



# **NCAI TRIBAL LEADERS WHITE PAPER ON ECONOMIC DEVELOPMENT**

**DEVELOPED BY TRIBAL REPRESENTATIVES AT THE NCAI 2002 MIDYEAR SESSION,  
"CREATING OUR OWN ROADS TO SUCCESS: BUILDING TRIBAL ECONOMIC PROSPERITY"**

## **INTRODUCTION**

American Indian and Alaska Native communities in the United States have maintained their distinct cultures against incredible odds. More than 560 ethnically and linguistically diverse federally recognized Indian tribes, nations, bands, pueblos, communities, and Native villages exist in the United States. Today's tribal communities are among the fastest growing segment of the U.S. population and tribes are reassuming their right to govern their lands.

It goes nearly without saying that economic development is a foremost priority for tribal leadership. Many tribes continue to suffer the effects of rampant poverty in their communities. Unemployment is far above average, education levels are low, and investment is nearly non-existent. Community cohesiveness and cultural integrity are severely challenged when the bulk of a tribe's energies are spent trying to provide basic needs for tribal members. Tribal governments are also economically disenfranchised. In order to perform the duties and charges of a government, tribes must be able to sustain their own activities.

Nearly every aspect of federal Indian policy bears some relationship to economic development. Building effective government structures, improving the health of tribal members, constructing an adequate physical and technological infrastructure, educating our youth and training the adults for employment, creating tribal codes and laws that are business-friendly, providing adequate social programs for those members who need them, utilizing natural resources, reconsolidating land, preserving heritage and other cultural resources, and reclaiming tribal jurisdiction are all facets of successful economic development. In the paper that follows, we seek to explore a spectrum of issues that impact economic development and a range of approaches which, taken holistically, can offer excellent opportunities for strengthening Indian Country economies.

NCAI has long sought federal policies that will encourage development in Indian country. Recent years have brought significant economic successes to some reservations, but many tribes continue to suffer the effects of crushing poverty. Innovative approaches are needed to ensure vibrant reservation economies throughout Indian Country. In response to this need, NCAI has launched a comprehensive initiative to examine means of securing solid economic development for Indian Country.

This paper is a product of NCAI's 2002 Midyear Session in Bismarck, ND, a session focused on the theme, "Creating our Own Roads to Success: Building Tribal Economic Prosperity". Over the course of the session, NCAI's committees developed short "white paper" discussion pieces laying out substantive, proactive recommendations for steps within their committee areas that could contribute to comprehensive economic development. These recommendations have been further developed and refined, and ultimately drawn together to form a comprehensive tribal leaders policy statement on economic development. While by no means an exhaustive list of changes needed for successful economic development, these recommendations can serve to help move us forward toward healthy, sustainable reservation economies.

## GOVERNMENTAL INFRASTRUCTURE

Indian tribes are full-service governments, offering Indians and non-Indians alike a broad range of economic, educational, health, and recreational services. Yet increasing challenges to tribal governance and jurisdiction in Supreme Court rulings pose a very serious threat to the ability of tribal governments to provide needed governmental services on Indian lands. Among other things, these cases have allowed state taxation of sales and services on Indian lands, while limiting the tribal right to tax.

For example, the Tulalip Tribe of Washington has established Quil Ceda Village, which includes a business park, parkland, and watershed. The tribe provides comprehensive municipal services, but the state receives a windfall of \$11 to \$50 million each year in sales taxes while the Tribe—which has 25% unemployment—receives no tax revenue due to the economic impossibility of adding a tribal tax on top of the state tax. At the Wind River Reservation in Wyoming, an economic study has found that the state collects \$185 million in severance and property taxes from the reservation, but returns only \$85 million in services—on a reservation with 70% unemployment. And like the Navajo Nation, where the *Atkinson* case prevents the Navajo from taxing non-members to support a reservation population in excess of 200,000 people, tribes nationally are now prohibited from raising revenues to provide residents with governmental services. This state of affairs places tribes at an extraordinary disadvantage in efforts to jumpstart tribal economies. Tribes should be the primary taxing governments on their lands, and states should instead be fairly compensated for the services they provide through the Payment In Lieu of Taxes statute and other federal programs.

The current jurisdictional structure also promotes the inefficient provision of services in Indian Country. The Federal Communications Commission recently interpreted a Supreme Court decision to mean that tribes can regulate telephone service on the reservation only for tribal members. Similar confusion and inefficiency occurs with roads, sewers, drinking water, garbage collection, and other services. Tribal governments should have the clear authority to ensure uniformity and fairness in the delivery of these and other basic services.

The Supreme Court's recent opinions have narrowed tribal court and law enforcement jurisdiction, especially with respect to non-Indians. Recent statistics from the Department of Justice show that the rate of violent crime against American Indians is more than twice the rate for the nation—critically, however, non-Indians commit 70% of the violent crimes experienced by American Indians. Among American Indian domestic violence victims, 75% of the victimizations involved a non-Indian offender. Domestic violence is a particularly difficult issue on Indian reservations because federal and state authorities most often decline to investigate or prosecute, and tribal governments have no authority to exercise jurisdiction over non-Indians. Given the well-documented failure of federal and state officers to prosecute reservation crimes, the court decisions curtailing tribal authority have left a law enforcement void. Visitors, as well as reservation residents, will benefit from improved tribal justice systems where tribal governments are the primary authority and tribal, state, and federal officials work cooperatively under clearly established guidelines.

We have several suggestions for Congress that will help tribes reclaim their governing capacity and abilities to serve their populations:

### **Accountability for Federal Trust Responsibilities**

Among its other trust duties, the Department of Interior is acting as a bank for Indian trust funds, but it is the only bank in the U.S. that is not subject to standards, liability, and independent oversight. Decades of reform efforts have produced little change in the Department of Interior's unwillingness to take corrective actions, to reconcile accounts, or to put accounting and auditing procedures and policies in place. Accountability for Indian trust fund management will only occur when Congress has created standards by which the trust must be managed, a clear right of compensation to the beneficiaries for trust mismanagement, and mechanisms for independent review of trust management activity.

### **Protection of Tribal Laws and Self-Determination Authorities**

*The primary trust responsibility of the United States is to protect the governing authority of Indian tribes.* Trust reform must not interfere with the ability of tribes to regulate land use and resource management within their own reservations. In addition, a number of tribes have been successful in establishing trust management systems through self-determination contracts and compacts, and these systems should not be harmed by the Department's trust reform plans. Successful development and resource management in Indian country are directly linked to Indian control.

### **Changes Must Have Separate Funding and No Negative Impact on Services**

It is clear that many of the difficulties in trust reform are caused by a lack of resources to fund personnel, training and systems. But the burden of fixing the broken system must not fall upon the beneficiaries through reprogramming away from vitally needed services. Congress must bring new funding to the Interior budget to fund trust reform, and funding must be applied to the great needs at the local level. In addition, tribes also oppose the creation of new bureaucracies that would delay decision making and the delivery of services on trust lands.

### **Individualized Tribal Management Plans**

The future of trust management includes increased tribal control over land and resources, and a federal system that provides oversight and technical assistance in flexible arrangements that are driven by the special circumstances of each reservation. Tribes have very different resources: grazing, timber, oil & gas, commercial real estate, agriculture, fisheries, water, etc., and different goals for what they want to achieve with those resources. The new trust system should allow for individualized tribal management plans that will govern the management of resources on their particular reservations.

### **Greater Tribal Involvement and Consultation**

Tribal governments need to be intimately involved in making a new trust system that works. Interior will have to develop new systems and policies, and these will directly influence the daily lives of Indian people. These decisions should be made in consultation with the tribes, and with a level of involvement that ensures that tribal issues are actively addressed and resolved.

## **ACCESS TO FINANCIAL CAPITAL**

Access to capital is one of the largest barriers to tribal development today. Financial capital can take many forms, including external and internal investments, donations, loans, and grants. Traditional means of raising funds, such as lending, mortgages, banking, bonding, and investing, are hard to come by in Indian Country for a variety of reasons. The most common mode of raising government funds, taxation, is especially challenging to come by on reservations. Some tribes have been able to generate capital through gaming operations, oil and gas leasing, or manufacturing, but the financial success of these tribes is by no means the norm. Congress can act to make it easier for tribes to access financial capital by doing the following:

### **Do Not Subject Tribes to State Taxes**

Tribes are charged with supplying a range of services in reservation communities—it is imperative that they have the opportunity to use taxation—including waiving taxes as an incentive, or imposing reasonable taxes where necessary to build revenue—as any other jurisdiction would do, without the devastating impacts of dual taxation where states seek to impose taxes on tribal lands.

### **Consolidated Funding to Allow Coordinated Funding of Projects**

We urge Congress to enact the Indian Tribal Consolidated Funding Act (S.343). One problem Tribes face in funding their projects is procuring enough funds to get them off the ground. Many tribes consolidate funds from different sources to accumulate necessary capital. However, this creates a burden on the tribe to fulfill all the varying requirements of the granting or lending agencies. S.343 would enable tribes to use money from various sources in a coordinated and effective way, while lessening administrative burdens on tribes.

### **Issuing Tax-Exempt Bonds for Projects**

We ask that Congress expand tax-exempt bond authority to tribes. Related to taxation, expanded tax-exempt bonding authority for tribes is essential to economic development. States and local governments have the statutory authority to issue bonds to fund large community projects, but Indian tribes have been restricted to bonding for “essential government functions”, which greatly restricts the nation-building activities that bonds can allow.

### **Provide Risk Insurance for Investment in Indian Country**

There is a certain amount of risk involved when investing in Indian Country, as there is with any investment. Many investors are hesitant to work with tribes because of issues of sovereign immunity and misunderstandings of jurisdiction. Tribes are generally reticent about granting waivers of their sovereign immunity as well. One possible solution is to provide risk insurance to outside investors who are willing to work with Indian country. Programs like those at the Overseas Private Investment Corporation (OPIC) have worked for investors helping establish business ventures in developing countries, and can serve as a promising model for Indian Country. If the government would insure investors from ‘international’ risk, more business opportunities would come to our reservations.

**Invigorate the Buy Indian Act**

The Buy Indian Act can be instrumental in opening business relationships between tribes and the federal government. In recognition of the trust responsibility, the federal government should provide for an Indian purchasing/contract preference, and expedite the process of contracting between agencies and tribes.

**Revamp Grants to Meet Tribal Priorities**

For economic development to succeed, the community must decide how it should happen at the local level. Programs and initiatives that dictate how money should be spent are less successful than those that allow tribes to use funds for what they find most important. Increased funding for Tribal Priority Allocations, as well as expansion of programs like community development block grants, is a critical component of economic development planning and implementation.

**Invest in Financial Literacy Education**

Financial literacy is one of the keys to building healthy tribal economies. Funds management skills at the individual level can go a long way to bolstering savings, homeownership, and healthy borrowing practices. Education and training programs are particularly important to improving individuals' skills in money management. We look to Congress and the Administration to support initiatives spearheaded by groups like Fannie Mae and the Department of Treasury to build these curricula and education programs.

**Clarify Class III Tribal-State Compacting Processes**

Under IGRA, Indian tribes may request that the State negotiate a Tribal-State Compact to govern Class III gaming, where state law permits Class III gaming by any person for any purpose and the State has a duty to negotiate in good faith to conclude the Compact. The United States Supreme Court, however, has ruled that States have an 11<sup>th</sup> Amendment defense to suit by an Indian tribe, even to ensure good faith negotiations, so the Secretary of the Interior has established by regulation alternative compacting procedures. Yet there is still uncertainty about the Secretarial procedures, and Congress should ratify the procedures by legislation to ensure fairness to Indian tribes.

**Confine NIGC to Its Statutory Authority**

Under IGRA, Indian tribes are recognized as the primary regulators of Indian gaming. Annually, tribes spend \$212 million to regulate Indian gaming: \$163 million for tribal regulatory agencies; \$41 million to reimburse state agencies for regulatory activities pursuant to Tribal-State compacts; and \$8 million to fund the NIGC. NIGC should acknowledge the primary regulatory role of tribal gaming regulatory agencies and confine NIGC activities to areas authorized by statute.

**Don't Exclude Tribes from Internet Gaming**

The Internet is a new, inherently Federal medium of instant communication across geographic and jurisdictional boundaries. There has been congressional interest enacting an Internet gaming prohibition that authorizes state lotteries, commercial gaming, horse track betting, jai alai and fantasy sports betting on the Internet and prohibits other gaming. Any Internet gaming bill should treat Indian Tribes equally by safeguarding existing tribal rights under the IGRA and securing to Tribes fair access to the Internet for gaming.

## PHYSICAL INFRASTRUCTURE

Physical infrastructure such as roads, sewers, water delivery systems, power grids, transit facilities, airports, and phone and internet service is taken for granted in much of the US. However, in Indian Country much of this basic infrastructure is lacking. Economic development is stifled because there are not adequate roads to get workers to work, new buildings can not be built because there are no water or sewer lines, and delivery of electricity to consumers and businesses is difficult, all because the physical infrastructure to support business, and the funds to plan these systems, are entirely absent.

This absence is particularly harmful to Indian people. Physical and technological infrastructure is the foundation of any community, and absolutely essential for a healthy economy. Tribes are ready to begin building the needed infrastructure, but adequate funding for planning and construction is still needed. The status of the physical infrastructure in Indian Country is at a crisis level, and would benefit from a program to revamp reservation infrastructures akin to Eisenhower's national interstate program.

Technological advances are also needed to bring Indian Country up to speed. The 'digital divide' between the haves and the have-nots in this country is compounded on our Indian reservations where a 'dial-tone divide' exists; most residents on reservations do not even have basic phone service. To address these infrastructure needs, tribes recommend the following:

### **Increase Funding for Tribal Telecommunications Planning and Feasibility Studies**

Tribes must do more than just incorporate technology into their communities. Technology must fit our local community needs as well as the image of our culture. This is a basic principle that must drive policy discussions surrounding the application of information technology in Indian Country. Tribal governments must be equipped with the tools they need to determine their local telecommunications needs and the methods to most appropriately meet them.

### **Support the National Telecommunications and Information Administration (NTIA)**

The NTIA, in the Department of Commerce, has helped to extend the benefits of information and communications technology to American Indian and Alaska Native communities through two grants programs, the Technology Opportunities Program (TOP) and the Public Telecommunications Facilities Program (PTFP). TOP provides matching grants to non-profit entities, tribal, state and local government, and since 1994 has funded over 18 tribal projects that are serving as models within Indian Country. In FY01, the program provided a record \$4.2 million to tribal communities throughout the nation. PTFP has made a significant contribution to the public broadcasting system in Indian Country by providing matching grants to over 40 tribal communities for the planning, construction, and replacement of outdated public radio and television equipment. In addition, PTFP funded the establishment of the American Indian Higher Education Consortium's (AIHEC) satellite-based distance-learning network, serving 31 tribal colleges.

**Provide Expanded Authority for Rural Utility Service (RUS), Department of Agriculture** – RUS has made loans to five tribal entities to create tribal telephone companies, including the Gila River Telephone Company, Tohono O'Odham Utility Authority, Fort Mojave

Telecommunications, Cheyenne River Sioux Tribe Telephone Authority, and San Carlos Apache Telecommunication Utility. Together, these companies now provide service to approximately 8,000 Native American subscribers. In addition to loans, the RUS also provides technical assistance and counseling in formulating development plans.

**Telecommunications Act of 1996** – The Communications Act of 1934, as amended<sup>1</sup>, adopted a new policy of unconditionally removing all legal and economic impediments to the provision of competitive local exchange services at the earliest time possible. Under the 1996 Act, Congress sought to deregulate the telecommunications field and permit market forces to determine the provision of telecommunications services. To achieve this goal, the Act invalidates state law barriers to local competition, stating that “no State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service<sup>2</sup>.” In the event the FCC determines that a state law constitutes a barrier to entry, the Act requires preemption of such state law. The Communications Act allows Tribes to compete with others in the provision of telecommunications services to reservation and Native Village communities, specifically by prohibiting any state attempt to impede competition.

#### **Fund Tribes’ Telecom Activities**

The NATIVE Act (S. 761) would create a \$1 billion revolving loan fund for tribal cooperatives or tribal entities that have partnered with a telecommunications carrier to create a wire line or wireless infrastructure. It also would create a \$2 million grant program for tribes to conduct feasibility studies for tribal telecom projects. Both programs would expire when 94% of the households on tribal lands have phone service or in ten years after the date the first loan is made, whichever comes first.

#### **Pass the Community Telecommunications Planning Act**

The Community Telecommunications Planning Act (S. 1056) would provide \$60 million in FY 2002 and such sums as necessary in subsequent years to help rural and underserved areas build their telecommunications infrastructure. Tribal governments would be among the eligible applicants under S. 1056, which gives funding priority to eligible entities that propose to use their awards in rural and underserved areas.

#### **Technology and Vendor-Neutral Telecommunications Training for Tribal Governments**

In order to fully realize the economic development potential of telecommunications and IT in Indian Country, training should be widely and regularly available to tribal governments, and should not favor specific types of technology or vendors to the detriment of locally-based solutions created from tribal needs assessments and planning.

#### **Increase Funding for Tribal Transportation Programs**

Indian Transportation programs are sorely underfunded, and though Indian reservation roads make up 2.5 percent of federal highways, they only receive 0.5 percent of the funding. During the upcoming reauthorization of the Transportation Equity Act of the 21<sup>st</sup> Century (TEA-21), Congress must redistribute funds to Indian tribes for construction, maintenance, and planning

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<sup>1</sup> P.L. 104-104, 110 Stat. 56 (codified as amended in scattered sections of 47 U.S.C.)

<sup>2</sup> 47 U.S.C. § 253(a)

activities. In addition, Congress must also expand transportation programs to provide for transit, marine, aviation, and rail to reservations. Currently, no funding exists for non-road or bridge programs, though there is a large need for them.

### **Funding for Water and Sewer Systems**

Sewer systems and running water are not ubiquitous in Indian Country, and more funding must be provided for their construction and maintenance. By providing more appropriations for these programs in the Indian Health Service, Congress can improve the health and raise the standard of living for thousands of Indians living without these basic services.

## **NATURAL RESOURCES**

One of the greatest advantages that some tribes have is access to natural resources. Those tribes with a substantial land base have resources to tap such as oil and gas, timber, grazing, water resources, fish and wildlife, and tourism and recreation opportunities. Tribes must have the authority to pursue these avenues if they wish, and must be able to provide for the protection of their environment as well.

The federal government is still in control of large amounts of natural resources in Indian Country. Given the unique trust relationship between the government and Indian tribes, the Department of Interior is charged with management of many tribes' and Indian individual's trust assets—but that relationship has been fraught with mismanagement. Tribal leaders must have more control over their trust resources, and the Department of Interior must be held accountable for those resources it manages. Congress must assure tribes that the government is fulfilling its duties, and must give the Tribes the ability to utilize their resources for the good of their communities.

### **Preserve Incentives for Indian Country in the Energy Bill**

The Energy Policy Act of 2002 (H.R. 4) contains a title that deals exclusively with the production of energy on Indian lands. Specifically, the bill provides for extended incentives for investment in energy production such as accelerated depreciation and wage tax credits. The bill also amplifies the need for alternative forms of energy by authorizing a wind power program on reservations. We ask that these incentives be preserved and passed.

### **Recognize Indian Agricultural Needs**

Agriculture is a large industry in Indian Country today, and government programs like the Emergency Livestock Feed Program and Drought Relief are absolutely essential to our farmers. Federal incentives should also be issued for agriculture as a means of cultural reclamation, as many tribes have started fisheries, shellfish farms, grass and reed plantations, and buffalo ranches that all serve as initiatives to connect their people to their heritage.

### **Tribal Environmental Regulations Must be Respected**

Indian tribes have the right to issue environmental regulations governing the resources on their lands like any other government. These regulations and standards must be met to preserve the environment for tribal members and our future generations. Congress should reinforce the support of tribal authority by passing legislation recognizing the importance and validity of tribal environmental regulations.



## HUMAN AND SOCIAL RESOURCES

Tribes, as governments, are charged with serving the needs of their citizens, Indian and non-Indian alike. By empowering their citizens through education and job training, protecting them by providing adequate housing and health services, and supporting those who are in need of social services, tribes can enable their citizens to become economic actors who engage in a vibrant consumer economy to recycle dollars on reservations.

Tribes feel strongly about caring for the anchors of their societies—youth and elders. These two groups are very important to Native communities, and the issues that are linked to these groups are often the priorities for tribes. As such, health care and education are key priorities. Tribes recognize that the physical well-being of the tribe contributes to the overall health of the community. Likewise, it is widely recognized that education is a key building block of economic success, and must be a component of any comprehensive economic plan.

Tribes are also concerned about their members who have disabilities. A full one third (34%) of adults with disabilities live in households with total income of \$15,000 or less, compared to only 12% of those without disabilities. Among people with disabilities who are working, income levels are well below those without disabilities. Reportedly, 26% or more than 490,000 tribal members live with a significant disability. Tribal infrastructure for promoting employment and independent living is inadequate, but tribal leaders are working to improve services. However, they often lack the funding, needed information, and technical expertise.

Housing is also an important issue in creating the necessary conditions for healthy tribal economies. Housing in Indian Country is often overcrowded, with multiple families living in small single-family homes. Much of the housing that does exist is substandard. Even new housing is presenting problems in some communities, as many regions are experiencing problems with black mold fungus that presents respiratory problems for residents.

When tribal residents can stop worrying about basic needs that drag down the standard of living on many reservations, and shift from a service-based economy to a goods-based one, the big picture economic outlook will in turn improve. There are a number of ways Congress can act to remedy these problems.

### **Work with HUD to Authorize Full Contracting Ability**

Tribal governments have been taking over federal programs for years now under the Self-Determination Act, and this has proven itself as the single most successful Indian policy in history in terms of tribal empowerment. We would like to see Congress extend full ISDEAA authority to HUD so tribes could take over those programs in addition to those at DOI and HHS.

### **Recognize and Treat Growing Epidemics**

Indian-specific research studies and treatment programs must be developed for there to be effective treatment and overall reduction of chronic illnesses including diabetes, heart disease, and cancer. Additionally, Indian health facilities must be adequately funded so that patients can receive early care from specialists.

**Remedy the Health Care Gap**

A recent report documented the dramatic health disparities seen by various ethnic groups throughout the U.S. The disparities seen by American Indians and Alaska Natives are consistently among the worst. Correcting this situation must become a priority for the federal government. At current funding levels, the annual budget allocated to the Indian Health Service will never effectively reduce this disparity. A commitment must be made to provide the funding necessary to bring Indian health status and health care in line with other populations.

**Use Culture to Treat Illness**

Alcoholism, mental illness, and substance abuse impact every other health condition throughout Indian Country, and can ultimately serve to create barriers to employment and sound money management. Effective treatment and education programs are the only effective means to reduce the impacts of these conditions. Programs that focus on Native cultures as a basis for guiding individuals down healthy paths have proven most successful in turning around these troubling issues, and should be expanded and better funded.

**Don't Wait to Treat Native Americans – Focus on Prevention**

Throughout the U.S., among white and other ethnic populations, preventative health programs have been implemented that have been quite effective in reducing rates of infant mortality, accidents, and domestic violence. Similar programs that are culturally sensitive need to be implemented so that Indian communities can see these same results.

**Secure our Tribal Homelands**

Tribes need to be consulted and included in all homeland security initiatives. Indian communities are located near some of the country's most high-risk military locations and in some instances are the only health facilities available. Additionally, tribal lands abut international borders in many areas. Tribes must not be forgotten in discussions and actions taken regarding homeland security, for the good of our economy nationwide.

**Increase Focus on Tribal Health Programs**

Health programs that are run and administered by tribes have seen important successes. In addition to improving the health of the population served, these programs also improve the economic health of the community through job opportunities and enhanced job skills.

**We Know How to Do It – Welfare Reform**

For TANF programs to see ongoing success among tribal communities, tribal-specific TANF programs must be given sufficient resources to meet the needs of Indian people, the flexibility to define service areas and populations, the ability to determine eligibility requirements, and the assistance needed to service program recipients. Additionally, there needs to be a focus on other programs including employment and training programs, child support enforcement programs, and faith-based and community initiatives.

**Recruit, Retain, and Train our Doctors**

Indian Country needs to be able to recruit, retain and adequately train health professionals. Without such efforts, health disparities in Indian Country will remain high, with impacts evident on the economic health of these communities.

**Improve Indian Schools**

Schools serving Indian students must be safe and provide healthy learning environments. Schools must be well equipped with the latest resources and technology so native children have learning environments comparable to other students. Schools must also present a curriculum that is reflective of the culture of the student and provide optimal learning opportunities, while also teaching them necessary skills, such as reading, writing, mathematics, and computer technology, to prepare them for the larger job market. This will require improved funding for BIA schools, including tribally operated schools, as well as Indian Impact Aid schools.

**If Indian Schools are to Meet Academic Requirements, Congress Must Fund Indian Education**

Changes in Federal and State legislation impacting the academic requirements for students must be inclusive of native students and provide the financial resources to bring their schools in line with other mainstream educational institutions.

**Provide Health Services for Our Elders**

For most elders--as well as for tribal and IHS providers--access to better health care means access to Medicare and Medicaid reimbursement. This is a huge economic issue for both elders and Indian health care providers. For both tribes and elders, there is confusion about allowable services, including nursing home, assisted living, home health, and rehabilitation services.

**Our Elders Wish to Work and Share Their Wisdom**

Subsidized jobs for more than 800 elders are provided through the Senior Community Service Employment Program (SCSEP) authorized by Title V of the Older Americans Act. NICOA, the program's Indian national contractor, seeks expanded funding of the Indian portion of SCSEP.

**Recognize and Help Our Warriors**

There is a critical need to establish and financially support positions for Veterans service officers/Tribal Veterans Representatives. Outreach initiatives to American Indian veterans where they live seem to be very effective. By creating a Tribal Representative in the Office of Veterans Minority Affairs, the VA can reach out to this nation's American Indian heroes.

**CULTURAL RESOURCES**

Tribal economic prosperity is empty if it fails to support tribal cultures and lifeways. Tribal cultures in the United States are numerous and diverse. Many tribes rely on their cultural heritage and traditions to provide strength as they go about serving their people and working for prosperity for future generations. Cultural tourism, authentic arts and crafts, and other key aspects of economic development for many tribes integrate elements of this strong tradition with contemporary development efforts, and can be an important component of a comprehensive economic renewal effort in tribal communities.

Laws and regulations that protect the culture and traditions of American Indians are necessary to help maintain these cultural resources, and the enforcement of those laws is imperative to retain the cultural heritage that is important not only to individual tribes but to the fabric of this nation as a whole.

**Protect our Ancestors**

A very successful piece of policy that has allowed tribes to return their ancestors and cultural objects to home is the Native American Graves Protection and Repatriation Act. Congress has done a good job in supporting the goals of this legislation, and we urge them to continue to do so.

**Protect the Rights of Our Artisans and Cultural Insignia**

On August 24, 2001, the U.S. Patent and Trademark Office (USPTO) published a Federal Register notice setting forth final procedures for the creation of a database of official insignia of federally and state recognized tribes. Under the procedures laid forth, inclusion of an official insignia in the database will not be the equivalent of registering it as a trademark and will not create any legal presumption, validity, or priority. We urge Congress to direct the Trademark Office to protect our Tribal insignia and symbols with trademarks to prevent abuse.

**Protect our Sacred Sites**

Our sacred sites are often the most prominent parts of our heritage. Unfortunately, the same mountains, valleys, lakes, rivers, and other natural areas are popular with developers and other interests. In order to protect our religions, our cultures, and our people, we urge Congress to pass the Native American Sacred Lands Act (HR 5155).

**Language Preservation**

Indigenous languages are dying out at an alarming rate. In order to save what's left of our languages, and a vital part of American culture, we request that Congress provide funding for Indian schools and colleges, including the Indigenous Language Institute, to implement programs to reintroduce and teach languages.

**CONCLUSION**

The recommendations from tribal leadership that have been assembled to create this document may appear broad in scope; but it is just such breadth that is key to truly reversing the troubling economic picture that plagues much of Indian Country. By improving government infrastructure, providing access to capital, benefiting from and protecting natural resources, funding the expansion of physical and technological infrastructure, maintaining Indian health and housing, caring for our elders, educating our youth, and preserving our cultures, Indian communities will be able to breathe life into their economies and focus ahead.

NCAI looks forward to working with members of Congress and their staff in shaping these recommendations into comprehensive legislative proposals to begin to truly bring meaningful economic development to Indian Country.