; its ongoing consultation with its TANF (Temporary Assistance for Needy Families) Task Force and Economic Development, Finance, and Employment Subcommittee; and its participation in a December 2015 Workforce Development Roundtable convened by the U.S. Senate Committee on Indian Affairs.*

## **Tribal Innovation: The Springboard for Tribal Workforce Development Success**

A considerable body of research built over the past three decades concludes definitively that tribal self-determination/self-governance is the *only* policy that has ever succeeded in improving the lives of Native people<sup>2</sup> and the quality of life in tribal communities.<sup>3</sup> Nowhere does this finding ring more true than with tribal workforce development. From the Confederated Salish and Kootenai Tribes in Montana to the Coeur d'Alene Tribe in Idaho to the Gila River Indian Community in Arizona to the Quinault Indian Nation in Washington to Ysleta del Sur Pueblo in Texas, tribal nations – along with Native organizations and TCUs – are crafting innovative, customized solutions to their particular workforce development challenges, solutions that (1) make real differences in the lives of Native people in search of employment and the education, skills, and experience necessary to build successful careers, and (2) strengthen tribal sovereignty in the process. Along the way, they are discarding or modifying one-size-fits-all programs and approaches that may work for governments elsewhere and that offer the bureaucratic path of least resistance for the federal government. As one TCU president put it, “Flexibility works – enabling tribes to do what we’re good at doing. We know our problems intimately. We also know the solutions.”<sup>4</sup>

## **The Federal Government's Role: Fostering Tribal Innovation**

Since success is demonstrated to hinge above all else on the ability of tribal nations, Native organizations, and TCUs to innovate, then what is the appropriate role of the federal government in tribal workforce



development? Is it to uniformly impose a standard set of answers to tribal workforce development challenges across Indian Country? Or is it provide tribal nations, Native organizations, and TCUs with the governance freedom, programmatic flexibility, training and technical assistance, and resources that they need to design and implement bold strategies capable of advancing the distinct workforce development priorities of the specific tribal communities that they serve? The evidence points overwhelmingly to the proven benefits of the latter, and the proven failures of the former.

Put simply, the federal government's job is to foster a positive environment for *tribal* workforce development. Its responsibility is to work closely with tribal nations and communities to identify and remove the obstacles that currently obstruct tribal innovation, and create new opportunities for tribal ingenuity to take root and flourish. Its task is to endow its systems, processes, programs, and funding protocols with the ease and adaptability that tribal nations and communities have shown that they need to effectively build their human capacity in accordance with their cultural values and in furtherance of their community and economic development goals. Ultimately, as one longtime tribal workforce development expert explains, "It's about letting tribes be tribes, and doing things in a tribal way."<sup>5</sup>

### **Some Critical Next Steps in Fostering the Environment for Tribal Innovation**

Fulfilling these obligations is easier said than done, and it will take time, focused attention, and sustained effort. It is important to acknowledge the progress that the federal government already has made in providing tribal nations and communities with greater latitude to devise their own tailored workforce development solutions, with Public Law 102-477 and Section 166 of the Workforce *Innovation* and Opportunity Act (WIOA) among the notable examples (emphasis added by NCAI). According to Indian Country, however, the federal government must do more to fully enact the positive steps it has taken, as well as undertake additional measures to further empower tribal workforce development efforts.

It also is important to note that the federal government's obligations to empower tribal workforce development extend not only to tribal governments, but to TCUs and Native organizations including regional non-profit organizations and Native community development financial institutions (CDFIs) that serve the education and workforce development needs of Native people in urban and rural service areas across the country. Like other Americans, Native people – particularly those of working age – are mobile and reside in a range of different locales, with populations living (and working) on and off tribal lands and some traveling between communities on a regular basis.<sup>6</sup> They require and deserve ready access to quality, culturally appropriate programs and services no matter where they live, work, and study, and it is the federal government's job to foster that access so that they are able to succeed in the 21<sup>st</sup> century American economy. The recommendations below inclusively address the key players involved in developing a robust workforce that meets the needs of individual Natives as well as tribal nations and communities.

### **MAJOR RECOMMENDATIONS FOR TRIBAL WORKFORCE DEVELOPMENT INNOVATION**

*The federal government's adoption and implementation of the following six recommendations would seed broader opportunities for Native-led innovation in the design and provision of workforce development services. Such opportunities are critical for making these services more comprehensive,*

*effective, and responsive to the economic, social, and cultural needs of Native communities. These recommendations come from tribal leaders, tribal workforce development practitioners, TCU administrators and educators, and other key stakeholders, and are presented to Congress and the Administration.<sup>7</sup>*

**1. The Secretary of Labor Should Charter a Special Task Force to Identify Opportunities for Innovation in Tribal Workforce Programs:** In close collaboration with tribal nations and other Native-controlled entities providing workforce development services, **the Secretary of Labor should charter a special task force specifically devoted to exploring and recommending measures to provide opportunities for innovation in the planning, operation and delivery of tribal workforce development services.** One or more members of the Department of Labor’s Native American Employment and Training Council (NAETC) should serve on this task force. These measures should include:

- The Secretary, in cooperation with other appropriate Departments and agencies and in close collaboration with this special task force, should **inaugurate a program to provide seed grants for multiple special Native workforce projects** that employ innovative approaches to the delivery of workforce development services at the tribal community level. The activities supported and all funds involved in such projects should be exempted from the limitations on allowable activities and costs and the performance metrics and standards otherwise applicable to Section 166 WIOA funds. Instead, goals and intended outcomes should be specified by each applicant and monitored by the applicant’s governing body and the Department of Labor (DOL).<sup>8</sup>
- **Allow Native American grantees designated to deliver services under the Section 166 WIOA Comprehensive Services Program and Supplemental Youth Services program to use a portion of their regular allocations of such funds to explore innovative approaches to the delivery of their services.** These special projects should be exempted from the application of the performance metrics and standards in Section 116 of WIOA using the waiver authority in Section 166(i) (3). Special standards of accountability specific to such projects should be negotiated by each grantee and DOL and used instead.
- **The task force should issue a report not more than one year from the date of its first meeting detailing ways to reduce barriers** to innovation in the workforce development programs available to Native-controlled entities through DOL.
- **The task force should issue a report not more than two years from the date of its first meeting detailing ways that DOL can stimulate and support joint efforts between philanthropic organizations and private enterprises and the Department that directly benefit Native communities.** This would involve encouraging foundations and corporations to collaborate with Native groups and DOL to fund innovative efforts in tribal workforce development (akin to the still-functioning Manpower Demonstration Research Corporation, established by the Ford Foundation and several federal agencies – including DOL – in the mid-1970s).

**2. The President Should Issue an Executive Order Chartering a Joint Committee:** This joint committee should feature representatives from DOL and the Departments of Commerce, Education (ED), Health and Human Services (HHS), Housing and Urban Development (HUD), Interior (DOI), and Treasury; the Small Business Administration; and tribal governments, Alaska Native regional non-profits, and other Native-controlled entities. All committee members should have experience working with Native communities (the committee should include one or more members of the NAETC, as well as one or more tribal representatives from the 477 Administrative Flexibility Work Group). The joint committee should be directed to analyze and make specific recommendations regarding how to better coordinate workforce and related programs administered by federal agencies in ways that foster the involvement of Native families, educational institutions, cultural resources, returning veterans, and business enterprises. **It should issue a report presenting its findings to the Executive Office of the President no later than one year from the date of its first meeting.**

**3. The Administration Should Bolster the 477 Program by Streamlining Requirements and Removing Barriers to its Effective Implementation:** The evidence clearly shows that the 477 program is working, with the Confederated Salish and Kootenai Tribes among the striking examples. For example, in FY 2012, DOI's Office of Indian Energy & Economic Development reported that of the nearly 44,000 adults and youth being served by tribal 477 programs, over 99 percent of them achieved positive employment or education outcomes, earning an average \$7.00 increase in hourly wages.<sup>9</sup> But the federal agencies responsible for administering 477 need to do more to enable tribal nations to make 477 work *better*.<sup>10</sup> They need to **fully implement the law by increasing collaboration among the agencies, and by streamlining and simplifying 477's funding and reporting requirements**.<sup>11</sup> This was a key part of the program's original intent, but federal agencies have strayed from this commitment and instead of streamlining the program, have created additional barriers to its success. This dynamic also discourages some smaller and/or remote tribes from benefitting from the 477 program, as the administrative costs are too high to make it cost effective. The federal government should **fully implement the explicit requirements in the current law that tribal nations provide only a single plan, single budget, and single report**, as it is vital to tribal nations' ability to strategically craft innovative solutions and maximize the resources available to actually serve their citizens.<sup>12</sup>

**4. The Administration Should Foster Closer Collaboration between Tribal Workforce and Economic Development Initiatives:** It should **launch a joint examination** by tribal leaders, tribal workforce development practitioners, and federal agency managers to examine the regulations and policies of programs in Commerce, ED, HHS, HUD, DOI, DOL, Treasury, and the Small Business Administration that support tribal economic development and tribal workforce development **to insure that these programs work in tandem to stimulate the development of tribal economies and build the human capacity needed to sustain that development**. The federal government also should **exempt activities and funds spent on integrated economic and workforce development planning and operations from restrictions on expenditures, program reporting, and accountability requirements** that are focused primarily on the skill development of individual participants. It also should **explore statutory changes similar to the one in P.L. 102-477 that enables tribal nations participating in that initiative to spend a portion of their funds on economic development**, broadly defined by the nations themselves.

## **5. The Federal Government Should Adequately Fund Native Workforce Development**

**Programs:** Federal funding for Native workforce development programs is a fraction of what it was in the past. Meanwhile, the Native population is one of the fastest growing in the country, increasing by 27 percent between 2000 and 2010.<sup>13</sup> It also is one of the country's youngest populations, with 32 percent of the Native population under the age of 18 (compared to 24 percent of the U.S. population as a whole).<sup>14</sup> **At a minimum, the federal government should, without delay, restore full funding for vital Native American workforce development and related grant programs** (WIOA, BIA's Job Placement and Training, ED's Adult and Vocational Education, Tribal TANF, and Tribal Vocational Rehabilitation programs, to name a few) to the levels they were in 2000, **adjusted for the significantly expanded size of the service population and increases in the cost of services** such as tuition for post-secondary educational institutions (see Appendix A for WIOA-specific considerations).

## **6. The Federal Government Should Support the Building of Tribal Nations' Capacity to Collect, Analyze and Manage Data on Their Own Populations:**

NCAI's project has documented the critical role that accurate data plays regarding both the need for and effectiveness of services in successful workforce development initiatives. The federal government has a trust responsibility to invest in tribal nations' building of their governance capacity. This includes strengthening tribal data collection, management, and analysis capacity across the board, which notably includes workforce development. The federal government should **invest in tribal data systems and the training of tribal workforce development practitioners and researchers to generate useful local labor market data**, as well as data in the related sectors of education, health, infrastructure, and economic development. These data systems need to be integrated across tribal departments, and need to be able to align with federal and state data systems.

## **OTHER KEY RECOMMENDATIONS FOR TRIBAL WORKFORCE DEVELOPMENT**

*Below are 22 other key policy recommendations for the federal government to consider:*

**1. Remove the Fiscal Constraints that Hamper Tribal Planning and Innovation:** Native American workforce development programs need adequate funding from the federal government, but equally important is removing the obstacles that inhibit tribal control and flexibility when it comes to how that funding is distributed and used. First, **the Department of Treasury should allow all federal departments, including HHS, to distribute funds in advance as is permitted for Public Law 93-638 programs. This should specifically include funding for Tribal TANF and other HHS-supported workforce development-related programs.** Tribal nations should be able to draw down their annual program monies for TANF, Child Care, and other HHS-funded programs in their entirety at the beginning of each fiscal year without interruption, exception, or delay.<sup>15</sup> At a minimum, they should be able to access at least 75 percent of funds up front once they are deemed available, and the adjusted remaining funds in the final quarter of each fiscal year. The current limitations of quarterly and even three-day drawdowns of funding prevents tribes from planning, innovating, and preparing for or responding to crises involving workforce-development related activities and initiatives.<sup>16</sup> In addition, **federal agencies should remove the arbitrary administrative caps that have no**

documented basis in fact. Instead, federal agencies should allow tribal nations to negotiate indirect cost rates (IDCs) with DOI's Interior Business Center (as current law requires) that meets their particular needs and priorities, and then honor those IDCs once negotiated.<sup>17</sup>

**2. Strengthen Indian Country's Voice in DOL Decision-Making:** Three steps in particular would strengthen Indian Country's voice in DOL decision-making: First, DOL should **elevate the authority of the Native American Employment and Training Council (NAETC) to the Secretary level**, which should feature (1) the direct involvement of the Office of the Secretary and the Assistant Secretary for Employment and Training in Council meetings, and (2) the facilitation of an ongoing, open dialogue with staff in these offices to swiftly rectify issues that inhibit DOL's ability to support tribal innovation in the planning and delivery of DOL-funded workforce development services. Second, DOL should **expand the NAETC to include tribal leaders who can provide critical perspectives on the relationship between tribal workforce development programs and other key components of tribal governance.**<sup>18</sup> Third, the Secretary of Labor should **convene a summit of the NAETC and DOL's Native program grantees to collaboratively develop strategies for bringing these programs up to their full potential in the 21st century.**<sup>19</sup>

**3. Address Federal Data Shortcomings that Impact Tribal Workforce Development Efforts:** The ability of tribal nations, Native organizations, and TCUs to develop effective workforce development initiatives depends on their informed understanding of the current tribal workforce and the specific nature and gravity of the challenges they face in developing it. Informing that understanding depends on whether they have reliable, relevant, localized data at their fingertips. In this regard, the federal streams of data currently available are sorely lacking. The decennial U.S. Census no longer collects relevant data adequate to accurately detail the socio-economic characteristics and labor force participation and needs of Native people. And the American Community Survey has failed to fill that void. The federal government can address these data shortcomings in the following ways:

- **The President should direct DOI to produce the statutorily required American Indian Population and Labor Force report without further delay.** This directive also should mandate that DOI collaborate with tribal leaders and data experts, DOL, and the Office of Management and Budget in the planning and production of the report. The report should be informed by workforce and occupational data generated by tribal researchers, to which the federal government should provide technical expertise and financial resources in order to perform the work. This data will be geared towards measuring the distinct job market needs in Indian Country and illustrating the particular socio-economic conditions that impact Native people specifically.<sup>20</sup>
- **Have the newly established joint committee (see above) review agency data collection measures for the purposes of strengthening the compatibility of data** across the federal government, and the usefulness of that data to tribal nations and communities.
- **Allow tribal nations and Native organizations at their discretion to submit their own census data or federal census data.**



**4. Require Federal Agencies to Follow Tribal Employment Rights Laws:** The President should issue an Executive Order calling for all federal agencies to recognize and follow the Tribal Employment Rights (TERO) laws of tribal governments.<sup>21</sup> Current TERO laws have not been consistently recognized and followed by federal agencies that either manage or contract for projects or other programs on tribal land, limiting opportunities for employment of qualified tribal members and contributing to high rates of unemployment and poverty.<sup>22</sup> Congress also should act by passing legislation that requires “federal agencies to recognize and follow the Tribal Employment Rights laws of the Reservation for federal projects and programs occurring on the Reservation, ceded areas, or within a reasonable commuting distance of the Reservation boundaries.”<sup>23</sup>

**5. Congress Should Pass Three Amendments to the Current Language in Section 166 of WIOA:** The amendments – which the President and Secretary of Labor should champion – are as follows:

- **Revise the language in Section 166(h)(1) to insure that the performance indicators and standards applicable to Section 166 programs are standards specifically appropriate to that program.** This can be done by deleting the word “Additional” in Subsection 166 (h)(1) and amending the language in Subsection 166 (h)(1)(A) by inserting a period (.) after “shall develop a set of performance indicators and standards” and deleting the remaining text in that sentence (128 Stat. 1562).
- **Remove the application of the performance accountability provisions in the current Section 116 from all funds provided to implement the Native American programs in Section 166** and use the metrics and standards developed specifically for these programs in consultation with the Native American Employment and Training Council in accordance with Section 166(h).
- **Expand Subsection 166(i)(6) to enable tribal nations or other grantees receiving formula funds from any state under the adult, youth and/or dislocated worker programs to negotiate an agreement with the state and the Secretary** providing for the utilization of the funds involved under the terms applicable to Section 166 programs. This amendment would foster state-tribe collaboration on the provision of services to Native people as the experience of the Gila River Indian Community and other tribes in Arizona has shown.

**6. Implement NCAI Tribal TANF Task Force Recommendations:** The Administration for Children and Families (ACF), in direct consultation with tribal nations, should implement the comprehensive set of recommendations developed by NCAI’s Tribal TANF Task Force in 2015.<sup>24</sup> These recommendations include:

- **Providing incentives to states to fund Tribal TANF programs to meet maintenance -of-effort (MOE) requirements.**
- **Maintaining maximum flexibility within Tribal TANF programs.**

- **Allowing Tribal TANF programs the option of participating in 638 or Self-Governance contracting (similar to what they currently can do under 477).**
- **Establishing standard TANF training programs.**

In addition, **Congress should pass H.R. 3026, the Tribal TANF Fairness Act of 2015.** It also should **increase annual funding for Tribal TANF programs commensurate with the rate of inflation** to ensure that the program's actual value does not decrease each year.

**7. DOL Should Add Dental Health Aide Therapist as an Occupation to the Updated Standard Occupational Classification Manual:** The position of Dental Health Aide Therapist (DHAT) (a mid-level provider analogous to a nurse practitioner or physician assistant in the medical field) was developed and piloted by the tribal nations in Alaska as an innovative solution to the dental provider shortage that existed in the state. For more than 10 years now, DHATs have been providing high-quality, culturally competent, cost-effective, and safe care to the communities they serve. The potential of mid-level providers has been noticed in many places outside of Alaska, including Minnesota, where the state passed legislation (2009) and established its own mid-level provider program. Several other states have passed laws allowing mid-level dental providers, and many more states are in the process of drafting, debating, and considering legislation to establish similar mid-level providers. It should be added as an occupation to the Standard Occupational Classification Manual for the 2018 update.

**8. Enhance Support of Tribal Workforce Development at the Regional Level:** The federal government needs to better serve the workforce development needs of smaller, remote, and resource-strapped tribal communities, as well as Native people living outside of reservations. It also needs to better address the mobility of the Native population, ensuring that workforce development services are readily available to Native people no matter where they are. The federal government can do this in the following ways:

- **Establish regional workforce training centers for tribal nations and communities:** DOL should team up with tribal nations, TCUs, and Native-controlled nonprofit organizations serving Native people in off-reservation areas to design and build these centers (complete with housing) to better serve tribal members located in rural areas where no other training opportunities currently exist.<sup>25</sup>
- **Support the creation of regional institutes** serving multiple tribal nations that would teach tribal leaders and workforce development practitioners about innovative tribal approaches to the provision of workforce development and related services. TCUs would be appropriate hosts for such regional institutes. Alternatively, the establishment of a single, national institute would serve the same purpose.
- **Explore developing a partnership between DOL and HUD to provide temporary housing to Native people** who must travel great distances from home to participate in workforce training programs, or who are participating in training programs where housing is very limited.

**9. Integrate Head Start and Low Income Home Energy Assistance Program (LIHEAP) Under 477:**

Administered by ACF at HHS, Head Start is a key mechanism for providing quality child development services, which are critical to enabling struggling parents to make the transition from welfare to work. It should be part of the 477 continuum. Similarly, the federal government should allow tribal nations to integrate LIHEAP into 477, as it also qualifies as an “employment, training, and *related*” service (emphasis added by NCAI). This change would enable tribal nations to more effectively and efficiently serve tribal citizens in need through a one-step process using a single application. In addition, tribal nations also **should be able to incorporate CSBGs or any other HHS program into 477 without first having to operate them as separate programs for one- or two-year trial periods**, an existing policy unsupported by either law or regulation.<sup>26</sup>

**10. Support the Documentation/Dissemination of Innovative Approaches and Best Practices Under 477, WIOA, Tribal TANF, etc.:**

The federal government should document – or provide funding for others to document – innovative approaches and best practices crafted by tribal nations and Native organizations in order to shorten the learning curve for their peers who are seeking to strengthen their workforce development efforts. This information could be shared through the regional institutes proposed above, as an example.

**11. Require Native American Representation on State Workforce Investment Boards:** WIOA eliminated the mandatory Native seat on state workforce investment boards and instead *allows* a representative of a tribal nation or Native organization to be appointed to a state board. The inclusion of a Native representative on state boards is essential if WIOA programs are to effect positive change in Native communities. The federal government should **require that at least one seat on each state workforce investment board be filled by a Native representative**, particularly in states with significant Native populations.<sup>27</sup>

**12. Enhance the Ability of TCUs to Support Workforce Development:** In partnership with TCUs, community and vocational colleges, and other higher education institutions that serve Native people, the federal government should **increase its investment in developmental education and academic bridge programs at those institutions so that Native people are better able to succeed in college-level courses and qualify for federal workforce development programs.**<sup>28</sup> It also **should consider eliminating the state pass-through for the Carl D. Perkins Vocational and Technical Education Act and instead establish a tribal version of the Act that would appropriate direct funding to TCUs to provide basic adult education and job and skills training, as well as expand the Act’s parameters to support the pursuit of four-year degrees.** Neither of these investments should come at the expense of funding provided to tribal nations and other Native-controlled entities providing workforce development services.

**13. Enhance the Ability of Native CDFIs to Support Workforce Development:** In tribal communities across the country, Native CDFIs play an instrumental role in efforts to develop tribal workforces and seed new employment opportunities upon which those workforces can capitalize. The federal government can strengthen the ability of Native CDFIs to support workforce development in the following ways:

- **Reinstate and make permanent the waiver for the non-federal match requirement for the CDFI Fund’s Native American CDFI Assistance (NACA) Financial Assistance Program:** Congress waived non-federal match requirements for NACA from FY09 to FY13 during the recession. While there have been some signs of recovery in Indian Country, many tribal communities are in persistent poverty counties where ongoing investment and opportunities are necessary. The ability of Native CDFIs to access NACA without a non-federal match is a budget-neutral strategy that was working well to overcome significant economic barriers; increase the flow of capital and credit to Native businesses, homebuyers, and consumers; and increase workforce training and job opportunities. It should be reinstated and made permanent.<sup>29</sup>
- **Increase funding to Native CDFIs to expand financial education training to tribal government employees and other Native workers residing on and around reservations:** CDFIs have a proven track record of providing such trainings, which enhance the financial capability of the Native workforce, in turn enhancing their ability to build their assets and invest in themselves through higher education, professional development, etc.<sup>30</sup>
- **Develop and implement “plug and play” tribal workforce development loan and technical assistance service models** that Native CDFIs can integrate into their existing product/service delivery models, including educational components for tribal leaders, tribal human resources departments, and tribal enterprise managers.<sup>31</sup>

**14. Emphasize the Development of Technical Expertise:** Programs offered by federal agencies that are available to tribal schools and tribal members should emphasize technology-specific curricula and training. The Administration should provide access to job training initiatives that promote technical skill development for Native people to work in emerging industries – for instance, by expanding the Department of Energy’s Energy Education and Workforce Development programs to include tribal governments, TCUs, and tribal businesses in its education, training, and technical assistance programs that are a critical part of the national effort to create green jobs. Tribal provisions should be included for technical training in all federal agency education and job training programs.<sup>32</sup>

**15. Make the Funding for Tribal Vocational Rehabilitation (TVR) Programs Permanent:** The 85 TVR programs across the country must apply for discretionary funding every five years. Among other things, this forces them to compete with one another for financial support, and also inhibits their ability to engage in long-term, strategic planning to maximize program effectiveness. The federal government should amend the regulations governing TVRs to treat them the same as state-administered vocational rehabilitation programs by making their funding permanent; in addition, it should permit the integration of TVRs into 477 plans.

**16. Expand Vocational Program Opportunities for Native People:** This should include an expansion of – and significantly increased funding for – the Job Corps program in tribal

communities. Such expansion would bolster the ability of Native people to obtain certifications and diplomas in trades such as electrical, carpentry, plumbing, HVAC, and welding that would make them more marketable.<sup>33</sup>

**17. Restructure Programs Like YouthBuild to Allow Tribal Consortia to Apply Under a Single**

**Grant:** For a single, small tribe, the prospect of administering the YouthBuild Program is daunting given the cost-per-student ratio and training opportunities available.<sup>34</sup> **The federal government should revise the eligibility criteria of YouthBuild and similarly structured programs to allow small tribes and/or the intertribal organizations that represent them to band together to apply under a single grant.**<sup>35</sup> Creating a “Tribal YouthBuild” program featuring increased funding also would enable tribal nations to overcome the fiscal, administrative, and physical infrastructure challenges associated with operating YouthBuild under the existing program.

**18. Include a Tribal Set-Aside for All State Block Grant Programs:** Tribes and TCUs need access to federal block grant funding that currently goes to states, including Adult Basic Education/ GED funding and career and technical education funding.<sup>36</sup>

**19. Initiate Mandatory Cultural Competency Training for All Federal Agency Staff Working on Tribal Workforce Development:** This training – which should be provided by tribal workforce development experts – is particularly critical for mid-level managers. **It should include a general education about Indian Country, tribal nations, and tribal sovereignty as well as instruction about tribal best practices/innovations in workforce development to demonstrate the efficacy of tribally led workforce development,** and how the federal government can and should play a supportive role in such efforts.<sup>37</sup>

**20. Create Tribal Set-Aside for Diversion and Re-Entry Programs:** More and more tribes are developing effective diversion and re-entry programs with strong workforce training components to empower troubled tribal members to find work and stay out of prison – and prepare them to secure employment once they leave.<sup>38</sup>

**21. Invest in and Remove Obstacles to Infrastructure Development/Rehabilitation in Indian Country:** The national systemic problem of physical infrastructure development and neglect is nowhere more severe than in Indian Country. Not only does the federal government need to **invest in Indian Country infrastructure development,** it also needs to **remove the unnecessary obstacles standing in the way of tribal efforts to do so.** This will expand the number of direct jobs available in tribal communities, and training opportunities for tribal members to secure those jobs.<sup>39</sup>

**22. Enable Tribes to Establish Sub Chapter S Corporations:** Amend Section 1361 of the Federal Tax Code to authorize federally recognized tribes to form new Corporations and elect to operate those Corporations under Subchapter S of the United States Tax Code, 26 USC 1361. This will empower tribal nations’ ability to build sustainable tribal economies and, in turn, generate more job and career opportunities for tribal members.<sup>40</sup>

## ENDNOTES

<sup>1</sup> In this brief, the term “tribal workforce development” inclusively refers to all Native-led or Native-controlled efforts to develop the Native workforce both on and off tribal lands, whether those efforts are undertaken by tribal governments, Native non-profit organizations, and tribal colleges and universities.

<sup>2</sup> The terms “Native people” and “Natives” are used interchangeably to inclusively refer to American Indians, Alaska Natives, and Native Hawaiians residing in the United States.

<sup>3</sup> See, for example, Stephen Cornell and Joseph P. Kalt, “Two Approaches to the Development of Native Nations: One Works, the Other Doesn’t,” *Rebuilding Native Nations: Strategies for Governance and Development* (Miriam Jorgensen, Ed.), Tucson: University of Arizona Press, 2007, pp. 3-33.

<sup>4</sup> Cynthia Lindquist, President, Cankdeska Cikana Community College, conference call, May 13, 2016.

<sup>5</sup> Norm DeWeaver, Former National Representative, Indian and Native American Employment and Training Coalition, conference call, June 7, 2016.

<sup>6</sup> While it has been reported that 70 percent of American Indian and Alaska Native (AI/AN) people live in urban areas, the 2010 Census data these reports use actually indicates that 67 percent of AI/AN people live off tribal lands, and many of these live in communities immediately adjacent to or surrounding tribal lands (see “The American Indian and Alaska Native Population: 2010” (2010 Census Briefs), C2010BR-10, January 2012, <http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>, page 12).

<sup>7</sup> The term “tribal workforce development practitioners” refers inclusively to professionals who design and/or provide workforce development services to Native people on behalf of tribal governments, Native non-profit organizations, and tribal colleges and universities.

<sup>8</sup> This recommendation is consistent with the President's Memorandum on Administrative Flexibility, Lower Costs, and Better Results for State, Local, and Tribal Governments of February 28, 2011 (<https://www.whitehouse.gov/the-press-office/2011/02/28/presidential-memorandum-administrative-flexibility>). It also is consistent with the general concepts underlying the Workforce Innovation Fund in DOL's Employment and Training Administration. However, this recommendation differs from that Fund in that it is specific to workforce development activities and related efforts designed entirely at the Native community level and undertaken by tribal governments and other Native organizations and institutions.

<sup>9</sup> Testimony of Margaret Zientek, Co-Chair, 477 Tribal Work Group, Hearing on S. 1574, the Indian Employment, Training and Related Services Consolidation Act, US Senate Committee on Indian Affairs, April 2, 2014, p. 2 (<http://www.indian.senate.gov/sites/default/files/upload/files/040214MZientek-Written%20Testimony%20S-1574.pdf>, accessed July 27, 2016). According to Zientek, “Over one-third of the adults had been on a Cash Assistance Program such as TANF or BIA General Assistance at the time they entered their tribal 477 program” (ibid.)

<sup>10</sup> U.S. Senate Bill 1443, titled the “Indian Employment, Training and Related Services Consolidation Act of 2015”, proposes a number of changes designed to do just that. For a summary and the actual text of this bill, see: <https://www.congress.gov/bill/114th-congress/senate-bill/1443> (accessed July 21, 2016). The House version of the bill is H.R. 329, which can

be found here: <https://www.congress.gov/bill/114th-congress/house-bill/329> (accessed July 21, 2016).

<sup>11</sup> According to DeWeaver, “Reducing administrative requirements, including but not limited to reporting requirements, could enable tribes to stretch the scant federal resources available to them...When program and financial reporting requirements are simplified, tribal staff spends more time helping people. The money appropriated for the programs is intended to solve problems, not produce data that simply goes into a ‘black hole’ in some agency’s computer system” (*Indian Workers and the Reservation Labor Market: Reality, Research and a Way Forward*, Wyoming Department of Workforce Services, 2014, <https://doe.state.wy.us/imi/LAUS/LM-dynamics-in-reservation-areas-9-1-14.pdf>, pp. 16-17).

<sup>12</sup> According to the conference report for Senate Bill 1443, “Public Law No. 102–477 has also helped Indian tribes increase the number of individuals who receive services by decreasing the administrative burdens” (see <https://www.congress.gov/114/crpt/srpt225/CRPT-114srpt225.pdf>, p. 3).

<sup>13</sup> During this period, the American Indian and Alaska Native alone-or-in-combination population grew by 27 percent, from 4.1 million to 5.2 million. It increased nearly three times as much as the total US population, which grew by just under 10 percent (9.7 percent) (see “The American Indian and Alaska Native Population: 2010,” <http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>, pages 3-4).

<sup>14</sup> NCAI “Tribal Nations and the United States: An Introduction,” 2015 (see [http://www.ncai.org/tribalnations/introduction/Tribal Nations and the United States An Introduction-web-.pdf](http://www.ncai.org/tribalnations/introduction/Tribal%20Nations%20and%20the%20United%20States%20An%20Introduction-web-.pdf), p. 13). Also, according to the 2010 Census, 42 percent of the AI/AN population is under the age of 25, while 34 percent of the US population is under the age of 25 (see <http://www.ncai.org/about-tribes/demographics>, accessed August 9, 2016).

<sup>15</sup> According to one tribal workforce development practitioner, “Because of the way funding is done, we’re not getting the funds on time. It’s interrupting the effectiveness of 477 on our reservation” (Eileen Briggs, Executive Director, Tribal Ventures, Cheyenne River Sioux Tribe, conference call, May 13, 2016).

<sup>16</sup> Workforce Development Roundtable, U.S. Senate Committee on Indian Affairs, December 3, 2015.

<sup>17</sup> Margaret Zientek, Co-Chair, 477 Tribal Work Group, conference call, February 5, 2016.

<sup>18</sup> Any DOL Secretary-level advisory body should have at least one Native appointee that is familiar with the unique nature of Native American workforce development programs and is proficient in working with Native populations.

<sup>19</sup> Tribal Leader Briefing Book, 2015 White House Tribal Nations Conference, NCAI, p. 32 ([http://www.ncai.org/conferences-events/ncai-events/2015 WHTNC Briefing Book Final.pdf](http://www.ncai.org/conferences-events/ncai-events/2015%20WHTNC%20Briefing%20Book%20Final.pdf), accessed August 9, 2016).

<sup>20</sup> Ibid.

<sup>21</sup> For more info, see NCAI Resolution MSP-15-034, passed in 2015 (<http://www.ncai.org/resources/resolutions/calling-for-all-federal-agencies-to-recognize-and-adhere-to-tribal-employment-rights-laws-for-federal-projects-on-or-near-reservations-tribal-lands-and-ceded-areas-of-each-tribe>, accessed July 20, 2016).

<sup>22</sup> Tribal Leader Briefing Book, 2015 White House Tribal Nations Conference, NCAI, p. 31; NCAI Workforce Development Survey, March 2016.

<sup>23</sup> Affiliated Tribes of Northwest Indians Resolution #15-08, “Calling for Congressional Hearings on the need to Require all Federal Agencies on Recognize and Adhere to Tribal Employment Rights Laws when Hiring for Federal Projects on Reservations,” 2015, p. 2 (<http://www.atntribes.org/resolutions/calling-congressional-hearings-need-require-all-federal-agencies-recognize-and-adhere>, accessed August 9, 2016).

<sup>24</sup> See NCAI Resolution SD-15-064, passed in 2015 ([http://www.ncai.org/attachments/Resolution\\_ZzfOFglZROFFZhqfJNdLYzIVHuoRWzEGbZFPaaJcVJFgxpBBdzG\\_SD-15-064.pdf](http://www.ncai.org/attachments/Resolution_ZzfOFglZROFFZhqfJNdLYzIVHuoRWzEGbZFPaaJcVJFgxpBBdzG_SD-15-064.pdf), accessed August 9, 2016).

<sup>25</sup> NCAI Workforce Development Survey, March 2016.

<sup>26</sup> Margaret Zientek, Co-Chair, 477 Tribal Work Group, conference call, February 5, 2016.

<sup>27</sup> Tribal Leader Briefing Book, 2015 White House Tribal Nations Conference, NCAI, p. 32.

<sup>28</sup> Ibid.

<sup>29</sup> Tribal Leader Briefing Book, 2015 White House Tribal Nations Conference, NCAI, p. 42

<sup>30</sup> Cora Mae Haskell, Asset Development Coordinator, Four Bands Community Fund, email correspondence, June 7, 2016.

<sup>31</sup> Gary Mejchar, Program Manager, First American Capital Corporation, email correspondence, June 6, 2016.

<sup>32</sup> Tribal Leader Briefing Book, 2015 White House Tribal Nations Conference, NCAI, p. 32.

<sup>33</sup> Alex Yazza, Jr., Executive Director, Owens Valley Career Development Center, email correspondence, December 2, 2015. Such program expansion would be of particular benefit to Native youth/young adults who have not obtained their high school degrees to gain a high school equivalency diploma/certificate plus invaluable on-the-job experience.

<sup>34</sup> It also is worth noting that NCAI’s Fiscal Year 2017 Indian Country Budget Request advocates for the restoration of YouthBuild Program funding to a minimum of \$84.5 million, consistent with WIOA Section 171 ([http://www.ncai.org/resources/ncai-publications/10\\_FY2017\\_economic\\_development.pdf](http://www.ncai.org/resources/ncai-publications/10_FY2017_economic_development.pdf), accessed August 1, 2016).

<sup>35</sup> Ibid.

<sup>36</sup> Workforce Development Roundtable, U.S. Senate Committee on Indian Affairs, December 3, 2015; NCAI Workforce Development Survey, March 2016.

<sup>37</sup> NCAI Workforce Development Survey, March 2016.

<sup>38</sup> Workforce Development Roundtable, U.S. Senate Committee on Indian Affairs, December 3, 2015.

<sup>39</sup> Ibid.

<sup>40</sup> See NCAI Resolution TUL-05-026, passed in 2005 (<http://www.ncai.org/resources/resolutions/a-resolution-requesting-an-amendment-to-the-federal-tax-code-to-allow-federally-recognized-tribes-and-states-and-their-political-subdivisions-to-own-subchapter-s-corporations>, accessed August 9, 2016); Workforce Development Roundtable, U.S. Senate Committee on Indian Affairs, December 3, 2015.



## Appendix A: Key Data Points Supporting a Funding Increase in Section 166 WIOA Comprehensive Services Program

25.4%

Increase in total size of American Indian/Alaska Native only population between 2000 and 2014<sup>1</sup>

39.2%

Increase in the number of American Indian/Alaska Native only unemployed from 2000 to 2014<sup>2</sup>

44.7%

Increase in the number of American Indian/Alaska Native only in poverty from 2000 to 2014<sup>3</sup>

45.7%

Loss in purchasing power due to inflation in funds provided for Section 166 Comprehensive Services Program in 2014 compared to 2000 price levels<sup>4</sup>

33.9%

Increase in the cost of tuition, fees, room and board for two-year public colleges and universities from 2001-2002 to 2012-2013<sup>5</sup>

46.3%

Increase in the cost of tuition, fees, room and board for four-year public colleges and universities between 2001-2002 and 2012-2013<sup>6</sup>

### NOTES

1. U.S. Census Bureau, 2000 Decennial Census and 2014 Population Estimates (the 2014 number from the Census Bureau's Population Estimates Program has been adjusted to make it comparable to the count in the 2000 Census)
2. U.S. Census Bureau, 2000 Decennial Census and 2014 1-year American Community Survey (ACS) estimates, adjusted for undercount in ACS (Adjustment in ACS 2014 to compensate for undercount of AI/AN)
3. U.S. Census Bureau, 2000 Decennial Census and 2014 1-year American Community Survey (ACS) estimates, adjusted for undercount in ACS (Adjustment in ACS 2014 to compensate for undercount of AI/AN)
4. U.S. Department of Labor, Section 166 Comprehensive Services Program allocation table; Bureau of Economic Analysis, GDP Price Deflator applicable to state and local government expenditures
5. U.S. Department of Education, National Center for Education Statistics
6. U.S. Department of Education, National Center for Education Statistics

## Native American Employment and Training Council

738 North Market Boulevard, Sacramento, California 95834 - (916) 920-0285



August 31, 2016

Mr. Ian Record, Director  
Partnership for Tribal Governance  
National Congress of American Indians  
Embassy of Tribal Nations  
1516 P Street NW  
Washington, D.C. 20005

Dear Mr. Record:

The Native American Employment and Training Council (NAETC) represents Indian and Native American Workforce development programs administered through the Workforce Innovation and Opportunity Act, Section 166 and Public Law 102-477, and serves as an advisory council to the Secretary of Labor, U.S. Department of Labor. As such, we are deeply vested in the successes of American Indian tribes and their people, both on-reservation and off-reservation.

The NAETC met recently in Reno, Nevada and passed motions to endorse the following resolutions approved by the 37<sup>th</sup> National Indian and Native American Employment and Training Conference (NINAETC): Resolution Number 2016-01 – Strengthen Indian Country's Voice in DOL Decision Making; Resolution Number 2016-02 – Determining Performance Indicators for Grantees; and Resolution Number 2016-03 – Tribal Workforce Development Summit, and policy recommendations presented in the National Congress of American Indians comprehensive research project, *Empowering Tribal Workforce Development: Seeding Opportunities for Innovation*.

Sincerely,

Handwritten signature of Gary Rickard in blue ink.

Gary Rickard  
Chairman

Enclosures

cc: Paula Starr, Co-Chair, NINAETC  
Margaret Zientek, Co-Chair, NINAETC  
Native American Employment and Training Council Members

**Dave Archambault II**

*Chairman*



**TRIBAL COUNCIL  
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**Mike Faith**

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*Wakpala District*

**Frank A. White Bull**  
*Kenel District*

**Joe White Mountain Jr.**  
*Bear Soldier District*

**Caroline Thompson**  
*Rock Creek District*

**Robert Taken Alive**  
*Running Antelope District*

**Samuel B. Harrison**  
*Porcupine District*

August 30, 2016

Dr. Ian Record,  
Director  
Partnership for Tribal Governance  
National Congress of American Indians  
1516 P St., NW  
Washington, DC 2005

Dear Dr. Record:

I would like to submit these comments on your draft paper "Empowering Tribal Workforce Development," on behalf of the Standing Rock Sioux Tribe.

The Standing Rock Sioux Tribe strongly supports the ability of all tribes to use all the resources available to them to innovate and make their workforce programs more appropriate and effective in serving their members in ways appropriate to their own tribal circumstances.

Two principles are the top priorities for this tribe.

The first is to enable the tribe to use all the resources at our command to strengthen the economy of this tribe and the productivity and well-being of its members. To do this the tribe must be enabled to design and deliver services in ways that directly address the conditions we face and the needs of our people. Restrictions imposed from outside, including laws, regulations, policies and reporting requirements that limit what we can do must be removed.

The second is to address the resources available from federal, state and private sources to build our workforce, now and for the future.

We support the NCAI recommendations that conform to these fundamental principles.

Sincerely,

Dave Archambault II,  
Chairman  
Standing Rock Sioux Tribe

## ABOUT THIS BRIEF

NCAI is committed to maintaining this brief as a living, evolving document through ongoing input from tribal leaders and workforce development practitioners and feedback from federal policymakers. To share your thoughts and suggestions with NCAI, please contact Ian Record, Director of NCAI's Partnership for Tribal Governance, at [irecord@ncai.org](mailto:irecord@ncai.org).

To access a list of related resources that provide further context and details about the recommendations featured in this brief, please visit <http://www.ncai.org/ptg/work-force-development/fpbresources>.

To learn more about PTG's project on workforce development, please visit <http://www.ncai.org/ptg/work-force-development>.

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