



EXECUTIVE  
— SUMMARY —

# Fiscal Year 2013 Indian Country Budget Request: Our Trust. Our People. Our America.

## EXECUTIVE SUMMARY



Over the past few years, Americans everywhere have endured some of the worst economic conditions since the Great Depression. What America is experiencing today has been the story of Native peoples for decades. Tribal nations are familiar with the work required to overcome economic conditions that are stark and long-running, the remnants of broken treaties, land expropriation, and federal policies of forced removal and assimilation. In the face of such challenges, Native peoples have utilized the promise of self-determination to build the foundation for a prosperous future.

Native peoples, who inhabited their ancestral homelands in North America for 10,000 years before contact, have contributed immensely to the American story. Tribes are America's oldest governments and make up one of the three sovereigns recognized in the US Constitution, alongside states and the federal government. Although tribes have, at times, faced relentless political oppression and paternalism, they are rising from harsh economic conditions to contribute to a prosperous American tomorrow. Even before the Self-Determination Era, American Indians and Alaska Natives have shown commitment to the mutual success of tribal nations and the United States.

These FY 2013 budget recommendations represent necessary elements for a strong economic foundation in Indian Country. For instance, education is fundamental to long-term economic opportunities.

Investments in tribal infrastructure must be made to address the inadequate roads, housing, and broadband that are all essential to commerce. Bolstering public safety is also a prerequisite for long-term economic development. Finally, support for energy and industry must be ramped up; although tribal lands contain a vast amount of the nation's conventional and renewable energy resources, tribal governments face an array of challenges in developing those energy resources. All of these investments hold immense promise to contribute to regional economies, which serves to strengthen the American economy and build a better future for all Americans.

The United States is facing serious fiscal challenges caused largely by the imbalance between revenues and rising costs in the health care system. Over the next decade, federal budget deficits are projected to grow primarily due to the economic downturn, the 2001 and 2003 tax cuts, and war spending. Decision-makers in Congress and the Administration are focused on the goal of reducing deficits sufficiently to stabilize the debt relative to the size of the economy. Last year, Congress passed the Budget Control Act of 2011, which includes binding limits on annual appropriations that reduce projected funding for discretionary programs by about \$1 trillion through 2021. Under these caps, discretionary spending will shrink from about 9 percent of gross domestic product (GDP) in 2011 to 6.2 percent in 2021, well below the 8.7 percent average over the past 40 years.

Indian Country recognizes the state of the economy, the pressures on government at all levels, and the related challenges for job seekers. Tribes have been doing more with less for generations, and we propose the following general recommendations to help our communities, our neighbors, and the United States as a whole. As Congress and the Administration consider ways to address the deficit, tribal leaders urge them to sustain funding for human programs as a central part of the trust responsibility.

The foregoing FY 2013 tribal budget program requests have been compiled in collaboration with tribal leaders, Native organizations, and tribal budget consultation bodies. Tribes respectfully request that these recommendations be included in the appropriations process.

*See page 86 of this report for a Summary Table of the NCAI FY 2013 Budget Requests.*

## **Support for Tribal Governments** *(More Information on Page 20)*

Providing tribes with the tools for effective governance is critical to fulfilling the promise of the Indian Self-Determination and Education Assistance Act. To build a more prosperous American future, the following policy changes are essential.

- Fully fund Contract Support Costs at the Bureau of Indian Affairs and Indian Health Service.
- Fully fund Fixed Costs and Tribal Pay Costs in the Bureau of Indian Affairs.
- Increase funding for Tribal Priority Allocations in the Bureau of Indian Affairs.

## **Public Safety and Justice** *(More Information on Page 23)*

Law enforcement infrastructure and basic police protection on tribal lands are not optional, they are a fundamental function of government, and if they are not provided at the highest quality, no one will be willing to invest in tribal economies. In recent years, tribal leaders from across the nation have highlighted the shortcomings in the current justice system. At every turn, they have emphasized that the current lack of resources for law enforcement on tribal lands poses a direct threat to Native citizens and the future of Indian Country. However, these words seem to have fallen on deaf ears. Even the 2010 passage of the Tribal Law & Order Act (TLOA) has not prompted Congress to invest more money in public safety on reservations. Now is the time for the federal government to finally live up to its distinct legal, treaty, and trust obligations to provide adequate funding for law enforcement infrastructure in tribal communities.

- Fully fund all of the provisions of the Tribal Law & Order Act of 2010 that authorize additional funding for law and order programs that affect Indian tribes, both for FY 2013 and for the future.
- Increase funding for Bureau of Indian Affairs (BIA) law enforcement by at least \$30 million over FY 2010 funding levels, including an increase in funds for officer recruitment and training and for tribal detention facilities operations and maintenance.
- Allocate additional resources to the Bureau of Indian Affairs to enable it to expand its Safe Indian Communities Initiative to include at least four additional tribes.
- Create a 7 percent tribal set-aside from all discretionary Office of Justice Programs (OJP) programs, while at the same time ensuring that those funds are allocated in an equitable manner and that each formerly separate program area receives funding at or above FY 2010 funding levels, including tribal courts and jails construction, legal assistance, juvenile delinquency prevention, and substance abuse prevention.

## Public Safety and Justice (continued)

- Increase funding of tribal law enforcement programs under the Department of Justice's Public Safety Partnership and Community Oriented Policing Services (COPS) Grants program by at least 30 percent over FY 2011 funding levels.
- Reauthorize tribal funding under the Juvenile Justice and Delinquency Prevention Act (JJDNA) and restore FY 2010 levels of funding for the Tribal Youth Program under the Juvenile Accountability Block Grants program in an effort to strengthen tribal juvenile justice systems and hold tribal youth accountable.
- Increase funding for Part D of the JJDNA—Research, Evaluation, Technical Assistance, and Training (42 U.S.C. §5661 et seq.)—and amend the Act to include a corresponding tribal set-aside to ensure that at least a portion of appropriated funds are required to be spent on projects centered on tribal youth.
- Continue to fully fund the 28 new Indian Country Assistant United States Attorney positions that have been created over the past two years, as well as the six new FBI agents hired to work on Indian Country investigations.
- Maintain the authorized level of funding for the tribal programs under the Violence Against Women Act (VAWA), including the grants to the Indian Tribal Governments Program, which funds initiatives to combat domestic violence and sexual assault in Indian Country.
- Continue to fund the Indian Country Sexual Assault Clearinghouse at \$500,000 and provide \$500,000 for regional summits in Indian Country that would provide training on the prosecution of cases involving violence against Native women.

## Homeland Security (More Information on Page 29)

Tribes are an integral component of our country's homeland security infrastructure, which makes it perilous to abandon funding in this area. Nearly 40 tribes are located directly on or near the borders that the United States shares with Mexico and Canada. Hundreds of tribal governments are the only major governmental presence in rural and isolated locations, serving as the first, and oftentimes only, law enforcement authority and emergency responders for Native and non-Native communities. Tribal governments have broad emergency and first-responder responsibilities, as well as extensive border security responsibilities, including enforcement activities to deal with illegal immigration, terrorism, and smuggling activities. Dozens of tribes have critical national infrastructure on their lands, including national oil pipelines, nuclear facilities, missile sites, and dams.

- Provide \$20 million to enable tribal governments to work cooperatively with the Department of Homeland Security in developing tribal identification cards.
- Provide \$20 million annually in additional funding for Tribal Homeland Security Direct Grants.

## Education *(More Information on Page 30)*

In the wake of the recent economic downturn, the country must view improving the education of our nation's children as a key strategy for strengthening the economy. Research repeatedly demonstrates that investments in education contribute to economic growth while also expanding opportunities for individual advancement. Unfortunately, when faced with making tough budgetary decisions, policymakers and elected officials often target education and other social welfare budgets that require more long-term investments. Even worse, Native youth and families are often the hardest hit by these budget cuts. As a result, schools in Indian Country face inadequate federal support which leads to a shortage of staff, lack of support services, and dilapidated facilities. The federal government must live up to its commitment to provide a quality education for American Indian and Alaska Native students and for all of the nation's students.

- *Provide \$198.4 million for Title VII funding under the No Child Left Behind Act for Culturally Based Education.*
- *Provide \$1.395 billion for Impact Aid, Title VIII funding under the No Child Left Behind Act.*
- *Provide \$10 million (\$5 million through the Department of the Interior and \$5 million through the Department of Education) to fund Tribal Education Departments.*
- *Provide \$263.4 million for Bureau of Indian Education (BIE) school construction and repair.*
- *Provide \$72.3 million for Tribal Grant Support Costs.*
- *Provide \$73 million for BIE student transportation.*
- *Provide \$109.8 million in BIE facilities operations and \$76 million in facilities maintenance.*
- *Provide \$431 million for the Indian School Equalization Formula.*
- *Provide \$24.3 million in funding to the Johnson O'Malley program.*
- *Provide \$36 million for Title III-A grants under the Higher Education Act for Tribal Colleges and Universities.*
- *Provide \$62.5 million for Title I (Tribal Colleges and Universities' Operations) under the Tribally Controlled Colleges and Universities Assistance Act.*
- *Provide \$10 million in Extension Program funding.*
- *Provide \$5 million in funding for the 1994 Institutions' Research Grants.*
- *Provide \$5 million in Educational Equity Grant Program funding for the 1994 land grant institutions.*
- *Provide \$130 million in funding for the 1994 Native American Institutions Endowment Fund.*
- *Provide \$5 million in Essential Community Facilities Program funding.*
- *Exempt Head Start from budget-related reductions.*
- *Provide \$12 million for Native language preservation, with \$4 million designated to fund the Esther Martinez Language Programs, through the Administration for Native Americans, Administration for Children and Families.*

## Health Care *(More Information on Page 39)*

The federal budget is not only a fiscal document, but also demonstrates the United States' core values and, in the case of the Indian Health Service (IHS), its commitment to addressing the health care needs of Native peoples. The budget for IHS determines the extent to which the United States is honoring its legal responsibility to American Indians and Alaska Natives. The budget for IHS should carry forward the trust responsibility and support tribal self-determination as a key element of health care reform while continuing the government's partnership with tribes to improve Indian health.

- *Provide a \$367.6 million increase to Indian Health Service to maintain current services and a \$634 million increase for program services.*
- *Provide \$15 million to fund the Substance Abuse and Mental Health Services Administration (SAMHSA) for Behavioral Health.*
- *Provide a \$6 million tribal set-aside for American Indian suicide prevention programs under the Garrett Lee Smith Act.*

## Child Welfare *(More Information on Page 44)*

American Indian and Alaska Native children are disproportionately represented in foster care in the United States—placed at a rate that is two to three times the national average. Given the high incidence of out-of-home placements for American Indian and Alaska Native children and the high risk these children generally have for entering the child welfare system, tribal governments not only need adequate financial resources to help protect children, but they also need flexibility in the design of these programs. Tribes face great obstacles in their efforts to provide preventive services to address child abuse and neglect in their communities. These difficulties are strongly linked to the limited funding available to provide such services.

- *Provide \$20 million to fund Children's Bureau foster care demonstration grants and track tribal awards.*
- *Increase the tribal allocation of Title IV-B, Subpart 1 by creating a 3 percent set-aside of the total appropriation.*
- *Provide \$200 million for Title IV-B, Subpart 2 (Promoting Safe and Stable Families Act)—the full amount authorized for the discretionary component of the program which will benefit tribes and states.*
- *Provide a separate line item for tribal Title II grants (Child Abuse Prevention and Treatment Act) and set-aside 3 percent of total funding for tribes and tribal consortia.*
- *Increase funding to the Bureau of Indian Affairs for the Indian Child Welfare Act (ICWA) by \$45 million to \$70 million for tribes and tribal consortia.*
- *Reestablish the Urban Indian Child Welfare Grant Program under ICWA and fund at \$12 million.*
- *Increase Bureau of Indian Affairs Child Welfare Assistance funds to \$55 million.*

## Disabilities *(More Information on Page 47)*

According to the US Census, 24 percent of American Indians and Alaska Natives have a disability. High rates of diabetes, heart disease, and preventable accidents are among the issues that contribute to this troubling reality. This creates an extraordinary need for tribes to support their disabled citizens in becoming self-sufficient.

- *Increase Vocational Rehabilitation Services Projects to \$67 million, and create a line-item of \$5 million for providing outreach to tribal recipients.*

## **Elders** (More Information on Page 47)

In tribal communities, elders are considered the “wisdom-keepers” and are held in the highest regard. However, it is these same elders in Indian Country that comprise the most economically disadvantaged elderly minority in the nation. Funds for grants to tribes have a history of being both well-managed but woefully inadequate to meet existing needs.

- Provide \$30 million for Parts A (Grants for Native Americans) and B (Grants for Native Hawaiians) of the Older Americans Act.
- Provide \$8.3 million for the Native American Caregiver Support Program, and create a line-item for training for tribal recipients.
- Create a tribal set-aside of \$2 million under Subtitle B of Title VII of the Older Americans Act.
- Provide \$3 million for national minority aging organizations to build the capacity of community-based organizations to better serve American Indian and Alaska Native seniors under the Older Americans Act.

## **Economic Development** (More Information on Page 50)

Native nations striving for self-determination seek increased economic development, improved monetary policy, better workforce development, more job creation, and the beneficial use of tribal land and natural resources. Facing chronic underfunding of federal government programs that serve basic tribal needs, tribes must turn to their own economic development to fund programs and services for their citizens, including health care, affordable housing, education, and infrastructure programs. It is both essential and mutually beneficial for the federal government to partner with tribes to address challenges and leverage economic opportunities to strengthen tribal self-governance. With deficit reduction efforts underway, it is imperative that the Administration and Congress honor the trust responsibility by allowing tribes greater flexibility to develop their economies. Toward that end, there are FY 2013 budget items that are essential to tribal economic development.

- Provide a minimum of \$815 million for the Rural Business and Industry Loan Program, including more than \$10 million for Indian Country applicants.
- Maintain funding of \$1 million or more for Rural Business Opportunity Grants (RBOG) funds for tribal communities.
- Fund the Rural Business Enterprise Grants (RBEG) funds for tribal communities at a minimum of \$3.5 million.
- Provide \$35 million for Minority Business Development Agency (MBDA) to support additional Native business centers.
- Fund the Office of Native American Affairs at \$3 million as part of the Commerce Department Management Budget.
- Fund the Small Business Administration’s (SBA) Office of Native American Affairs at \$2 million.
- Fund Native American Business Center Grants at least \$10 million.
- Fund the American Indian Procurement Technical Assistance Program at \$3.6 million within \$34.3 million for the Procurement Technical Assistance Program.
- Fund the 5 percent Indian Incentive Payment Program at \$15 million.
- Fund the Office of Indian Energy and Economic Development (OIEED) Indian Loan Guarantee Program at \$15 million.
- Provide \$15 million for Native Community Development Financial Institutions (CDFI) funding.
- Restore the rural and tribal set-aside in the YouthBuild program and create a dedicated 5 percent tribal set-aside of at least \$4 million.

## **Telecommunications** *(More Information on Page 56)*

Major changes are occurring in telecommunications regulation. To ensure that American Indian tribes and Alaska Native villages are included in this digital transition, it is essential that programs offering financial assistance are available and adequately funded.

- *Provide a permanent fixed budget of \$2 million to fund the Office of Native Affairs and Policy.*
- *Appropriate \$5 million for funding American Indian and Alaska Native radio stations.*
- *Reinstate a \$4 million appropriation for construction of American Indian and Alaska Native radio stations through the Public Telecommunications Facilities Program.*

## **Agriculture** *(More Information on Page 58)*

Agriculture is a fast-growing sector in Indian Country, and has been the second leading employer for tribes. The 2007 Census of Agriculture shows a dramatic 88 percent increase in the number of American Indian farmers (79,703 more than in 2002). The US Department of Agriculture (USDA) administers programs that cover many essential areas that affect American Indian and Alaska Native tribes, such as food distribution programs, land conservation, forestry, agricultural outreach, and rural development.

- *Fund the USDA's Office of Tribal Relations at \$1.5 million.*
- *Maintain funding for tribal set-asides for water, wastewater, and solid waste management for Indian Country and Alaska Native villages under the USDA Rural Development, Water and Environmental Program (WEP).*
- *Maintain funding for the Environmental Quality Incentives Program (EQIP) of at least \$1.4 billion.*
- *Maintain funding for the Wildlife Habitat Incentives Program (WHIP) of at least \$85 million.*
- *Maintain funding for the Conservation Stewardship Program (CSP) of at least \$768 million.*
- *Increase the Federally Recognized Tribal Extension Program (FRTEP) to \$5 million.*
- *Increase the Food Distribution Program on Indian Reservations (FDPIR) to \$124 million.*

## **Environmental Protection** *(More Information on Page 61)*

Tribal peoples have close spiritual, cultural, practical, and interdependent relationships with their homelands and natural resources. As such, they also face the direct and often disproportionate impacts of environmental degradation, contamination, and climate change. Specific federal support for tribal environmental protection began over twenty years after the commencement of federal and state environmental protection programs that were initiated by the enactment of the Clean Water Act and Clean Air Act in the early 1970s. Tribes are still trying to catch up, and a significant gap remains.

- *Increase funding for the Indian Environmental General Assistance Program (GAP) to \$75 million.*
- *Authorize and appropriate \$20 million for the Multimedia Tribal Implementation Grants Program.*
- *Provide a 3 percent tribal set-aside for Clean Water and Drinking Water State Revolving Funds.*
- *Provide \$1 million for Operation and Maintenance Funding for Tribal Public Water Systems.*
- *Increase the tribal allocation under the Tribal Water Pollution Control, Clean Water Act Section 106 to 20 percent.*
- *Eliminate the cap on tribal funding for Nonpoint Source Pollutant Control.*
- *Set-aside 10 percent of Environmental Information Exchange Network funding for tribes.*



## **Natural Resources** *(More Information on Page 66)*

The vitality and sustainability of natural resources is integral to the health of American Indian and Alaska Native peoples, communities, cultures, and economies. It also has demonstrable positive impacts on surrounding communities. The benefits of federal investment in tribal natural resources management reverberate widely and can support tribes in creating jobs; maintaining tribal societal cohesion; forming healthy tribal and non-tribal communities and relations; developing innovative approaches to addressing pervasive unemployment and poor health brought on by environmental factors; and diminishing strain on land management and law enforcement services, among other things.

- *Increase funding to \$40 million for the BIA Rights Protection Implementation.*
- *Provide \$8.75 million in funding for the Cooperative Landscape Conservation Initiative.*
- *Restore funding to the FY 2003 level of \$8.298 million for the BIA Water Management, Planning, and Pre-Development Program.*
- *Restore funding to the FY 2003 level of \$10.923 million for the BIA Water Rights Negotiation/Litigation Program.*
- *Restore funding to the FY 2002 level of \$3 million for the BIA Endangered Species Program.*
- *Provide \$20 million for base and programmatic funding for the BIA Tribal Management and Development Programs.*
- *Fund Fish Hatchery Operations at \$3 million.*
- *Fund Fish Hatchery Maintenance at \$5.5 million.*
- *Increase the Wildlife and Parks Tribal Priority Allocation to \$10 million.*
- *Increase funding to \$10 million for the Natural Resources Tribal Priority Allocations.*
- *Provide \$5 million in funding to the Invasive Species Program.*
- *Provide \$8 million in funding to the Fish and Wildlife Service's Tribal Wildlife Grants Program.*
- *Provide \$31.2 million in BIA Forestry Tribal Priority Allocations.*
- *Provide \$23.6 million to BIA Forestry Projects.*
- *Maintain funding at \$3 million for the Great Lakes Restoration Initiative.*
- *Provide \$20 million to the NOAA Regional Ocean Partnership Grant.*
- *Provide \$110 million to the Pacific Coastal Salmon Recovery Fund.*

## **Energy** *(More Information on Page 74)*

Although tribal lands contain a vast amount of the nation's conventional and renewable energy resources, tribal governments face an array of challenges in developing their energy resources. Further development of tribal energy would contribute significantly to national energy independence, clean energy, economic development, and job creation.

- *Provide \$20 million for the Office of Indian Energy Policy and Programs (OIEPP).*
- *Eliminate the \$6,500 application fee for a permit to drill in Indian Country.*
- *Provide \$5 million in capacity-building assistance to Indian tribes for negotiating and implementing Tribal Energy Resource Agreements (TERAs).*
- *Maintain full funding levels for Low-Income Home Energy Assistance Program (LIHEAP)(\$4.5 billion) with \$51 million to tribes.*
- *Fund the BIA's Office of Indian Energy and Economic Development at \$5 million.*

## **Housing** *(More Information on Page 77)*

Many American Indian and Alaska Native people live in homes that lack basic essentials that most other Americans enjoy on a daily basis, such as gas and plumbing. In 1996, Congress passed the Native American Housing Assistance and Self-Determination Act (NAHASDA). This legislation transformed how federal housing assistance is provided to Native communities. NAHASDA has been highly successful in increasing the number of houses constructed for Native people, as well as increasing tribal capacity around infrastructure and economic development. NAHASDA authorizes several programs and initiatives in need of additional funding, as indicated below. When tribal communities are provided access to much-needed housing funding, they are able to efficiently and effectively utilize these dollars to address the longstanding housing and infrastructure needs of their communities. Sustained federal investment in housing and infrastructure for Native peoples is essential to maintaining the momentum gained by recent investment.

- *Fund the Indian Housing Block Grant at \$875 million.*
- *Fund the Indian Community Development Block Grant at \$100 million.*
- *Fund NAHASDA's Training and Technical Assistance at \$4.8 million.*
- *Fund the Section 184 Loan Guarantee Program at \$9 million.*
- *Fund the Title VI Loan Guarantee at \$2 million.*
- *Fund the Native Hawaiian Housing Block Grant at \$20 million and maintain funding for the Section 184A Loan Guarantee at \$1 million.*

## **Transportation** *(More Information on Page 80)*

Surface transportation in Indian Country involves thousands of miles of roads, bridges, and highways, and connects and serves both tribal and non-tribal communities. Millions of Americans and eight billion vehicles travel reservation roads annually. Despite being the principal transportation system for all residents of and visitors to tribal communities, reservation roads are still the most underdeveloped road network in the nation. Maintenance and enhancement of transportation infrastructure is critical to economic development, job creation, and improving living conditions for individuals and families throughout Indian Country. Tribal nations require sustained and adequate federal transportation appropriations to address the large backlog of deferred road and bridge construction and road maintenance needs. Investing in tribal transportation will create jobs and make Native economies stronger.

- *Provide \$500 million for the Indian Reservation Roads Programs.*
- *Provide \$20 million for the Indian Reservations Roads Bridge Program.*
- *Provide \$4.2 million for Tribal Technical Assistance Programs.*
- *Provide \$20 million for the Tribal Transit Program.*
- *Provide \$35 million for the BIA Road Maintenance Program.*

## **Historic and Cultural Preservation** *(More Information on Page 82)*

As part of the inherent rights of self-governance and self-determination, tribes directly manage preservation, maintenance, and revitalization efforts in order to maintain culture and traditions. Tribal nations also have the rights to control their ancestors' remains and sacred cultural items.

- *Provide \$4 million for Section 10 of Native American Graves Protection and Repatriation Act (NAGPRA) and create a line-item for grants to fund work with culturally unidentifiable remains.*
- *Provide a 10 percent increase for investigations into failure to comply with NAGPRA, and create a line-item for investigations of museum complaints made by tribes.*
- *Provide \$15 million for the Tribal Historic Preservation Officer Program.*