



# INDIAN COUNTRY

— BUDGET REQUEST —

OUR TRUST • OUR PEOPLE • OUR AMERICA

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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.*



**BUDGET**  
— REQUESTS —





*American Indians and Alaska Natives have served and continue to serve in the United States military at a higher rate per capita than any minority group. Here a Native veteran participates in the Navajo Nation's 2011 Veterans Day Memorial service in Window Rock, Arizona.*

*Credit: Donovan Shortey.*

# OUR TRUST. OUR PEOPLE. OUR AMERICA.

## Fiscal Year 2013 Indian Country Budget Requests

### **Our Trust**

Tribal nations in the United States are vastly diverse—as are the citizens that comprise them—but in the modern era, the common element responsible for revitalizing tribal homelands is tribal sovereignty at work. Effective self-rule requires that the US respect tribes' inherent right of self-government and that the federal government honor its trust obligations to Native peoples in the federal budget.

*“Indian Nations have always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial...”*  
- Chief Justice John Marshall, United States Supreme Court, *Worcester v. Georgia*, 1832

### **THE LONG ROAD TO PROSPERITY**

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. As those with the most knowledge and greatest understanding of their respective communities, tribal leaders are uniquely positioned to develop solutions that will improve the lives of their people and address the longstanding effects of cultural disruption and poverty. The economic downturn dealt a setback not only to the nation but also to the progress of tribal nations. Tribes look forward to contributing to the economic recovery and a broader renewal of the American dream, but to do so, tribes must assume their rightful place as full partners in the American family of governments.



## TRIBAL INNOVATION AND SOLUTIONS

The experiences of Indian Country in confronting adversity and adapting to hardship may hold lessons for the nation as a whole. While America navigates the waters of high unemployment, long-term joblessness, slow growth, Congressional gridlock, and frequent federal budget impasses, tribal nations are all too familiar with challenging economic times coupled with insufficient federal resources to meet the needs of tribal citizens.<sup>1</sup> Tribal leaders have found innovative ways to do more with less for generations. The solutions developed by tribes to counteract shortfalls tend to capitalize on the exercise of tribal sovereignty, which often requires a degree of program flexibility.

*The experiences of Indian Country in confronting adversity and adapting to hardship may hold lessons for the nation as a whole.*

The best illustrations of tribal innovation and efficiency came with the passage of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638) in 1975, which unleashed the power of tribal control and revolutionized the delivery of Indian services. This statute recognizes “the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of...Federal services to Indian communities.” The law also affirms Congress’s “commitment to the maintenance of the Federal Government’s unique and continuing relationship with, and responsibility to individual Indian tribes and to the Indian people as a whole.”<sup>2</sup> Under 638 contracts or self-governance compacts, tribes administer a vast array of governmental services, including healthcare, law enforcement services, education, housing, land and natural resource management, as well as providing many other vital social service programs. Program flexibility has allowed tribes to determine internal priorities, redesign programs, and reallocate financial resources to effectively and efficiently address the needs of their respective communities.

Before the Great Recession arrived in December 2007, most tribes had made tremendous progress under the policy of Indian self-determination in reversing decades of poverty and unemployment. A Harvard University analysis of socioeconomic change in the 1990s showed that Indian Country economies grew at a faster pace than the US economy as a whole.<sup>3</sup> Tribal leaders attribute this success to investments in self-government.

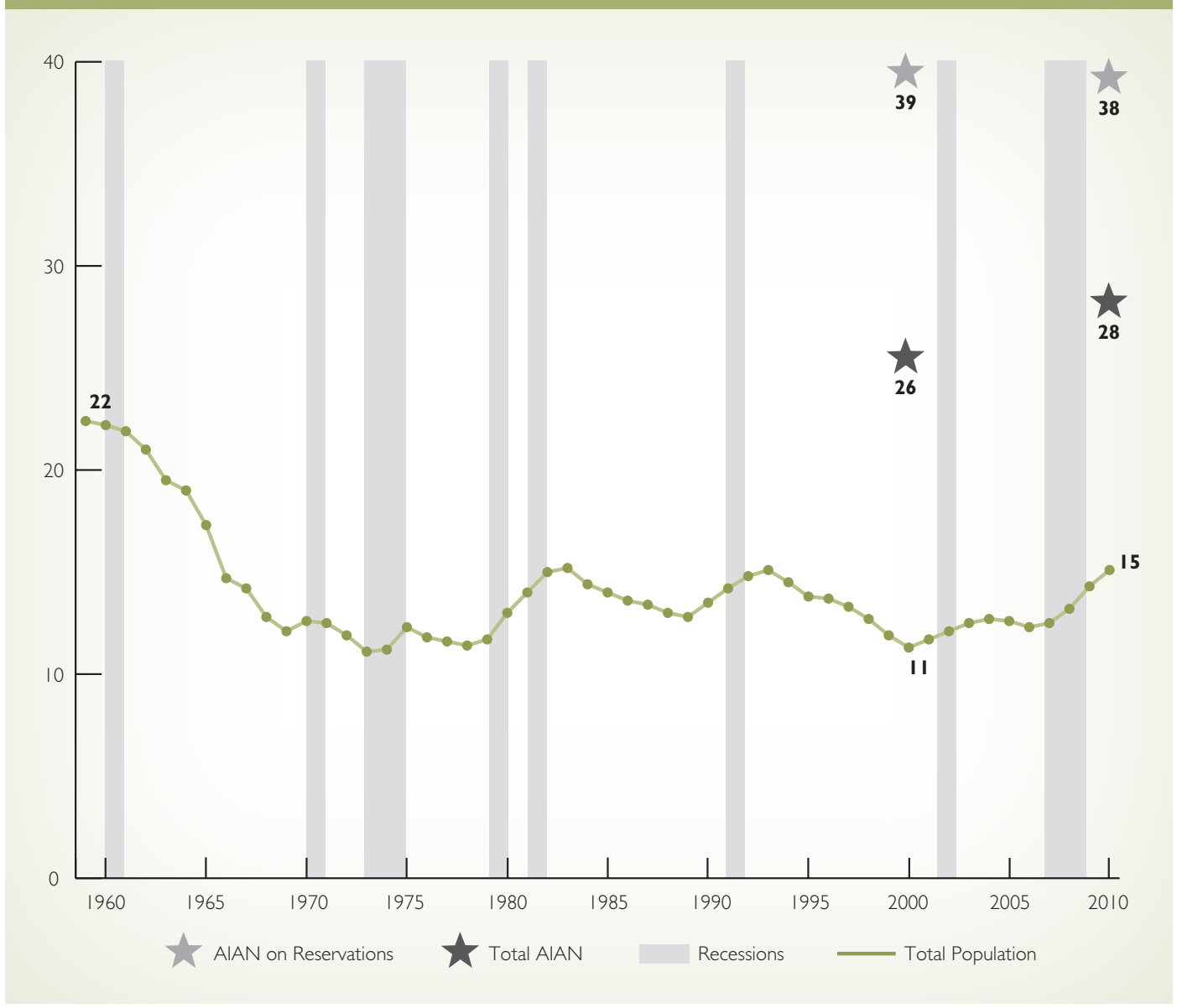
Other examples abound, showing that when tribes are acknowledged as sovereign governments and equipped with the tools for governing, they can build strong, healthy tribal communities. The federal government’s trust obligation to fund tribal programs is not only a solemn historic and legal duty, but the revitalization of Indian Country is a wise investment that contributes to the prosperity of the nation as a whole.

## Our People

*“You have noticed that everything an Indian does is in a circle, and that is because the Power of the world always works in circles, and everything tries to be round. In the old days when we were a strong and happy people, all our power came to us from the sacred hoop of the nation, and so long as the hoop was unbroken, the people flourished.” - Black Elk*

Indian Country has been implementing its own plan for economic change, and the plan is consistent with the holistic, integrated ways of life of tribal peoples. American Indians and Alaska Natives have faced unthinkable economic and social conditions, with impacts that far outstrip the Great Depression (see Figure 1). However, tribes have been engaged in a long-term effort to restore their communities through nation-building and economic development. To advance tribal communities in America, the basic economic foundation of Indian Country must be sustained.

Figure 1: Percent of People Below the Federal Poverty Level



SOURCE: US Census Bureau, Current Population Survey, Annual Social and Economic Supplements and the American Community Survey.

### LAY THE FOUNDATION FOR STRONG ECONOMIES

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 systems 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.

## REMOVE BARRIERS TO ECONOMIC PROGRESS

In addition to laying the foundation for strong tribal economies, Congress can remove obstacles to economic progress in Indian Country. The barriers include those related to:

**1) Taxation:** Until all tribes retain exclusive taxing jurisdiction within the exterior borders of their tribal lands, federal support remains critical to ensure essential government services are delivered to tribal people and the trust responsibility is honored. For example, the inequity of “dual taxation,” where tribes are often required to share critical tax revenue with adjacent states, diminishes the capital that tribal governments are able to collect to fund essential services and programs for their citizens. Also, in many instances, “dual taxation” discourages non-Indian entities from partnering with tribes on economic development projects, such as energy development. Protection from state taxation, where the taxable incident occurs within the reservation, is a no-cost legislative option that would spur tribal self-governance in a manner consistent with tribes’ status as sovereign governments. Tribes also seek the tax related goals of ensuring that tribal cultural and educational program benefits are exempt from taxation, expanding the availability of tribal tax-exempt bond financing, and respecting tribes’ inherent right to regulate Indian commerce.

**2) Tribal Energy:** Further development of tribal energy would contribute significantly to national energy independence, clean energy, economic development, and job creation. A primary reason for underdevelopment is bureaucratic and financial barriers. For example, oil and gas producers must pay a \$6,500 application fee for a permit to drill in Indian Country, while in some states these permits cost as little as \$25. Both the Senate (S. 1684) and the House are currently considering legislation that would remove some of these obstacles. Such legislation provides low-cost and no-cost solutions to promote tribally-driven energy development.

**3) Land into Trust:** Another important barrier to remove is the uncertainty created by *Carcieri v. Salazar*, in which the Supreme Court overturned a longstanding interpretation of the Indian Reorganization Act of 1934 (IRA) and held that the phrase “now under Federal jurisdiction” limits the Department of the Interior’s (DOI) authority to provide benefits under the IRA to only those tribes “under Federal jurisdiction.” The authority of DOI to take land into trust for Indian tribes is one of the pillars of the United States’ trust responsibility towards Indian tribes. Without the ability to take land into trust, tribes are denied the opportunity to protect and develop their cultures and economies. Two years have passed since the *Carcieri* decision, and there are at least 14 pending cases where tribes and the Secretary of the Interior are under challenge. Many more tribes have land into trust applications that are stalled. These legal challenges are pushing a restrictive interpretation in conflict with broad federal constitutional jurisdiction over Indian affairs. Land acquisitions are delayed. Lending and credit are drying up. Tribal jurisdiction and law enforcement are threatened. Jobs are lost or never created. Tribal nations urge Congress to support legislation that will fully restore Interior’s authority to take land into trust for tribes.

These types of actions come without any cost to the federal government, and tribes urge Congress to help remove these barriers to economic progress.

## TRIBAL INNOVATION SUPPORTS HUMAN PROGRAMS

*“I remember the biggest lesson I ever learned ... ‘Take care of the old person you are going to become.’”*

- Tlingit spiritual leader and statesman Dr. Walter Soboleff

Many factors contribute to the ability of Native people to take care of the “old person” he or she will become. Critical components to healthy tribal people include the enforcement of treaty rights to land, access to water, and subsistence hunting, fishing, and gathering of traditional foods.

Also essential to caring for ourselves is access to health care, adequate housing, culturally appropriate education, and meaningful work. Tribes have previously lacked the same resources available to other governments to provide for the public safety and welfare of their citizens, but through innovation and efficiency, tribes have found ways to meet the needs of our citizens.

In response to limited resources, some tribes have exercised the right to self-determination through what is known as the 477 program. Public Law 102-477 created this program in 1992 as a demonstration project to allow tribes to exercise their governmental authority to “integrate the employment, training and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities and serve tribally determined goals consistent with the policy of self-determination.”<sup>4</sup>

The statute allows tribes to consolidate funding streams from the Departments of the Interior, Health and Human Services, and Labor into an integrated employment, supportive services, and training program with a single budget and single reporting system. The 477 program maximizes federal dollars for tribal governments by fostering agency cooperation while reducing administrative burdens. This flexibility allows the creation of programs that culturally meet the needs of tribal citizens and eliminate administrative duplication. In 2004, the 477 program received the highest Program Assessment Rating Tool (PART) rating of any program in the Department of the Interior (Indian Affairs) by the Office of Management and Budget.

A story from Alaska shows the impact on the ground:

*“By the time Sandra, an Alaska Native single mother, enters the 477 Tribal TANF program at Cook Inlet Tribal Council (CITC), she is at her wits’ end. She is living with her two children, ages 8 and 10, in unstable housing, has no job skills, and suffers from addiction issues. However, once she arrives at 477 Tribal TANF, she encounters a virtually seamless, easily accessible service delivery system that encompasses rental housing assistance, childcare, job training and education, job search, and substance abuse support, in addition to temporary wage assistance. What is more, she doesn’t have to fill out countless applications—one form is adapted to several services to minimize wait time, so she is able to begin CITC’s retail training program even as she waits for temporary financial assistance to begin. Sandra receives childcare and bus passes to allow her time and transportation to attend the career training program, as well as access to a priority substance abuse assessment. Thanks to the CITC’s employment search assistance, she may land a job before her TANF benefits kick in. Meanwhile, she gets the opportunity to work with staff members who, like her, have ties to a village in rural Alaska, and can relate to her in various ways, so she feels comfortable accepting their help. She and her children begin to thrive.” (Rieger, 2011, p. 1)<sup>5</sup>*

Other human services programs encompassing Indian health care, services for elders and people with disabilities, employment and training, education, child welfare, and housing must be sustained, as they have all experienced shortfalls for decades. Tribal leaders urge Congress and the Administration that, as they consider ways to address the deficit, the funding for human programs be sustained as a central part of the trust responsibility.

## Our America

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.

Although the nation is working to address various crises, from the budget deficit to unemployment to high levels of poverty, many times crisis can lead to unexpected progress and growth. During another period of adversity in American history, World War II, a global emergency offered unparalleled opportunities for Native people to contribute to the larger American society. Even before all American Indians were allowed to vote, 24,521 reservation Indians and another 20,000 off-reservation Indians served in World War II, representing more than 10 percent of the Native population and one third of all eligible Native men from 18 to 50. In some tribes, the percentage of men serving was as high as 70 percent. Native people responded to the call to defend life, liberty, and the pursuit of happiness. Serving in a time when many states denied them the right to vote, Native people demonstrated intense loyalty to a country that had not always returned the favor. However, these service members were treated as equals in the military and upon their return brought raised expectations for Indian Country, which proved to be an enormous motivation for tribal advancement. Helen Peterson (Lakota and Cheyenne) said, "World War II revived the Indians' capacity to act on their own behalf."

Before the United States entered the fray of World War II, the United States sent supplies to assist Britain. President Franklin Roosevelt sent these words in January of 1941 to encourage Winston Churchill, saying the poem applied equally to Britain as to the United States:

*. . .Sail on, O Ship of State!  
Sail on, O Union, strong and great!  
Humanity with all its fears,  
With all the hopes of future years,  
Is hanging breathless on thy fate!*

– Henry Wadsworth Longfellow

At the time, Churchill was seeking to convince Roosevelt to enter the war. Churchill responded to President Roosevelt with, "Put your confidence in us. Give us your faith and your blessing, and, under Providence, all will be well. We shall not fail or falter; we shall not weaken or tire. Neither the sudden shock of battle, nor the long-drawn trials of vigilance and exertion will wear us down. Give us the tools, and we will finish the job."

Churchill's words carry a significant message for tribes today, just as they did to Roosevelt in 1941: "Give us the tools, and we will finish the job." It is simple: give tribes the tools to succeed, and they will, and so will America. Tribes are committed to the ship of state as part of the American family of governments, but the United States must live up to its trust responsibility and provide tribes the tools to govern. Invest in our partnership, and Indian Country will finish the job.

## BUDGET CRISIS

The United States is facing serious fiscal problems 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. Disagreements about the role of the federal government and tax policy have resulted in an often delayed budget process and raised the specter of federal government shut downs on more than one occasion. 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.

### Overarching Recommendations

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.

- 1) Continue to promote the successful and efficient initiatives in Indian Country that work, such as Self-Determination programs. Critical to implementing these policies are the Bureau of Indian Affairs funding streams for Tribal Priority Allocations, Contract Support Costs, and Tribal Grant Support Costs. Tribes also urge support for programs that maximize the federal tax dollar, such as the 477 program. In the administration of the 477 Act, tribes urge the continuation of funding through Indian Self-Determination and Education Assistance Act agreements and contracts and relief from the reporting obligations instituted by the Office of Management and Budget Circular A-133.
- 2) Remove barriers to tribal advancement and economic development. This includes exempting tribal government cultural and educational program benefits from federal taxation, expanding the availability of tribal tax-exempt bond financing, and ensuring tribal tax jurisdiction over activities occurring on leased rights-of-way and trust lands without interference by state and local government taxation. Finally, tribes urge Congress to support legislation that will fully restore the Secretary of the Interior's authority to take land into trust for tribes.
- 3) Tribal leaders urge Congress to uphold its solemn promises to tribes, even as policymakers seek to reduce the deficit through spending reductions and revenue generation. The obligations to tribal citizens funded in the federal budget are the result of treaties negotiated and agreements made between tribes and the United States in exchange for land and resources, known as the trust responsibility. The fulfillment of this trust responsibility is a solemn historic and legal duty.

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.





*Oklahoma Tribal Flag Plaza on the North Mall of the Oklahoma State Capitol, Oklahoma City, Oklahoma.*

*Credit: Tomfs.*

## SUPPORT FOR TRIBAL GOVERNMENTS

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.

### **Key Recommendations**

*Shared Responsibility:*

#### **DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF HEALTH AND HUMAN SERVICES**

*Interior – Environment Appropriations Bill*

- *Fully fund Contract Support Costs at the Bureau of Indian Affairs and Indian Health Service.*

The Indian Self-Determination and Education Assistance Act of 1975, (Pub. L. 93-638) allowed tribes to manage federal trust programs for the benefit of their citizens that would otherwise be administered by the US government. Under contracts or self-governance compacts, tribes administer a vast array of governmental services, including healthcare, law enforcement services, education, housing, land and natural resource management, and other vital social service programs. Program flexibility has allowed tribes to determine internal priorities, redesign programs, and reallocate financial resources to effectively and efficiently address the needs of their respective communities. Tribal communities rely on these programs to help provide the basic requirements of food, clothing, and shelter. However, the greatest impediment to the successful administration of these trust programs is the failure on the part of the US government to fully fund contract support costs. When contract support costs are not paid, tribes cannot fill vital positions in areas such as healthcare and law enforcement, or they are compelled to divert resources to cover these expenses, placing a great economic burden on the tribes and jeopardizing the health, welfare, and safety of their tribal communities. When the US government fails to provide these costs, the government is failing to live up to its trust obligations. These contractual obligations must be fulfilled, so that critical jobs that serve tribal communities can be restored.



## DEPARTMENT OF THE INTERIOR

### *Interior – Environment Appropriations Bill*

#### **Bureau of Indian Affairs**

- *Fully fund Fixed Costs and Tribal Pay Costs.*

Most federal agencies receive annual increases to their Fixed Costs rates each year to address inflationary costs associated with Fringe Benefits and Pay Costs. Historically, tribes have been disadvantaged because they have never received Fringe Benefit Fixed Cost adjustments. Previous Administrations have only partially funded pay costs. Partially funding or failing to fund pay costs for tribes has devastated tribal communities in terms of critical job losses. Over 900 tribal jobs have been lost and an estimated 300 more jobs will be permanently lost on an annual basis if 100 percent of Pay Costs are not provided. The tribal losses are being further exacerbated by recent projections of costs that have been significantly underestimated. At an estimated total tribal salary level of \$380,624,156 in FY 2013, a nominal pay cost rate of 2 percent would require \$7.6 million dollars. The current US inflation rate is 3.5 percent, and the Cost-of-Living Adjustment (COLA) level was calculated to be 3.6 percent in FY 2012. In FY 2013, the tribal pay cost need is estimated at approximately \$13.7 million to achieve parity with the general US cost predictions.

## DEPARTMENT OF THE INTERIOR

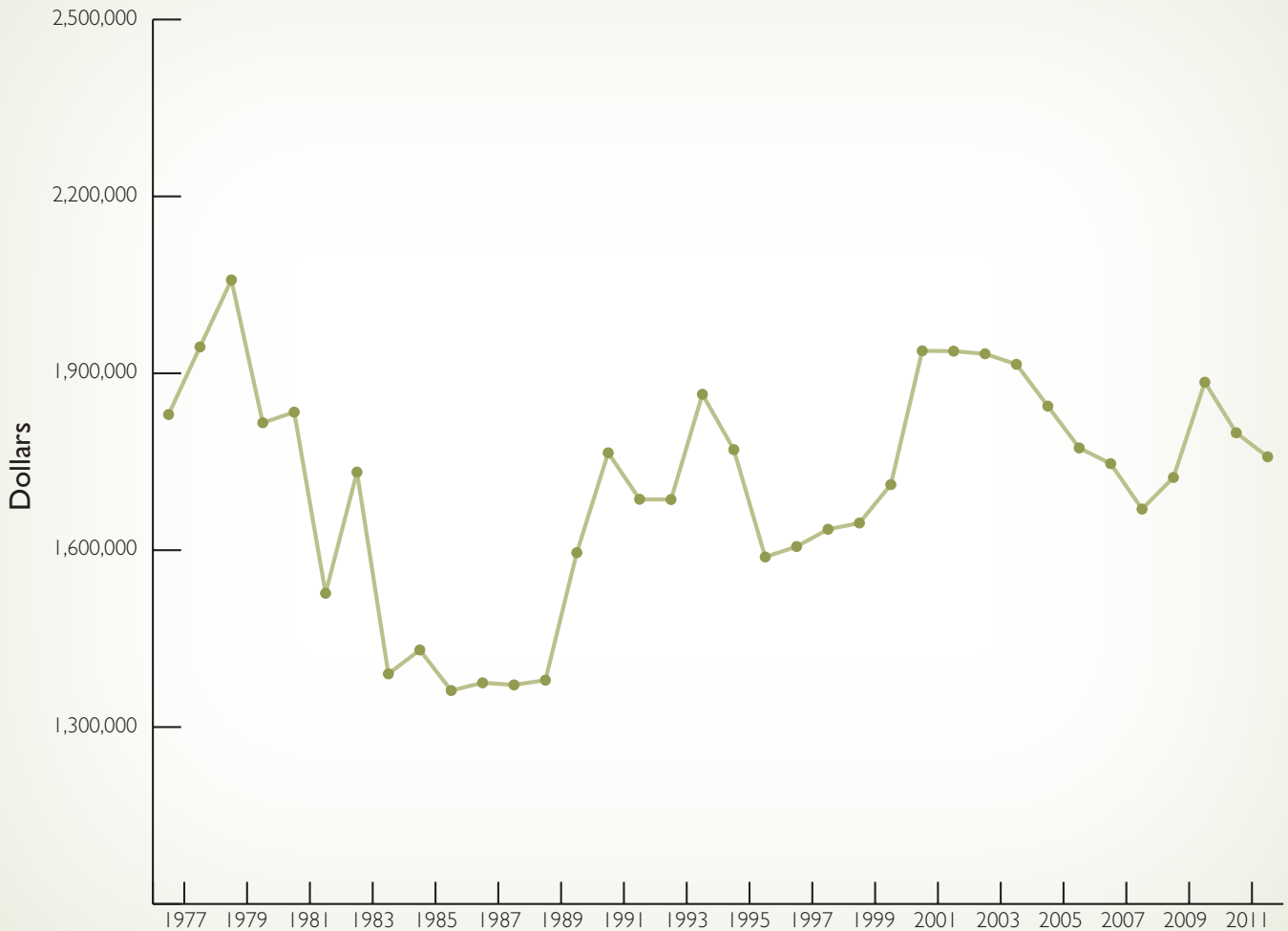
### *Interior – Environment Appropriations Bill*

#### **Bureau of Indian Affairs**

- *Increase funding for Tribal Priority Allocations.*

Tribal priority allocations are a critical funding area for tribal governments because they cover such needs as economic development, general assistance, and natural resource management. Yet, for two decades, inadequate funding for Tribal Priority Allocations has hindered tribes from fully exercising their right of self-governance. Severe underfunding has contributed to an array of social injustices in tribal communities. Deficient law enforcement money has led to unacceptable crime rates. A \$40 billion dollar construction backlog is impeding safe and efficient transportation systems in tribal communities, and the failure to adequately fund Indian education has resulted in disparate rates of educational attainment for Native children. Figure 2 on the next page shows the funding provided for core tribal governmental programs through the BIA from FY 1977 through FY 2012 adjusted for inflation. The considerable fluctuations in federal funding that supports tribal governments and Indian programs have prevented tribes from taking full advantage of the Indian Self-Determination and Education Assistance Act. NCAI strongly encourages appropriate funding to fully cover these obligations in the FY 2013 budget.

**Figure 2: BIA Funding, FY 1977-2012**  
(In Constant 1996 Dollars)



SOURCE: Walke, R. (1998). *Indian-Related Federal Spending Trends, FY 1975-FY 1999*. Washington, DC: Congressional Research Service and U.S. Department of the Interior (updated 1/06/2012). Retrieved on December 20, 2011, from [www.doi.gov/budget/budget\\_general/data/pdf/tenyear.pdf](http://www.doi.gov/budget/budget_general/data/pdf/tenyear.pdf).



*A member of the Salt River Pima Maricopa police force joins in celebrating the passage of the Tribal Law and Order Act—considered a bipartisan victory in 2010.*

*Credit: National Congress of American Indians.*

## PUBLIC SAFETY AND JUSTICE

Although they have taken various forms, the public safety problems that plague tribal communities are not new. They are the result of decades of gross underfunding for tribal criminal justice systems, a painfully complex jurisdictional scheme, and a centuries-old failure by the federal government to fulfill its public safety obligations on American Indian and Alaska Native lands. In recent years, tribal leaders from across the nation have highlighted the shortcomings in the current justice system in numerous formal consultations, informal dialogues, conference calls, meetings, and Congressional hearings surrounding issues of public safety and justice in Indian Country. 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. In fact, in the recently passed FY 2012 Consolidated and Further Continuing Appropriations Act, making appropriations for Agriculture, Commerce, Justice, Science (CJS) and Transportation-Housing and Urban Development, lawmakers not only removed the proposed 7 percent tribal set-aside from discretionary Office of Justice Programs (OJP) programs—which has previously been supported by both the House and Senate CJS Committees—but they slashed funding for tribal justice programs across the board. This is unfortunate and unacceptable.

Congress claims that improving the economy is its number one priority right now. It claims that decreased unemployment levels and increased economic development are truly the answer to our nation's problems. As such, we urge Congress to recognize that public safety in tribal communities is economic development.

Law enforcement infrastructure and basic police protection on tribal lands are not optional; they are not trivial; and they are not up for debate. 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. Tribes have some of the most valuable resources in the nation—natural and human—and tribal lands are prime locations for new business ventures and economic development. Yet, issues of perceived safety on the reservation continue to hinder successful growth of tribal economies. Increased and targeted funding in the following program areas will not only have a huge impact on safety in tribal communities, it will help attract new business to tribal lands and will ensure that tribal law enforcement officers, emergency responders, and justice personnel are able to find work in the communities that most need their services. In the current climate, the economic implications of failing to keep tribal communities safe are too great to ignore. 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.

## Key Recommendations

Shared Responsibility:

### DEPARTMENTS OF THE INTERIOR, JUSTICE, AND HEALTH AND HUMAN SERVICES

*Commerce, Justice, Science; Labor, Health and Human Services; and Interior-Environment Appropriations Bills*

#### Tribal Law & Order Act

- 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.

American Indian and Alaska Native tribes commend President Obama for signing the Tribal Law & Order Act (TLOA) into law on July 29, 2010. This new law takes a comprehensive approach to improving public safety on Indian reservations and reforming the entire justice system in Indian Country—from prevention, to law enforcement, to courts, to detention, and rehabilitation. The passage of the TLOA created momentum for improving law enforcement on Indian reservations, but this effort cannot succeed without effective implementation and adequate funding. Partial funding for the TLOA-authorized programs is unacceptable.

*The investment in tribal justice systems must be substantial, and it must be now.*

*The safety of American Indians and Alaska Natives depends upon it.*

### DEPARTMENT OF THE INTERIOR

*Interior-Environment Appropriations Bill*

#### Law Enforcement

- 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.

More than 200 tribal police departments, ranging from small departments with only two officers to those with more than 200 officers, help to maintain public safety on the more than 50 million acres of land that comprise Indian Country. Tribal law enforcement officers are usually the first responders to crime scenes on tribal lands, but their current funding lags well behind that of their non-tribal counterparts.

BIA conducted an analysis of law enforcement staffing in Indian Country in 2006 and found that Indian Country has 2,555 law enforcement officers, yet needs a total of 4,409, resulting in a gap of 1,854 officers, or a 42 percent unmet staffing need.<sup>6</sup> According to the Department of Justice's Bureau of Justice Statistics, the police-to-citizen ratio nationwide is 367 full-time employees per 100,000 residents.<sup>7</sup> On the other hand, virtually no tribal police department has more than two officers per 1,000 residents—almost half the national police-to-citizen ratio. To put this in perspective, Indian Country law enforcement officers patrol approximately 2 percent of the landmass of the United States and 1 percent of the population, but only represent 0.004 percent of the total of 675,734 state, city, and county law enforcement officers in the United States.

- 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.

During the White House Tribal Nations Leadership Conference in December 2011, Interior Secretary Ken Salazar stated that his Department is “committed to building on that progress and will be expanding the Safe Indian Communities Initiative to other reservations that are experiencing high levels of violent crime.” The successful program is now being expanded to two additional reservations: the Rosebud Sioux Reservation in South Dakota and the San Carlos Apache Reservation in Arizona. Indian Country would like to see it expanded even further—to reach even more tribes—and we would like to see Congress appropriate adequate funding to ensure the Initiative’s continued success. This Initiative has been a proven success, and these are the types of efforts that can make a real difference on the ground level, provided there is funding available to pursue them.

*Last year, the Department of the Interior launched the Safe Indian Communities Initiative, a two-year program that included targeted community policing on four reservations, and the program has achieved successful and encouraging results. Since its inception, there has been a 35 percent overall decrease in violent crime across the four tribal communities. With an initial target of reducing violent crime by at least 5 percent, the initiative far exceeded this goal, achieving a 68 percent decrease in violent crime at the Mescalero Reservation in New Mexico, a 40 percent reduction at Rocky Boy in Montana, and a 27 percent reduction in violent crime at Standing Rock in North and South Dakota.*

## DEPARTMENT OF JUSTICE

*Commerce, Justice, Science Appropriations Bill*

### Tribal Grants

- *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.*

Just recently, Congress passed the Consolidated and Further Continuing Appropriations Act for FY 2012 which not only removed the proposed 7 percent tribal set-aside from discretionary Office of Justice Programs (OJP) programs—which has previously been supported by both the House and Senate CJS Committees—but drastically cut funding for tribal justice programs across the board. Funding for tribal law enforcement assistance within OJP was decimated, receiving only \$38 million, a mere fraction of the \$100 million proposed by the Senate for FY 2011 and a \$12 million cut from the actual FY 2011 amount. The Community Oriented Policing Services (COPS) Tribal Resources Grant Program and the Tribal Youth Program also took very large cuts.

Tribes urge Congress to reinstitute the 7 percent tribal set-aside in OJP funding and, at a minimum, restore funding levels for DOJ tribal justice programs to their FY 2011 levels. Now is not the time to slash funding for tribal justice programs. We urge Congress to act now to restore funding for DOJ tribal justice programs.

The 7 percent tribal set-aside of OJP programs is particularly important to tribes, because it would provide a more flexible funding structure to tribes and would also complement the Department of Justice’s Coordinated Tribal Assistance Solicitation (CTAS).

CTAS attempts to streamline the application process for tribes, enabling them to submit a single application and select multiple purpose areas, as opposed to previous years in which they were required to submit multiple grant applications. However, this streamlined application model will not achieve its intended success unless and until it is accompanied by a streamlined funding mechanism.

A 7 percent OJP tribal set-aside would not commit new funds to Indian Country; rather, it would streamline the federal funding process by which tribes receive resources for things like tribal courts and jails construction, legal assistance, juvenile delinquency prevention, and substance abuse prevention, and give tribes the flexibility to develop a detailed strategy on how best to spend those funds. To ensure that those funds are allocated in an equitable manner and that no program area is overlooked, each formerly separate program area should receive funding at or above the FY 2011 funding level. For example, it is critical that the Bureau of Justice Assistance's Tribal Civil and Criminal Legal Assistance Grants, Training and Technical Assistance grant program receive at least the same amount as it did in FY 2011, under the flexible 7 percent structure. Tribes rely heavily on this program to ensure that their tribal justice systems function properly.

There are 25 Indian Legal Services programs connected with the Legal Services Corporation which operate in 23 states, annually providing both civil and criminal legal representation in tribal courts and to hundreds of Native American clients who meet federal poverty guidelines. In addition to individual representation, the Indian Legal Services programs are currently assisting more than 160 tribes and/or tribal judicial systems in activities such as tribal court development and improvement, development of tribal dispute resolution and peacemaker/mediation systems, drafting of civil and criminal codes and rules of procedure and other structural development for court implementation, and training of tribal court and justice systems personnel and tribal court lay advocates and guardians ad litem. In many instances, these Indian Legal Services programs have been "on the ground" for decades, a linchpin in the legal structure of reservation communities that helps keep citizens safe, helps attract business investments because tribal justice systems are grounded in solid codes and laws, and provides economic opportunities by training tribal citizens to work in the justice system. It is critical that these programs continue to receive funding, either through the OJP 7 percent tribal set-aside, or as a separate line item.

- *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.*

Since the creation of the COPS Office under the Violent Crime Control and Law Enforcement Act of 1994, the COPS Office has awarded over 2,000 grants totaling more than \$400 million to tribal communities to hire more than 1,700 new or redeployed law enforcement officers. It has also helped tribes to obtain necessary law enforcement training, equipment, vehicles, and technology.<sup>8</sup> Through its Tribal Resources Grant Program and Tribal Methamphetamine Program and historical programs and funding initiatives such as the Tribal Hiring Renewal Grant Program (THRGP), Tribal Mental Health and Community Safety Initiative, and the Tribal Court Pilot Program, the COPS Office has taken a proactive approach toward addressing the needs of tribal nations and has become one of the primary resources available to tribal law enforcement agencies attempting to develop and maintain a fundamental policing infrastructure and upgrade outdated equipment. Yet, there is still a tremendous unmet need within tribal justice systems for more COPS dollars.

The COPS Office has acknowledged that due to limited resources, it has not been able to adequately fund tribal justice systems, particularly in the area of hiring/retaining tribal law enforcement officers. In a report released in December 2010, the COPS Office described its inadvertent practice of intermittent funding as "problematic," especially "when referring to hiring of officers" (p. 18).<sup>9</sup> Hiring more tribal police officers should be a top priority for reasons of public safety and the resulting economic opportunity it promotes. Indian Country urges Congress to significantly increase funding for tribal law enforcement programs under the COPS program.



- *Reauthorize tribal funding under the Juvenile Justice and Delinquency Prevention Act (JJDPDA) 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.*

Although American Indian and Alaska Native children comprise only 2.2 percent of the overall youth population, they are arrested at a rate of more than two to three times other ethnic groups.<sup>10</sup> According to a recent US Department of Justice report, “Substance abuse, depression, and gang involvement fuel a vast majority of the offenses for which American Indian juveniles are disproportionately confined” (p. 13).<sup>11</sup>

Currently, there is very little financial support for tribal youth programs, justice systems, and prevention programs. Historically, the Juvenile Justice and Delinquency Prevention Act (JJDPDA) has been the only source of non-detention funding for youth and although the Act has its problems—it does not recognize tribes as directly eligible for most of its grant programs and provides non-existent or wholly insufficient tribal set-asides—it is still an important funding stream for tribes. The JJDPDA should be reauthorized, with funding for the Tribal Youth Program restored to its FY 2010 levels.

- *Increase funding for Part D of the JJDPDA—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.*

Tribes need to know the nature, magnitude, and pervasiveness of the problems facing juveniles in their communities before they can effectively address those problems. A comprehensive nationwide study is needed to collect data on Native youth in the justice system, including information like the percentage of Native youth in the justice system, whether their educational and cultural needs are being met, and the number of those individuals who have disabilities. Funds could also be used to implement better testing and early intervention procedures for Native children to ensure that problems are being acknowledged and addressed before they manifest themselves in the form of delinquent or criminal behavior.

- *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.*

Given the geographical remoteness of many Indian reservations, they are a prime target for international drug trafficking organizations who increasingly exploit these lands not only to smuggle illicit drugs, but also to produce and cultivate them. These activities invite corruption, violence, drug abuse, sex trafficking, and gang activity into tribal communities and place American Indians and Alaska Natives—an already vulnerable population—at greater risk.

In the past, the problem has been compounded by the failure of the federal government to make addressing crime in tribal communities a priority. Given the complex jurisdictional status of crimes on tribal lands, a disproportionate number of Indian Country cases are investigated and prosecuted by federal law enforcement officials. The Department of Justice’s addition of 28 Assistant United States Attorneys and six FBI agents to work on Indian Country investigations and prosecutions over the past two years is encouraging. Tribal leaders urge continued funding for these new positions and are hopeful that these additions will make the federal justice system more responsive to the needs of Native peoples.



## DEPARTMENT OF JUSTICE

### *Commerce, Justice, Science Appropriations Bill*

#### **Office of Violence Against Women - Violence Against Native Women**

- *Maintain the authorized level of funding for the tribal programs under the Violence Against Women Act (VAWA), including the grants to 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.*

Congress must not ignore the devastating impact that violence against women has on tribal communities. It is estimated that one in three Indian women will be raped and that six in ten will be physically assaulted in their lifetimes. This violence threatens the lives of Native women and the future of American Indian tribes and Alaska Native villages. Ending this historic pattern of violence requires that the federal government fulfill its trust responsibility to assist tribal governments in safeguarding the lives of their citizens. No area of need is more pressing or compelling than the plight of American Indian and Alaska Native women and children fleeing physical and sexual violence.

When Congress unanimously reauthorized the Violence Against Women Act in 2005, the Act included a new title specifically focused on enhancing the safety of Native women. This was a major step forward; however, now it is necessary for the current Congress and Administration to take the next step toward ending domestic violence and sexual violence by making sure that the tribal provisions of VAWA are adequately funded in FY 2013.

The Office of Violence Against Women is in the process of establishing a national clearinghouse on the sexual assault of Native women, which will provide a place where tribes can request free on-site training and technical assistance on a host of sexual assault-related topics, including development of tribal sexual assault and domestic violence codes, sexual assault forensic evidence collection training, and more. If fully funded, this clearinghouse has the potential to be a tremendous resource for tribes, law enforcement officials, medical professionals, and victim advocates.

Additionally, we urge Congress to appropriate \$500,000—the amount appropriated in FY 2012—to DOJ to develop and sponsor regional summits regarding violence against women in Indian Country. These proposed summits would provide training on the investigation and prosecution of federal cases involving domestic violence, sexual assault, and stalking in Indian Country, and they would seek to enhance collaboration among all the different entities charged with improving the safety of Native women.

Adequate funding for VAWA programs will be especially critical if S. 1925, the Violence Against Women Reauthorization Act 2011, is enacted into law. This bill proposes to restore the authority of tribes to investigate and prosecute all persons—Indian or non-Indian—who commit crimes of dating violence, domestic violence, and violations of protection orders on the reservation. Tribal justice systems are going to need additional resources to exercise this new jurisdictional authority and VAWA funding streams are going to be critical to their efforts.



*Firefighters from the Hoopa Indian Reservation Fire Department in California, extinguish a hot spot to prevent a forest fire from re-igniting.*

*Credit: US Air Force Staff Sgt. Jonathan Snyder.*

## HOMELAND SECURITY

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.

### Key Recommendations

#### DEPARTMENT OF HOMELAND SECURITY (DHS)

##### *Homeland Security Appropriations Bill*

#### Western Hemisphere Travel Initiative

- Provide \$20 million to enable tribal governments to work cooperatively with DHS in developing tribal identification cards.

Tribal governments face the cost-prohibitive unfunded mandate to comply with the Western Hemisphere Travel Initiative requirement of enhanced tribal identification (ID) cards. Funding for these tribal ID cards will enable tribal government officials and citizens to continue to cross borders in accordance with longstanding treaty rights and agreements, visit relatives and participate in cultural activities, and enter federal offices where they regularly conduct business.

#### DEPARTMENT OF HOMELAND SECURITY

##### *Homeland Security Appropriations Bill*

#### Tribal Homeland Security Direct Grants

- Provide \$20 million annually in additional funding for tribal direct grants.

This appropriation will enable tribes to fulfill the crucial role of first responders and border security officials in a broad array of key jurisdictions throughout the nation.



*Young leaders from around Indian Country gathered at the National Intertribal Youth Summit in Santa Fe, New Mexico, in 2011 to provide insight on how to improve critical aspects of community services, including education.*

*Credit: Department of Justice.*

## EDUCATION

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.<sup>12</sup> For example, a 2007 study by the Brookings Institution revealed that investments in education and training programs provide a payoff between 5 and 15 percent per year, compared to initial investments.<sup>13</sup> Likewise, cutting statewide public K-12 expenditures by just 1 percent would reduce a state's employment rate by 0.7 percent initially and by 1.4 percent over time.<sup>14</sup>

In addition to benefits for national and state economies, investments in education can bring direct benefits to individuals, which will ultimately have a larger impact on tribal and other economies. As the Director of Education for the Grand Portage Band of Chippewa explained recently: "Having an education means that Native Americans are able to contribute economically to their communities and reservations by reducing the unemployment levels, stimulating the market through increased direct spending, developing the workforce by increasing the skills of local workers, attracting new businesses with the improved economy and workforce, stimulating entrepreneurship, increasing the use of technology, promoting leadership in tribal members, and creating a link between reservations and external resources.

Further, an education allows Indian people to achieve personal and academic development, as education advances self-awareness, interpersonal sensitivity, intellectual development, self esteem, acculturation, and identity development" (H. Brickner, personal communication, December 19, 2011).

*"If just half of the 24,700 American Indian and Alaska Native [high school] students who dropped out from the Class of 2010 had graduated, together these 12,350 new graduates would likely be earning an additional \$147 million each year compared to what they will earn without a high school diploma."*

A 2011 report from the Alliance for Excellent Education indicates that improving the educational outcomes of American Indian and Alaska Native students would have a tremendous individual and societal economic impact. This report suggests that: "If just half of the 24,700 American Indian and Alaska Native [high school] students who dropped out from the Class of 2010 had graduated, together these 12,350 new graduates would likely be earning an additional \$147 million each year compared to what they will earn without a high school diploma.

These increased earnings would create a wave of additional benefits for tribal, state, and national economies, including the following:

- **Increased spending and investment:** *New graduates' increased earnings, combined, would likely have allowed them to spend up to an additional \$107 million and invest an additional \$40 million during an average year.*
- **Increased home and vehicle sales:** *By the midpoint of their careers, these new graduates, combined, would likely have spent as much as \$387 million more on home purchases than they will spend without a diploma. In addition, they would likely have spent up to an additional \$14 million on vehicle purchases during an average year” (n. p.).<sup>15</sup>*

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. Additionally, due in large part to the weak state of the nation's economy, state funding for colleges and universities has not been able to keep pace with the significant growth in college enrollment. This means that schools must increase the cost for students to attend, resulting in a steady rise in the overall cost of pursuing higher education. While the costs of higher education have risen, so have the cuts to annual Self-Governance funding to tribes, further constraining tribes' ability to encourage and supplement their citizens' efforts to pursue higher education. 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.

The requests below detail the minimum funding needed to maintain a system that is struggling and underfunded.

## Key Recommendations

### DEPARTMENT OF EDUCATION

#### *Labor, Health and Human Services - Education Appropriations Bill*

#### **Culturally Based Education**

- *Provide \$198.4 million for Title VII funding under the No Child Left Behind Act.*

Title VII of the No Child Left Behind Act, which provides essential support for culturally based education approaches for American Indian and Alaska Native students and addresses the unique educational and cultural needs of Native students, is severely underfunded. It is well-documented that Native students are more likely to thrive in environments that support their cultural identities.<sup>16</sup> Title VII has produced many success stories, but increased funding is needed in this area to close the achievement gap for Native students and to ensure continued support for Native cultures and language education.

### DEPARTMENT OF EDUCATION

#### *Labor, Health and Human Services, Education Appropriations Bill*

#### **Impact Aid Funding**

- *Provide \$1.395 billion for Impact Aid, Title VIII funding under the No Child Left Behind Act.*

Impact Aid provides resources to public schools whose tax bases are reduced because of federal activities, including the presence of an Indian reservation. Although approximately 95 percent of American Indian and Alaska Native youth are educated in public schools, thousands continue to be served by reservation schools and other schools eligible for Impact Aid, including those located on or near tribal lands and those living on military bases.<sup>17</sup>



Yet, Impact Aid funding has not kept pace with inflation. Past budgets have also failed to provide appropriate allocations for facilities construction, causing a tremendous backlog in new construction and leaving many public schools on reservations in desperate need of repair.

*Shared Responsibility:*

## **DEPARTMENT OF EDUCATION AND DEPARTMENT OF THE INTERIOR**

*Labor, Health and Human Services, Education and Interior - Environment Appropriations Bills*

### **Tribal Education Departments**

- *Provide \$10 million to fund Tribal Education Departments (TEDs).*

Five million dollars should be appropriated to the Department of the Interior, and \$5 million should be appropriated to the Department of Education to support Tribal Education Departments (TEDs). Both of these appropriations are authorized by the No Child Left Behind Act of 2001. Congress provided the first appropriation of \$2 million in the Department of Education's Indian Education National Activities line for TEDs in the FY 2012 Consolidated Appropriations Act. With continued funding, the impact on Indian education would be significant. Currently, most tribes fund TEDs with non-federal sources of funding, federal funding from Johnson O'Malley, and sometimes limited Title VII Indian education formula grants from the No Child Left Behind Act. TEDs have a wide range of budgets depending upon the tribe's overall budget and priorities. TEDs serve thousands of American Indian and Alaska Native students nationwide in Bureau of Indian Education, tribal, and public schools. TEDs must have adequate financial support so they can serve the educational needs of these students at a comparable level to the students served by state education departments and agencies.

## **DEPARTMENT OF THE INTERIOR**

*Interior - Environment Appropriations Bill*

### **Construction and Repair of Bureau of Indian Education (BIE) Schools**

- *Provide \$263.4 million for BIE school construction and repair.*

All students in America deserve a safe, secure, and culturally appropriate environment in which to attend school. As cited in the draft No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee Report, numerous research studies have noted the link between inadequate facility conditions and poor performance by students and teachers. The Report also underscored the fact that the quality of the school environment impacts student behavior, test scores, and teacher retention, among other issues. However, in its FY 2012 Budget Request, the Administration failed to propose funding for the replacement schools and replacement facility construction accounts, which amounts to a \$50.9 million reduction compared to FY 2011 levels.

For the repair of BIE schools and related facilities, the Administration requested \$47.7 million, which reflects a \$13.8 million increase to the amount appropriated for FY 2011. Yet, as of December 31, 2009, an estimated \$1.34 billion was needed to bring 64 schools ranked in "poor" condition, meaning in significant need of repair, up to "fair" condition.<sup>18</sup> Continued inadequate support for school facilities will cause the unmet need for construction and repair funds to balloon. Equally disconcerting is that the FY 2013 budget directives could result in the continued elimination of funding for replacement school and replacement facilities. Delaying the replacement and repair of existing facilities not only jeopardizes student and staff safety, but also increases the amount of school funds that must be diverted to emergency repairs and other facilities maintenance—accounts which are also extremely underfunded. To keep pace with this growing need, the federal budget should include \$263.4 million in FY 2013 for reservation school construction and repair.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Tribal Grant Support Costs for Tribally-Operated Schools**

- Provide \$72.3 million for Tribal Grant Support Costs.

The operation of schools by tribes or locally elected tribal school boards is an exercise of tribal self-determination, encouraged by federal Indian policy for the last 35 years. Currently, 126 of the 183 BIE-funded schools are tribally operated. Tribes and tribal organizations that exercise this option are entitled by law to receive Tribal Grant Support Costs or TGSC (formerly known as Administrative Cost Grants) to cover the administrative or indirect costs incurred when they take over a school. These costs can include: contract/grant administration; payroll; accounting; insurance; background checks; and other legal, reporting, and recordkeeping requirements. In FY 2010, the funding available for TGSC met only 58.9 percent of need — which also stands as a 2.1 percent reduction from the prior year. In FY 2011, Congress provided a \$2.9 million increase for TGSC. In recent fiscal years, Congress and the Administration have begun to recognize that contracts with tribes and consortia should be honored just as with other non-tribal contractors, such as Boeing. As a result, the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) have received increases for self-determination contract support costs (indirect costs for tribal governments).

Unfortunately, the increases provided for tribal contract support stands in stark contrast to the trend of level funding for tribally-operated schools, even as more schools are expected to convert to contract or grant status in FY 2013. TGSC funding shortfalls have forced the schools to divert funds from educational programs to meet their statutorily mandated administrative requirements and to drastically reduce staff to bare-bones levels. At a minimum, this budget category must be exempted from any proposed budget decreases. For current contract and grant schools, \$70.3 million should be appropriated to fully fund TGSC need, with an additional \$2 million to fund the administrative needs of those schools that convert to contract or grant status in FY 2013. Fully funding TGSC, like BIA and IHS contract support costs, are critical to maximizing tribal self-determination by moving essential governmental functions from federal agency administration to tribal administration.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Student Transportation**

- Provide \$73 million for student transportation.

Bureau of Indian Education (BIE)-funded schools, like public schools throughout America, incur significant costs for transporting their students to and from school and other activities, but the road conditions in areas surrounding BIE schools are often much less developed or in more need of repair than those surrounding the typical public school. Additionally, BIE schools routinely receive less funding per mile for transportation, even though the per-mile costs are greater. In many areas, buses travel long daily routes, often on unpaved roads that are turned into muddy “washboards” by rain and snow. These conditions take a tremendous toll on vehicles and result in greater maintenance and repair costs, exacerbating funding shortages that must be made up with education program funds. For FY 2012, the BIE estimated that its student transportation request would provide a payment rate of \$3.23 per mile, which represents no increase in the per mile rate since FY 2010, even though fuel and repair costs continue to rise. The BIE per mile rate is much less than the national school transportation costs average, despite the much more grueling conditions encountered on roads that lead to BIE-funded schools. Full funding for student transportation in FY 2013 would require at least \$73 million. With no meaningful increase in this funding account over the last several years, this line item must be exempted from any reductions and must be funded at a level more commensurate with need.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Bureau of Indian Education Schools Facilities Accounts**

- Provide \$109.8 million in facilities operations and \$76 million in facilities maintenance.

As reported by the Government Accountability Office and others, approximately 45 percent of buildings at the 183 BIE-funded schools are more than 30 years old and nearly 27 percent are more than 50 years old.<sup>19</sup> A shocking number of these schools are in poor condition and/or are unable to support modern technology. Unlike other federal government-operated buildings, however, they do not receive adequate funding for their operation and maintenance and are not replaced on a schedule consistent with health, safety, habitability, and educational standards. Facilities maintenance funding is intended to address preventative, cyclic, and unscheduled maintenance for school buildings, utility systems, and ground structures. In its budget justifications, the BIE does not report the deferred maintenance backlog amount, but the draft No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee Report cites a \$967 million backlog amount, and the National Indian Education Association has estimated the backlog grows at an annual rate of \$56.5 million. Despite these shocking numbers, the BIE request of \$50.7 million for this account has not changed for the past several years. Facilities operation is currently funded at only 46 percent of need, despite the fact that costs for electricity, heating fuels, and water and sewer service continue to rise. Some critical facilities needs are covered by funds diverted from education programs, but in many cases, needed maintenance is not being performed at all. To begin to address these basic and growing needs, \$109.8 million in facilities operations funding and \$76 million in facilities maintenance funding is necessary. These accounts should also be exempted from any budget reductions.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Indian School Equalization Formula (ISEF)**

- Provide \$431 million for the Indian School Equalization Formula.

The Indian School Equalization Formula (ISEF) is a formula mandated by statute to provide the core budget account for the educational and residential programs of the BIE's elementary and secondary schools and dormitories. These funds cover the salaries for teachers, teacher aides, principals, and other education program administrative personnel, as well as dormitory staff and the costs of instructional materials, computers, and professional development. Except for FY 2009 and FY 2010—when there were actual increases in program funding—ISEF increases are often required to cover budget shortfalls in fixed costs (e.g., administration, student transportation, and facilities operation and maintenance) rather than to supplement program needs. This means that even fewer dollars are available for the education and residential programs mandated to be funded by the ISEF allocation. For these reasons, we reiterate our request made in the FY 2012 Indian Country Budget Request documents. ISEF should be funded at \$431 million for FY 2013. This funding is essential to providing a high-quality program for the education of our students and, as such, should be exempted from any budget reductions.



## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Johnson O'Malley Act**

- Provide \$24.3 million in funding to the Johnson O'Malley program.

Enacted in 1934, the Johnson O'Malley Act (JOM) provides supplemental funds to address the unique educational and cultural needs of Native children attending public schools. The "special and unique needs" defined in JOM are determined not by school boards, but by required parent committees and needs assessments. In FY 2013, \$24.3 million should be allocated to JOM in order to fulfill the federal government's responsibility to educate American Indian and Alaska Native students, particularly the 95 percent who attend public schools.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Tribal Colleges and Universities**

- Provide \$36 million for Title III-A grants under the Higher Education Act.

Titles III and V of the Higher Education Act, known as Aid for Institutional Development programs, support institutions with a large proportion of financially disadvantaged students and low cost-per-student expenditures. Tribal Colleges and Universities (TCUs) clearly fit this definition. The nation's 36 TCUs serve Native and non-Native students in some of the most impoverished areas in the nation, yet they are the country's most poorly funded postsecondary institutions. Congress recognized the TCUs as emergent institutions, and as such, authorized a separate section of Title III (Part A, Sec. 316) specifically to address their needs. Additionally, a separate section (Sec. 317) was created to address similar needs of Alaska Native and Native Hawaiian institutions. Section 316 is divided into two competitive grants programs: formula-funded basic development grants and competitive single-year facilities construction grants. Thirty-six million dollars should be provided in FY 2013 to fund these two competitive grant programs.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Tribal Colleges and Universities' Operations**

- Provide \$62.5 million for Title I under the Tribally Controlled Colleges and Universities Assistance Act.

To fully fund Title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (Tribal College Act), which provides day-to-day operating funds for 26 TCUs, would require \$70 million, or an increase of approximately \$15 million from the \$55 million appropriated in FY 2012. Since the Act was first funded in 1981, the number of TCUs has quadrupled and enrollments have increased by more than 325 percent. Currently, Title I TCUs receive \$5,764 per Indian student toward their institutional operating budgets. Accounting for inflation, the program's funding level is almost \$1,000 less per Indian student than it was under the program's initial FY 1981 appropriation, which was \$2,831 per Indian student. Given the constraints of the current economy, Congress should appropriate the \$15 million needed over two years, with a \$7.5 million increase in both of Fiscal Years 2013 and 2014.

## DEPARTMENT OF AGRICULTURE

### *Agriculture Appropriations Bill*

#### **1994 Land Grant Institutions (TCUs)**

Tribal Colleges and Universities (TCUs) achieved federal land grant status through the passage of the Equity in Educational Land Grant Status Act of 1994. Sixteen years later, the number of TCU land grant institutions has increased to 32; however, they are still not recognized or funded as full partners in the nation's land grant system. As a result, their potential remains unrealized. With threatened cuts to tribal Self-Governance funding, American Indian and Alaska Native students will inevitably have fewer sources for financial aid. Thus, basic levels of mandated funding to TCUs become that much more important to enable Native people to pursue higher education. Funding for all 32 of the 1994 institutions is less than the land grant program funding available to a single 1862 land grant institution. Appropriations at the requested levels for each of the five 1994 land grant programs is a small but critical step in addressing disparities that exist in the land grant system.

#### **1994 Extension Program**

- *Provide \$10 million in Extension Program funding.*

The 1994 Extension Program is designed to complement, not duplicate, the reservation agent extension program, an already significantly underfunded program. Program activities include: outreach to at-risk youth; business skills development for local agriculture entrepreneurs; Native plant restoration and horticulture projects; environmental analysis and water quality projects; and nutrition projects aimed at addressing health disparities, such as high rates of diabetes among Native populations. In FY 2004, the tribal colleges' Extension Program suffered a 13 percent decrease, by far the largest percentage decrease of any Smith-Lever program—a mandated program that provides funds base on population-related formulas. In the years since, the 1994 Extension Programs still have not recovered lost funds. As such, we recommend an allocation of \$10 million in FY 2013 for Extension Program funding.

#### **1994 Institutions' Research Grants**

- *Provide \$5 million in funding for the Research Program.*

The 1994 Research Program allows TCUs to partner with communities in research areas such as agriculture marketing, renewable energy, nutrition and health, Native plants and horticulture, water quality, and land management. These research areas are of increasing importance as tribal economies and cultures seek to address pressing challenges, including the disproportionate impacts of climate change on tribal lands and people and the impact of the current economic crisis. Five million dollars in funding for FY 2013 would provide essential capacity for developing research in these arenas that would strengthen education and sustainable economic development for tribal communities.

### **Educational Equity Grant Program**

- *Provide \$5 million in Educational Equity Grant Program funding for the 1994 land grant institutions.*

The Education Equity Grant Program helps Tribal Colleges and Universities (TCUs) establish academic programs within the field of agriculture to explore natural resource management, nutrition, environmental science, horticulture, sustainable development, forestry, and bison production and management. Five million dollars will be critical as tribes prepare for and address climate change and its effects on agriculture, ecosystems, and natural resources. This investment will also support tribal efforts to provide better nutrition options for tribal citizens who experience diabetes and other health issues at rates greater than the national average, due in part to loss of access to traditional foods.

### **The 1994 Native American Institutions Endowment Fund**

- *Provide \$130 million in funding for the 1994 Native American Institutions Endowment Fund.*

The Native American Institutions Endowment Fund, held by the US Treasury, provides funding to Tribal Colleges and Universities (TCUs) through annual interest. Although Congress has made substantial contributions to the corpus of the endowment over the years, the total amount of the latest interest yield was just \$3.1 million, which is shared by the 32 eligible 1994 institutions. These funds assist in strengthening academic programs, including agriculture curricula development, faculty development, instructional delivery, and experiential learning. Funds are also used to enhance student recruitment and retention in the agricultural sciences, and to address the ongoing need for improved facilities at the 1994 land grant institutions. The 1994 institutions request a \$130 million payment to the 1994 Native American Institutions Endowment Fund. Solely the annual interest yield is distributed to the 1994 land grant institutions, therefore only the interest, and not the payment amount, is scored as budget outlay.

### **Essential Community Facilities Program**

- *Provide \$5 million in Essential Community Facilities Program funding.*

The Department of Agriculture's Essential Community Facilities Program funds the urgent need for construction, improvement, and maintenance of key Tribal College and University (TCU) facilities, such as advanced science laboratories, computer labs, student housing, day care centers, and community service facilities. Although the facility situation has improved at many TCUs over the past several years, some institutions still operate partially in donated and temporary buildings. Few TCUs have dormitories, even fewer have student health centers, and only a handful of TCUs have full research laboratories. The 1994 institutions need a commitment of \$5 million each year for the next five fiscal years to support facilities development.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Head Start

- *Exempt Head Start from budget-related reductions.*

For more than 45 years, Head Start has played a major role in educating Native children and ensuring the well-being of many tribal communities. The Indian Head Start program comprehensively integrates education, health, and family services in a manner that closely mirrors a traditional Indian education model, making Indian Head Start one of the most successful federal programs operating in Indian Country. Despite these successes, inflation-adjusted Head Start funding declined by 14 percent from FY 2002 through FY 2008. Prior to FY 2009, only about 16 percent of the age-eligible Indian child population was enrolled in Indian Head Start. Even with funding increases in FY 2009, that number remained below 20 percent. When the Head Start Act was reauthorized in 2007, Indian Head Start was authorized to receive special expansion funds, but only if overall funding increases exceeded inflation, something that only occurred in one year, leaving Indian Head Start without the full benefit of its bargained for expansion. Recognizing that achieving a significant funding increase in FY 2013 will be difficult, Head Start should at least be held harmless from any reductions, just as other low income programs are held harmless in the Budget Control Act of 2011 (e.g., Child Care Entitlement to States; Child Health Insurance Fund; Family Support Programs and Temporary Assistance for Needy Families).

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Language Preservation Programs

- *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.*

Throughout Indian Country, tribes are combating the loss of traditional languages by continuing, advocating for, and instituting language programs within their communities. These language programs serve Native communities by preventing the loss of tribal traditions and cultures. The tribal students in immersion programs often perform substantially better academically, including on national tests, than Native students who have not participated in such programs.<sup>20</sup> As such, in 2013, the federal budget should include \$12 million as part of the appropriation to the Administration for Native Americans for Native language preservation activities, with \$4 million designated to support Esther Martinez Language Programs' Native language immersion initiatives, as they have demonstrated success in supporting Native language revitalization.

*The Klamath Tribal Wellness Center in Oregon, like some health centers in Indian Country, offers a range of medical, dental, and pharmaceutical services. Availability of services range from tribe to tribe.*

*Credit: Ex\_Magician.*

## HEALTH CARE

### Implementing Our Values in the Federal Health Care Budget<sup>21</sup>

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), 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.

The National Indian Health Service Tribal Budget Formulation Workgroup (Workgroup) calls for a long-term plan that brings American Indian and Alaska Native health care into line with that of the rest of the American population. This is necessary because, despite notable increases in FY 2010 and FY 2011, IHS remains severely underfunded. For the IHS budget to grow sufficiently to meet the true and documented needs of Indian Country over a 10-year period would require the federal government to commit an additional \$1.7 billion per year. This increase would fully fund IHS at the \$21.12 billion amount required for Native peoples to achieve health care parity with the rest of the American population. This request was forwarded in Fiscal Year 2011.

A more direct approach would be to achieve parity within seven years, requiring dedicated funding of \$2.7 billion per year. Developing and implementing a plan to achieve parity is critical to the future of Indian health and to the fulfillment of the United States' trust responsibility to tribal nations.

The Workgroup requests listed below focus on specific increases to the IHS that reflect both the priorities of tribal leaders from the 12 IHS Areas and the Agency-wide goals expressed by IHS Director, Dr. Yvette Roubideaux to: "build and sustain healthy communities, provide accessible, quality health care, and foster collaboration and innovation across the Indian health system."

*The budget for IHS determines the extent to which the United States is honoring its legal responsibility to American Indians and Alaska Natives.*

## Key Recommendations

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

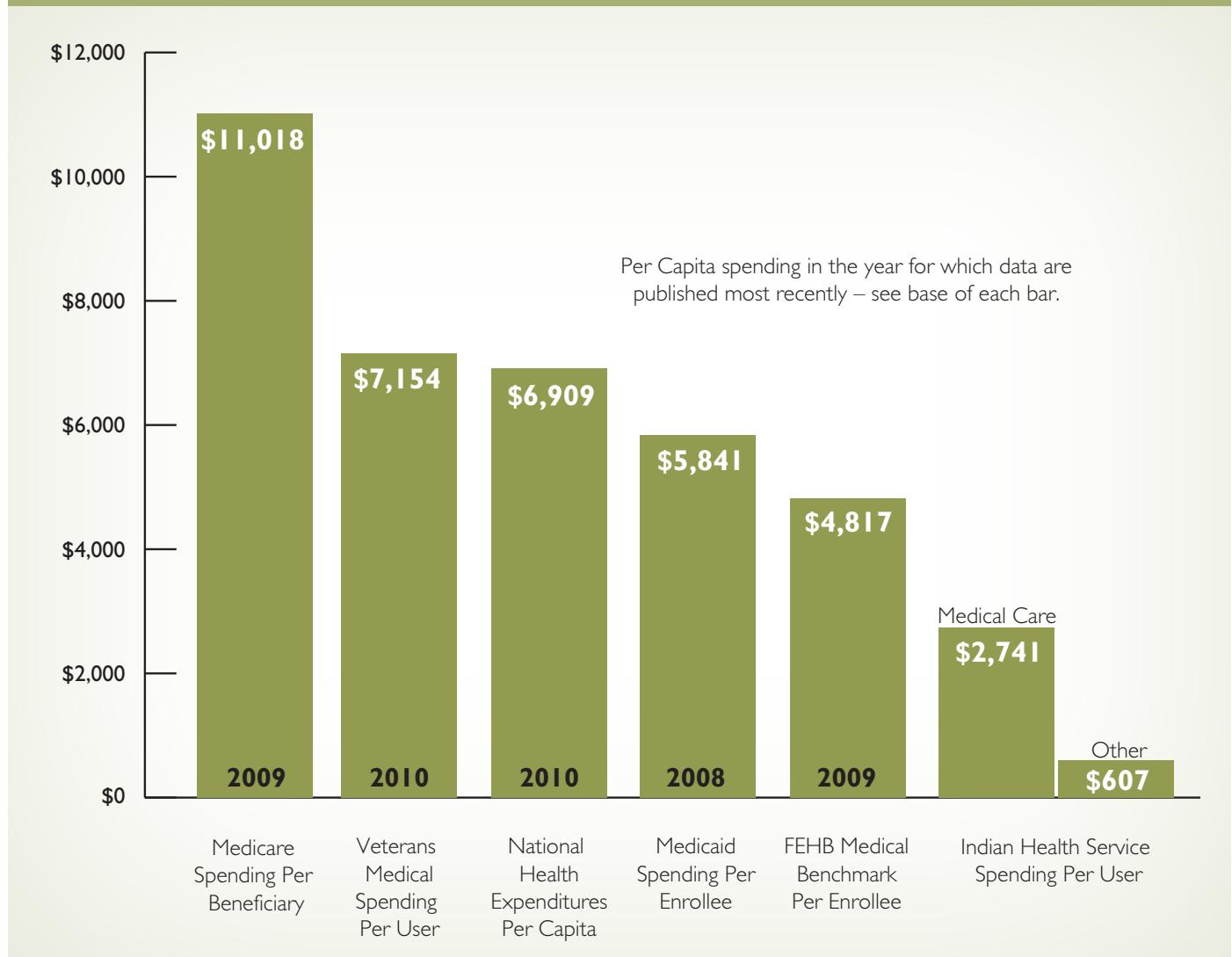
#### Interior - Environment Appropriations Bill

#### Indian Health Service (IHS)

- Provide a \$367.6 million increase to Indian Health Service to maintain current services and a \$634 million increase for program services.

The FY 2013 tribal budget request above the President's FY 2012 Budget addresses funding disparities between the IHS and other federal health programs (Figure 3) while still providing current services (Table 1). Nearly one-half of that increase is necessary simply to maintain current services, a top priority for tribes. The remainder of the requested budget increase is to fund specific programs (Table 2).

**Figure 3: 2010 IHS Expenditures Per Capita and Other Federal Health Care Expenditures Per Capita**



Source: US Department of Health and Human Services, National Tribal Budget Formulation Workgroup. (2011). National tribal budget recommendation for the Indian Health Service: Fiscal year 2013 budget. Washington, DC: Author.



## CURRENT SERVICES

Maintaining current funding levels so that current services can still be provided is a fundamental budget principle. Funding decreases would result in cuts in health care services and delivery. To address the state of emergency that IHS faces, budget increases are necessary.

*Table 1: FY 2013 Current Services Increases*

Tribal Pay Costs .....	\$13,417,000
Federal Pay Costs .....	\$10,935,000
Inflation (Medical and Non-Medical) .....	\$59,977,000
Population Growth .....	\$52,466,000
Contract Support Costs .....	\$212,592,000
Health Care Facilities Construction .....	\$18,200,000
<b>TOTAL CURRENT SERVICES .....</b>	<b>\$367,587,000</b>

## CURRENT SERVICES INCREASES

**Contract Support Costs:** The Workgroup recommends a \$212 million increase to fully fund Contract Support Costs (CSC) in FY 2013. The choice of tribes to operate their own health care systems and their ability to be successful in this endeavor depend upon the availability of CSC funding to cover fixed costs. Absent full funding, tribes are forced to reduce direct services in order to cover the CSC shortfall. Adequate CSC funding assures that tribes, under the authority of their Self-Determination Act contracts and Self-Governance compacts with IHS, have the resources necessary to administer and deliver the highest quality healthcare services to their members without sacrificing program services and funding.

**Population Growth:** The request for \$52.4 million will address the increased services need arising from the growth in the American Indian and Alaska Native population, which is increasing at an average rate of 1.3 percent. This increase translates to approximately 30,000 new patients entering the Indian health care system annually. Failure to fund medical costs related to population growth translates into real erosion of existing health care dollars to meet current demand for services.

**Table 2: FY 2013 Program Services Increases**

**HEALTH ACCOUNTS**

New Staffing for New/Replacement Facilities.....	\$50,000,000
Hospitals and Clinics (H&C) .....	\$174,170,000
<i>Indian Health Care Improvement Fund (subset of H&amp;C)</i> .....	\$45,000,000
Dental.....	\$21,000,000
Mental Health .....	\$40,000,000
Alcohol and Substance Abuse.....	\$40,000,000
Urban Indian Health .....	\$7,500,000
Contract Health Services .....	\$200,000,000

**FACILITIES**

Maintenance and Improvement .....	\$11,500,000
Sanitation Facilities Construction .....	\$10,700,000
Facilities and Environmental Health Support.....	\$20,000,000
Health Care Facilities Construction.....	\$10,400,000
<i>Small Ambulatory</i> .....	\$2,000,000
Equipment.....	\$1,800,000
<b>TOTAL PROGRAM INCREASES</b> .....	<b>\$634,070,000</b>

**PROGRAM SERVICES INCREASES**

**Staffing for New Facilities:** In FY 2013, \$50 million is needed to fund staffing and operational costs at new facilities. Investments in health care facilities construction must be accompanied by the necessary resources to meet updated staffing and operating costs.

**Dental Health:** It is recommended that an additional \$21 million be provided to support oral care, due to the high dental needs in Indian Country where dental decay among Native children between the ages of two and four is five times the national average. These funds will provide preventive and basic dental care services, as over 90 percent of the dental services provided by the IHS are basic and emergency care services. More complex rehabilitative care (root canals, crown and bridge, dentures, surgical extractions) is extremely limited, but may be provided where resources allow.

**Mental Health:** It is requested that an additional \$40 million be provided for increased mental health services. The high incidence of mental health disorders, suicide, domestic violence, substance abuse, and behavior-related chronic diseases is well documented. Each of these serious behavioral health issues has a profound impact on the health of both individuals and communities, on and off reservation. Mental health program funding supports community-based clinical and preventive mental health services, including outpatient counseling, crisis response and triage, case management services, community-based prevention programming, outreach and health education activities.

**Alcohol and Substance Abuse Program:** It is requested that an additional \$40 million be provided for Alcohol and Substance Abuse Programs (ASAP) and community-based prevention activities. ASAP exists as part of an integrated behavioral health program to reduce the incidence of alcohol and substance abuse in American Indian and Alaska Native communities and to address the special needs of Native people dually diagnosed with both mental illness and drug dependency. The ASAP provides prevention, education, and treatment services at both the clinic and community levels. Services are provided in both rural and urban settings, with a focus on holistic and culturally-based approaches. Youth Regional Treatment Center operations are also funded by this line item.

**Urban Indian Health Program:** It is requested that an additional \$7.5 million be provided for the Urban Indian Health Program (UIHP). The UIHP supports contracts and grants to 34 urban Indian 501(c)(3) non-profit organizations to provide services at 41 sites, including 21 full ambulatory facilities, six limited ambulatory programs, and seven outreach and referral programs. Urban Indian health organizations provide affordable, culturally competent primary medical care and public health case management and wrap-around services for urban Natives who do not have access to the resources offered through IHS and tribally-operated health care facilities.

**Contract Health Services:** It is requested that an additional \$200 million be provided for Contract Health Services (CHS). IHS purchases health care from outside providers when no IHS-funded direct care facility exists, when the direct care facility cannot provide the required emergency or specialty services, or when the facility has more demand for services than it can meet. CHS funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, transportation and medical support services, such as diagnostic imaging, physical therapy, laboratory, nutrition, and pharmacy services. These funds are critical to securing the care needed to treat injuries, heart disease, digestive diseases, and cancer, which are among the leading causes of death for American Indians and Alaska Natives.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Behavioral Health

- Provide \$15 million to fund Substance Abuse and Mental Health Services Administration (SAMHSA) for Behavioral Health.

This SAMHSA grant program has been authorized to award grants to Indian health programs to provide the following services: prevention or treatment of drug use or alcohol abuse, promotion of mental health, or treatment services for mental illness. To date, these funds have never been appropriated.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Suicide Prevention

- Provide a \$6 million tribal set-aside for American Indian suicide prevention programs under the Garrett Lee Smith Act.

Suicide has reached epidemic proportions in some tribal communities. The Garrett Lee Smith Memorial Act of 2004 is the first federal legislation to provide specific funding for youth suicide prevention programs, authorizing \$82 million in grants over three years through SAMHSA. Currently, tribes must compete with other institutions to access these funds. To assist tribal communities in accessing these funds, a line-item for tribal-specific resources is necessary.



*Prioritizing the health and well being of Native peoples, from tribal elders to Native youth, is critical to strengthening Indian Country.*

*Credit: National Congress of American Indians.*

## HUMAN SERVICES

### CHILD WELFARE

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.<sup>22</sup> 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,<sup>23</sup> tribal governments not only need adequate financial resources to help protect children, but they also need flexibility in the design of these programs. Tribes need to be able to design and implement programs to best meet community needs.

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. Jurisdictional and geographic barriers make it difficult for American Indian and Alaska Native children and families to access services outside their communities, and the overall need for these services continues to increase. The majority of tribal communities are characterized as rural, with many covering vast areas that create a sense of geographic, and sometimes social, isolation. This is especially true where services, as well as recreational and community activities, are difficult to access.

### Key Recommendations

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

##### Foster Care Initiative

- Provide \$20 million to fund Children's Bureau foster care demonstration grants and track tribal awards.

The goal of this initiative, proposed by the Obama Administration, is to identify innovative strategies that improve outcomes for children in long-term foster care. Twenty million dollars in demonstration grants should be provided to tribes, states, and localities to test new, innovative strategies for improving outcomes for foster care children—especially those children who have had long-term involvement in the foster care system.

Grantees that demonstrate improved outcomes for children in long-term foster care will be eligible for bonus funding. Tribal awards and outcomes for Native children in foster care should be tracked, including outcomes for Native children residing in states in which the state received a grant award.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Child Welfare Services

- *Increase the tribal allocation of Title IV-B, Subpart 1 by creating a 3 percent set-aside of the total appropriation.*

The bare minimum needed to establish a child abuse and neglect prevention program in any tribal community is approximately \$80,000. Title IV-B, Subpart 1 supports a significant portion of this amount, yet tribes are hindered in their ability to effectively administer a program as the majority of them are only eligible for small grants (less than \$10,000, in most cases). Other sources of support to tribes, such as Indian Child Welfare Act (ICWA) and Bureau of Indian Affairs (BIA) Social Services funding, are needed to supplement child welfare-related services. There is a particular need to provide tribes with the funding necessary to generate responses to notices of state child custody proceedings that involve tribal member children. No other consistent, stable source of funding is available to tribal governments to provide basic, preventive child welfare services. BIA Social Services funding is discretionary and not available to every tribe. A 3 percent tribal set-aside of Title IV-B, Subpart 1 funding (within a total appropriation of \$281.7 million for this capped entitlement program) will allow for larger tribal grants to provide basic child welfare services to support Native families and protect Native children.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Promoting Safe and Stable Families

- *Provide \$200 million for Title IV-B, Subpart 2—the full amount authorized for the discretionary component of the program which will benefit tribes and states.*

In order for tribal courts to advance new practices and improve outcomes with children under their jurisdiction, they need access to funding that will support capacity building and innovative practices, such as the funding that states receive under Title IV-B, Subpart 2 of the Promoting Safe and Stable Families Act. Currently, the Title IV-B, Subpart 1 program allows the use of funds for family preservation purposes, but Title IV-B, Subpart 2 (the larger of the two programs) does not focus on family preservation. Title IV-B, Subpart 2 should be funded at \$200 million—the full amount authorized under the Act for the discretionary component of the program—so tribes will receive increased resources from the 3 percent set-aside.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Child Abuse Prevention and Treatment Act (CAPTA)

- *Provide a separate line item for tribal Title II grants and set-aside 3 percent of total funding for tribes and tribal consortia.*

Grants are authorized under Title II, Community-Based Grants for Prevention of Child Abuse and Neglect of the Child Abuse Prevention and Treatment Act (CAPTA). Tribes and migrant programs must compete with each other for a 1 percent set-aside of the total funding appropriated under Title II of CAPTA.

Tribes and states have a governmental responsibility to ensure that foster care protections are provided to every child that is in an out-of-home placement under their jurisdiction and care. A 3 percent tribal set-aside, listed as a separate line item in the budget, will provide a base level of funding for every tribe, regardless of size, and give every tribal community an opportunity to establish a quality child abuse and neglect prevention program.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Indian Child Welfare**

- *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.*

In 1978, Congress estimated that \$35 million was needed to fully fund tribal programs under the Indian Child Welfare Act (ICWA) (equivalent to over \$115 million in 2010 dollars). Despite this historical estimate, the program has never been funded at more than \$25 million. We request a \$45 million increase in ICWA funding, through the Bureau of Indian Affairs' Tribal Priority Allocations line item, to begin to address historical underfunding and provide tribes minimum support with which to keep Native children safe in their homes and communities. Given the disproportionate representation of American Indian and Alaska Native children in foster care when compared to all other racial/ethnic groups, the lack of tribal access to the Title XX Social Services Block Grant (a major source of funding for state child welfare programs), and the assistance that tribes provide to states, free of charge, to help manage Indian child welfare cases in the state system, it is critical that ICWA be funded at \$70 million.

- *Reestablish the Urban Indian Child Welfare Grant Program under the Indian Child Welfare Act (ICWA) and fund at \$12 million.*

Increasingly, American Indian and Alaska Native children are removed from their homes in urban areas, and placed into state custody. From 1979 to 1993, the Bureau of Indian Affairs requested funding for grants that would allow urban organizations serving Native peoples to help tribes, states, and counties comply with ICWA. The grant program became an effective way to serve tribal children and families that resided in urban areas, but it was discontinued due to lack of funding. Twelve million dollars in urban Indian child welfare grants will provide support that tribes need to respond to notices from states and counties that are removing Indian children from their homes because of abuse or neglect.

- *Increase Bureau of Indian Affairs Child Welfare Assistance funds to \$55 million.*

This funding stream provides foster care and adoptive home services to children who do not qualify for Title IV-E funding. Historically, because this funding has never exceeded \$30 million per year, many tribes have not even been able to access these severely limited funds. Child Welfare Assistance, funded through the BIA Tribal Priority Allocations line item, should be increased to \$55 million in FY 2013.

Moreover, tribes should be able to use program funding as a non-federal match for the Title IV-E Foster Care and Adoption Assistance entitlement program. Tribes only recently gained direct access to Title IV-E funds, and have not had the same support that states have had over the last three decades to build the infrastructure necessary to administer the program. Consistent with the federal statute, the regulations should be clarified to ensure that Child Welfare Assistance, like any other tribal contract funding, can be used as a non-federal match to leverage other federal funds.



## Key Recommendations

### DEPARTMENT OF EDUCATION

*Labor, Health and Human Services, Education Appropriations Bill*

#### **Vocational Rehabilitation Services Projects for American Indians with Disabilities**

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

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. Further, tribes have had limited access to funding for vocational rehabilitation and job training—such as funds made available under the American Recovery and Reinvestment Act (ARRA)—compared to states. An increase to \$67 million would begin to put tribes on par with state governments.

## ELDERS

*“I remember the biggest lesson I ever learned ... ‘Take care of the old person you are going to become.’”*

*- Tlingit spiritual leader and statesman Dr. Walter Soboleff*

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. American Indian and Alaska Native elders are at a growing risk of financial exploitation and neglect.

Funds for grants to tribes have a history of being both well-managed and woefully inadequate to meet existing needs. The Older Americans Act (OAA) is the major federal statute that authorizes social and nutrition services to elders. These supportive services include congregate and home-delivered nutrition services; community centers; community service employment; long-term care ombudsman program; information and referral services; and services to prevent the abuse, neglect, and exploitation of elders. The OAA specifically states “it is the purpose of this Title to promote the delivery of supportive services, including nutrition services, to American Indians, Alaskan Natives, and Native Hawaiians that are comparable to services provided under Title III” (grants for state and community programs on aging). However, due to insufficient funds to carry out the purpose of Title III, “comparable services” have not been achieved. In addition, state programs seldom serve Native elders due to cultural and geographic barriers. Tribal governments have little or no access to the agencies, departments, ombudsman, or programs that are available to states.

## Key Recommendations

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

#### Older Americans Act – Title VI

- *Provide \$30 million for Parts A (Grants for Native Americans) and B (Grants for Native Hawaiians) of the Act.*

Programs under Title VI of the Older Americans Act are the primary vehicle for providing nutrition and other direct supportive services to American Indian, Alaska Native, and Native Hawaiian elders. Approximately two-thirds of the Part A and Part B grants to tribes or consortia of tribes are for less than \$100,000. This funding level is expected to provide services for a minimum of 50 elders for an entire year. Those tribes receiving \$100,000 serve between 200 and 300 elders. Many tribes are unable to meet the five-days-a-week meal requirement because of insufficient funding and are serving congregate meals only two or three days per week. Some Title VI programs are forced to close for a number of days each week, unable to provide basic services such as transportation, information and referral, legal assistance, ombudsman, respite or adult day care, home visits, homemaker services, or home health aide services. Rapidly increasing transportation costs also severely limit Title VI service providers' ability to deliver meals and related supportive services to home-bound Native elders. This funding should be drastically increased so that Native elders receive the care that they deserve.

- *Provide \$8.3 million for the Native American Caregiver Support Program, and create a line item for training for tribal recipients.*

The Native American Caregiver Support Program under Part C of the OAA assists American Indian, Alaska Native, and Native Hawaiian families caring for older relatives with chronic illnesses. The grant program offers myriad services that meet caregivers' needs, including information and outreach, access assistance, individual counseling, support groups and training, respite care, and other supplemental services. However, this program will not be effective if not adequately funded. It should be funded at \$8.3 million, with sufficient resources also allocated to address historically unmet tribal training needs.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Older Americans Act – Title VII

- *Create a tribal set-aside of \$2 million under Subtitle B of Title VII.*

Subtitle B of Title VII of the Older Americans Act authorizes a program for tribes, public agencies, or nonprofit organizations serving Native elders to assist in prioritizing issues concerning elder rights and to carry out related activities. While states have been funded at more than \$20 million per year under this program, tribes have never received appropriations for this purpose. Further, tribes have no additional source of mandatory federal funding for elder protection activities. As such, a \$2 million tribal set-aside should be created under Subtitle B to ensure that tribes have access to such funds at a comparable level to states.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Older Americans Act – Title IV

- *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.*

Language and cultural barriers severely restrict Native elder access to federal programs for which they are eligible. Typically, these senior Americans have limited access to and participation in programs such as Social Security, Medicare, and Medicaid. Funding is needed to build capacity for tribal, minority, and other community-based aging organizations to serve Native elders and enroll them in programs to which they are entitled. These efforts could include training tribal staff on expanding Indian elders' access to Medicare, Medicaid, housing, congregate meals, and veteran benefits. Efforts could also include working with tribal leaders to leverage existing funds and programs to sustain support for elders. This funding is essential to strengthening local organizations in serving seniors.



*The Chickasaw Nation's economic development efforts have enabled the tribe to better serve its citizens. Pictured above is the Chickasaw Nation Medical Center in Ada, Oklahoma.*

*Credit: Brad Holt.*

## ECONOMIC DEVELOPMENT

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. Tribal nations continue to experience unemployment and poverty rates well above the national average and these rates are exacerbated by the nation's current economic hardships. 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.

Many of the FY 2013 budget items addressed below are needed to prepare Indian Country for economic development promised by the introduction of the Internet and telecommunications via broadband into Native lands. Bringing rapid economic development to tribes via access to technology will require individual, workforce, business, and tribal training, funding, and programs now, while the broadband infrastructure is being planned and built.

For FY 2013, the federal government must step up actions to address Indian Country's chronic disparities in access to business counseling and technical assistance for procurement, financing of all sorts (e.g., loans, loan guarantees, equity investments, surety bonding, bond financing), transportation, Internet and other infrastructure deployment, streamlined leasing of tribal lands, contracting, and other commercial activities that facilitate economic growth and job creation.

*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.*

## DEPARTMENT OF AGRICULTURE

### *Agriculture Appropriations Bill*

#### Rural Development Programs

The Department of Agriculture's Rural Development programs (USDA-RD) support a broad array of economic development activities in Indian Country by providing loans, loan guarantees, grants and other assistance for business development, telecommunications, water systems, and other infrastructure deployment, international trade, and crop insurance. From 2001 to 2010, USDA-RD assistance to tribal communities exceeded \$2.7 billion to support job training, business development, community economic development, strategic community planning and self-help initiatives, entrepreneurial training, and broadband deployment.

- *Provide a minimum of \$815 million for the Rural Business and Industry Loan Program, including more than \$10 million for Indian Country applicants.*

In 2011, USDA-Rural Development investments in businesses and job creation in Indian Country totaled \$7.6 million from the Business and Industry Loan Guarantee Program, out of the slightly more than \$800 million available (down from \$1 billion in recent years). The purpose of the Business and Industry Guaranteed Loan Program is to improve, develop, or finance business, industry, and employment, and improve the economic and environmental climate in rural communities. This purpose is achieved by bolstering the existing private credit structure through the guarantee of quality loans that provide lasting community benefits. With its focus on developing business, industry, and employment in rural communities, this is a smart investment in Indian Country that should be continued.

- *Maintain funding of \$1 million or more for Rural Business Opportunity Grants (RBOG) funds for tribal communities.*

In FY 2011, \$2.478 million was awarded under the Rural Business Opportunity Grants (RBOG) program, which focuses on strategic planning activities to improve economic conditions in rural areas, particularly in underserved communities. The RBOG program includes \$990,000 specifically targeted to assist Native communities. Given the need for continued business and economic development in rural communities, and the regional focus and the mission of this program, the tribal funding under this program must be maintained at a level of \$1 million or more for an overall appropriation of at least \$2.488 million.

- *Fund the Rural Business Enterprise Grants (RBEG) funds for tribal communities at a minimum of \$3.5 million.*

In FY 2011, the USDA awarded more than \$3.2 million under the Rural Business Enterprise Grants (RBEG) program to projects in 15 states to support small business and job creation opportunities and train workers in Native communities. Grants under the program were made to help bring transportation improvements to Native communities. The purpose of the RBEG program is to foster the development of small and emerging business enterprises in rural areas through grants to public entities, nonprofit organizations, and federally recognized tribes. Grant funds may be used for a variety of projects to build local and regional food systems including land development, road and building construction, the purchase of equipment, training and technical assistance, and the start and/or operation of a revolving loan fund. The RBEG program's momentum should be sustained by funding the program at no less than \$3.5 million.

## DEPARTMENT OF COMMERCE

*Commerce, Justice, Science Appropriations Bill*

### Minority Business Development Agency (MBDA)

- Provide \$35 million for MBDA to support additional Native business centers.

When created by an Executive Order in 1971, the Minority Business Development Agency (MBDA) received a budget of about \$63 million with a key mission of supporting minority business development centers. MBDA has since funded Minority Business Enterprise Centers (MBECs) and Native American Business Enterprise Centers (NABECs) to provide business consulting, advice on business financing, and procurement technical assistance to tribes, tribal enterprises, and business owners or entrepreneurs who are American Indian, Alaska Native, or Native Hawaiian. MBDA has been the only federal agency to consistently fund Native business centers (except in the 1990s when the Small Business Administration provided \$5 million annually for 12 tribal business centers).

Currently, roughly one-third of the MBDA budget supports MBECs and NABECs. With NABECs in only seven states (Alaska, Arizona, California, New Mexico, North Dakota, Oklahoma, and Washington), it is clear that additional funding is needed to further expand service to a larger numbers of tribes and Native businesses in additional states. With a higher annual funding level, MBDA could support more MBECs and NABECs at levels sufficient to hire at least one more business consultant each to assist companies in accessing needed business capital, pursuing commercial and government contracts, expanding operations and sales, generating more revenue, and creating more jobs.

## DEPARTMENT OF COMMERCE

*Commerce, Justice, Science Appropriations Bill*

### Office of Native American Affairs

- Fund the Office of Native American Affairs at \$3 million as part of the Commerce Department Management Budget.

During the Clinton Administration, the Secretary of Commerce established an Office of Native American Affairs within the Secretary's office. Congress enacted the Native American Business Development, Trade Promotion and Tourism Act of 2000 (Public Law 106-464) to codify the Office, but no funds were provided to implement the 2000 Act until late 2005 when the MBDA set aside about \$200,000 for the Office. MBDA has continued to provide this limited funding, but its budget is overstretched already. Funding for the Office should come from Commerce's Departmental Management budget to implement Indian policy initiatives and expand Native American business development initiatives both domestically and internationally. With independent funding, the Office could draw support from and collaborate with all the different elements of Commerce and also work through the Native American business enterprise centers (NABECs) to fulfill the Secretary's duties prescribed by the 2000 Act. These duties include: serving as the economic development lead within the Department to coordinate with other cabinet departments and agencies; conducting outreach to tribes, tribal enterprises, and Native businesses focused on domestic and international trade promotion; supporting tourism-related activities and demonstration projects; conducting trade and tourism missions abroad; and hosting, co-hosting, and supporting Native programs and conferences devoted to business and economic development, business and financial management training, marketing and procurement technical assistance, domestic and international trade promotion, and intertribal, interstate, and international tourism.



## SMALL BUSINESS ADMINISTRATION

### *Financial Services Appropriations Bill*

#### **Office of Native American Affairs**

- *Fund the Small Business Administration's (SBA) Office of Native American Affairs at \$2 million.*

Historically, the Small Business Administration (SBA) funding for Native outreach has been very low, particularly in comparison to other SBA program investments. At the same time, the outreach responsibilities performed primarily by SBA's Office of Native American Affairs (ONAA) are increasing, with ongoing initiatives in business development, tribal and business executive training, and new tribal broadband initiatives. With additional funding to match its increased authority, the ONAA could provide greater assistance through the SBA's E-200 executive training courses (that already have proven successful in spurring small business growth and job creation), increased Native American business centers, and other training assistance to facilitate access for small businesses to SBA loans, loan guarantees, and surety bond guarantees. The ONAA also has been integrally involved in facilitating and monitoring Native contractors' participation in the SBA's 8(a) Business Development Program, HUB Zone, women business, veteran and service disabled veteran business, and other small business contracting programs. The support provided by the ONAA to tribes, tribally-owned companies, and other Native-owned companies is vital to those companies, enabling them to build business capacity, generate increased revenues, create more jobs, and strengthen Native communities devastated by decades-long economic distress. Through ONAA's outreach and programs, Native businesses have access to programs that allow them to fully realize the promise of economic development that accompanies the introduction of broadband capabilities into Indian Country.

## SMALL BUSINESS ADMINISTRATION

### *Financial Services Appropriations Bill*

#### **Native American Business Center Grants**

- *Fund Native American Business Center Grants to at least \$10 million.*

The House and Senate both have proposed bills in the 112<sup>th</sup> Congress to authorize between \$10 and \$17 million to support Native American Business Center (NABC) grants. These grants would increase the number of business centers offering culturally tailored business development training, procurement technical assistance, and related services to tribes, tribal enterprises, and other Native-owned businesses. Entities eligible for these grants would include both tribal colleges and Native nonprofit organizations dedicated to business and financial consulting and procurement technical assistance. Authorization and appropriation of at least \$10 million in funds for such grants is essential for the ONAA to be able to access a fair share of the sizeable amounts appropriated each year for the SBA's Entrepreneurial Development programs, including the Small Business Development Center program.

## DEPARTMENT OF DEFENSE

### *Defense Appropriations Bill*

#### **Procurement Technical Assistance Centers, Defense Logistics Agency**

- *Fund the American Indian Procurement Technical Assistance Program at \$3.6 million within \$34.3 million for the Procurement Technical Assistance Program.*

The Defense Logistics Agency has supported the Procurement Technical Assistance Program (PTAP) with cooperative agreement assistance to regional, statewide, and local centers. Many of these Procurement Technical Assistance Centers (PTACs) are housed within educational institutions that help support their operations. There are six such American Indian PTACs operating across the country, offering valuable assistance to tribal and other Native-owned companies in navigating the large, complex federal procurement market and winning government contracts for projects funded under the American Recovery and Reinvestment Act, war-fighting efforts, and myriad other government requirements.

## DEPARTMENT OF DEFENSE

### *Defense Appropriations Bill*

#### **Indian Incentive Program**

- *Fund the 5 percent Indian Incentive Payment Program at \$15 million.*

For over 20 years, Congress has appropriated \$8 million per year for payment of 5 percent Indian Incentive Payments (IIPs) to Department of Defense (DOD) contractors that subcontract work to Native-owned subcontractors under DOD contracts. Once DOD fully implemented the IIP program and commercial operations began implementing minority contracting programs, demand began to outstrip the funding available to make IIP payments to eligible contractors that submitted documentation of their use of Native subcontractors and suppliers. Since FY 2009, Congress has appropriated \$15 million annually for payment of backlogged IIP requests that have already been approved. As that backlog continues to grow, the need for consistent funding will remain strong.

## DEPARTMENT OF INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Office of Indian Energy and Economic Development (OIEED) Guarantees for Indian Loans, Surety Bonds, Development Bonds**

- *Fund the OIEED Indian Loan Guarantee Program at \$15 million.*

The OIEED's Division of Capital Investment oversees the Indian Loan Guarantee Program that is the only federal guarantee program that enables eligible borrowers to obtain conventional lender financing to develop Native businesses and eligible construction, while also enabling other companies to obtain supplemental surety bond guarantees. In the last several years, significant tightening of the credit markets made loans more difficult to obtain, reducing demand for loan guarantees. As lending conditions improve, the revolving credit facility of the OIEED Loan Guarantee Program can greatly assist Native borrowers seeking guarantees for lines of credit for: working capital, payrolls for hiring new employees, and assurances sufficient for sureties to provide performance bonds to tribal- and other Native-owned contractors. The OIEED's Loan Guarantee Program is the most appropriate and urgently needed source of financing for business, energy, and other economic development in Indian Country. With the promises of a broadband-enabled economy in Indian Country looming on the horizon, an expanded investment in the OIEED Loan Guarantee Program would enable operating businesses to build their technological capacity as well as to provide seed financing for new businesses to begin operations.

## DEPARTMENT OF TREASURY

### *Financial Services Appropriations Bill*

#### **Community Development Financial Institutions (CDFI) Fund**

- *Provide \$15 million for Native CDFI funding.*

The Native Initiative of the Community Development Financial Institutions (CDFI) Fund has expanded access to capital for individuals and small businesses in Indian Country. The Initiative funds Native CDFIs to provide micro loans and facilitates financial literacy and entrepreneurial development training in Native communities across the country. Each year the CDFI Fund's Native Initiatives Financial Assistance and Technical Assistance component, the Native American CDFI Assistance Program (NACA Program), makes awards that assist financial institutions with a primary mission of serving Native communities to increase their lending services and financial products, as well as to build their own internal capacity to serve their target markets. In FY 2011, 35 Native CDFIs and organizations headquartered in 17 states and serving economically distressed American Indian, Alaska Native, and Native Hawaiian communities across the nation received awards under the program's Financial Assistance and Technical Assistance Awards Program.

Each year the CDFI Fund has received more applications from existing Native CDFIs to expand their lending capacity as well as from new applicants for technical assistance to start up new Native CDFIs. With the growth of new business and the continued need for access to capital, Native CDFIs will continue to be a relevant force in the economy.

## DEPARTMENT OF LABOR

### *Labor, Health and Human Services, Education Appropriations Bill*

#### **YouthBuild**

- *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.*

Transferred from the Department of Housing and Urban Development (HUD) to the Department of Labor (DOL) in September 2006, the YouthBuild Program is administered by the Employment and Training Administration. This program assists disadvantaged, low-income youth ages 16-24 in obtaining education and work skills to be competitive candidates in the job market. Youth participate in building affordable housing for homeless and low income individuals while attending classes to obtain their high school diploma or GED. When the program was transferred to DOL, the 10 percent set-aside for rural and tribal programs was eliminated. Since FY 2007, the YouthBuild appropriation has grown from \$49.5 million to \$102.5 million in FY 2010. The FY 2011 and FY 2012 appropriations were \$80 million and \$79.84 million, respectively.

The YouthBuild program recruits youth that have been adjudicated, aged out of foster care, high school drop-outs, and other at-risk populations. In 2010 4,252 youth participated in the program and had a completion rate of 78 percent, and of those that completed the program 60 percent were placed in jobs or further education. There are 14 tribal YouthBuild programs in eight states and at least 4 percent of YouthBuild participants are Native. Given significant unemployment challenges and the growing Native youth population, it is essential that the 10 percent tribal and rural set-aside be restored, including a dedicated set-aside of 5 percent. Based on FY 2011 and FY 2012 appropriations, we request a set-aside of at least 5 percent (\$4 million) for tribal programs.



*Broadband penetration and internet access have fast become an important part of tribal economic development.*

*Credit: MLibrary.*

## TELECOMMUNICATIONS

Major changes are occurring in telecommunications regulation. The Federal Communications Commission (FCC) recently released its Report and Order and Further Notice of Proposed Rulemaking, which overhauls the Universal Service Fund and substantially revises its inter-carrier compensation mechanisms. This recent Order released by the FCC represents the most significant overhaul of telecommunications regulation in nearly a century.

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. As stated in the Public Broadcasting Act of 1967, “It is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make public telecommunications services available to all citizens of the United States.”

### Key Recommendations

#### FEDERAL COMMUNICATIONS COMMISSION (FCC)

##### *Financial Services Appropriations Bill*

##### **Office of Native Affairs and Policy**

- Provide a permanent fixed budget of \$2 million to fund the Office of Native Affairs and Policy.

The FCC’s Office of Native Affairs and Policy (FCC-ONAP) was created in 2010. However, Congress has not provided dedicated budgetary support for this important office. FCC-ONAP has instead been reliant on a continuing resolution, which has hindered its ability to fully engage with tribal governments through consultations and to adequately staff its office. American Indian and Alaska Native tribes face a persistent and pervasive digital divide in Indian Country. During this critical development phase of 21<sup>st</sup> century broadband infrastructure, this Office must receive a dedicated annual budget in order to facilitate meaningful and productive consultations with tribal governments and to create economic opportunities.

This Office is responsible for and actively engaged in new rulemaking aimed at closing the digital divide and providing regulatory oversight. Newly-promulgated Universal Service rules and the Connect America Fund require unprecedented levels of consultation and coordination between industry and tribes, which will require guidance coordinated by FCC-ONAP. A newly-created tribal mobility fund targets support for new wireless deployment on tribal lands. As the facilitator and coordinator of such engagement and opportunities, the FCC-ONAP needs a fully-funded budget to implement requirements.

Other work planned by FCC-ONAP includes fieldwork on public/private/tribal project development to deploy broadband and other types of communications platforms such as fiber, radio and television broadcast, satellite services, and traditional telephone services. FCC-ONAP will also facilitate regulation-driven training and guidance on topics such as feasibility planning and participation in the regulatory process and the communications landscape. Meaningful rights and responsibilities have been created in the rulemaking process to bridge the digital divide in Indian Country, but without adequate resources FCC-ONAP will not be able to assist tribes in these efforts.

## **CORPORATION FOR PUBLIC BROADCASTING** *Labor, Health and Human Services, Education Appropriations Bill*

### **Grant Programs**

- *Appropriate \$5 million for funding American Indian and Alaska Native radio stations.*

The Corporation for Public Broadcasting (CPB) provides support to 30 of the 48 tribal radio stations in the country. Additional funding for CPB is essential to ensure that these communities can continue to provide radio services to their constituents. New regulatory opportunities for licensing and broadcast in tribal communities now exist, and tribes receiving CPB funding will need access to these opportunities to expand their community engagement. Native-owned and operated radio stations are a model of local community service radio and are one of the largest and most consistent sole service providers of public safety information and cultural and linguistic preservation, and are an invaluable outlet for local news in tribal communities. Native radio stations typically employ at least 500 broadcasters, engineers, station staff, and consultants. Additionally, the Public Broadcasting Act directs CPB to utilize 6 percent of the appropriation for “projects and activities that will enhance public broadcasting.” This “system support” or “6 percent” fund supports the research, planning, professional development and industry consultations that guide CPB’s decision-making in other budget categories. Native Public Media and Koahnic Broadcast Corporation provide valued services to the Native radio system and are funded from the 6 percent allocation. Native Public Media serves the Native radio system through broadcast compliance, training and education; and Koahnic Broadcast Corporation oversees and produces content for the Native radio system for distribution on the public radio satellite highway. Appropriating the full \$5 million funding level for CPB is critical to the existence of tribal radio services.

*Native-owned and operated radio stations are a model of local community service radio and are one of the largest and most consistent sole service providers of public safety information and cultural and linguistic preservation, and are an invaluable outlet for local news in tribal communities.*

## **DEPARTMENT OF COMMERCE** *Commerce, Justice, Science Appropriations Bill*

### **Public Telecommunications Facilities Program**

- *Reinstate a \$4 million appropriation for construction of American Indian and Alaska Native radio stations through the Public Telecommunications Facilities Program.*

Congress eliminated funding for the Public Telecommunications and Facilities Program (PTFP) for FY 2011, which was the only source of federal support for infrastructure needs for the entire public radio system. This program was vital to Indian Country as PTFP covered costs associated with public radio equipment and construction of new stations to provide services to underserved communities. The program also maintained an emergency fund for the replacement of radio equipment due to natural disasters and terrorist attacks. The now-defunct PTFP program was not just for the digital TV transition; this fund was the only source of funding for communities looking to initiate first-time public broadcasting service. Without PTFP funding, 10 tribal communities with existing construction permits will not go on the air. Congress must reinstate this funding to provide equal access to American Indians and Alaska Natives seeking funds to build radio stations within their communities.





*Agriculture is at the heart of many tribal economies and family traditions. Utah State University Engineering Student, Semira Crank, of the Navajo Nation surveys dairy farms near Logan, Utah, as a temporary student employee with the USDA Natural Resources Conservation Service.*

*Credit: USDA.*

## AGRICULTURE

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).

Because 40 percent of American Indians and Alaska Natives live in rural areas, tribal governments and farmers look to active partnerships with the US Department of Agriculture (USDA) to sustain and advance common interests across the broad array of services that this federal agency provides to tribal governments.<sup>25</sup>

*In 2007, nearly 61,472 American Indians operated farms on more than 58 million acres of land and sold \$3.26 billion of agricultural products, including \$1.46 billion of crops and \$1.71 billion of livestock and poultry.<sup>24</sup>*

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. Tribal governments place great value on the importance of USDA due to the breadth of services available to American Indians and Alaska Natives; the agency does not solely focus on agriculture, in addition to farmers and ranchers, the agency also serves tribal governments, natural resource managers, youth, colleges, water infrastructure providers, tribal utilities providers, energy suppliers, and tribal communities.

### Key Recommendations

#### DEPARTMENT OF AGRICULTURE

##### *Agriculture Appropriations Bill*

##### Office of Tribal Relations

- Fund the USDA's Office of Tribal Relations at \$1.5 million.

USDA's Office of Tribal Relations (OTR), reporting to the Secretary, serves a linchpin role in expanding all USDA program support throughout Indian Country. The OTR's initial funding level of \$1 million in FY 2010 was slashed by half in both FY 2011 and FY 2012, leaving the OTR with insufficient personnel and resources to support its mission.



Nonetheless, the OTR and Rural Development (RD) orchestrated unprecedented tribal consultations and outreach on implementation of the Substantially Underserved Trust Areas (SUTA) provisions of the 2008 Farm Bill. This will allow RD to provide greater flexibility and more favorable loan terms around much-needed utilities infrastructure in trust areas. Lack of sufficient funding presents a barrier to OTR expanding their work to provide the programs, technical assistance, content or even the basic communications to ensure that non-Internet education and training are available to tribes on all USDA programs. Active tribal participation in USDA funding opportunities is required to assist the build-out of broadband infrastructure, and support the workforce development required to fully utilize Internet capabilities, business programs, and financing necessary to bring Native goods and services to market.

## DEPARTMENT OF AGRICULTURE

### *Agriculture Appropriations Bill*

#### **USDA Rural Development, Water and Environmental Program (WEP)**

- *Maintain funding for tribal set-asides for water, wastewater, and solid waste management for Indian Country and Alaska Native villages.*

USDA's Water and Environmental Program (WEP) provides a combination of loans, grants, and loan guarantees for drinking water, sanitary sewer, solid waste, and storm drainage facilities in tribal and rural areas and cities and towns of 10,000 or less. WEP also makes grants to non-profit organizations to provide technical assistance and training to assist rural communities with water, wastewater, and solid waste management. Last year, WEP provided tribal-specific grant set-asides of \$16 million for Indian Country and \$20 million for Alaska Native villages.

*More than 12 percent of tribal homes lack access to safe drinking water and basic sanitation, which is a rate more than 20 times the national average.*

More than 12 percent of tribal homes lack access to safe drinking water and basic sanitation, which is a rate more than 20 times the national average. For example, many Alaska Native villages must transport human waste in large containers to open pit sewage lagoons. The federal government's failure to address this situation is unacceptable, especially in light of its trust obligation to tribal nations. The existing federal budget does not make a significant dent in addressing this fundamental deficit in quality of life for Native peoples. A cut in this budget may make it worse, exposing Native peoples and youth to unhealthy water and its resultant detrimental impacts to human health, economic development, and community morale.

## DEPARTMENT OF AGRICULTURE

### *Agriculture Appropriations Bill*

#### **USDA Natural Resources Conservation Service (NRCS)**

- *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.*

Between FY 2010 and FY 2011, the Natural Resources Conservation Service (NRCS) saw an 85 percent increase in tribal participation in their programs, which could be attributed to USDA's unprecedented outreach to tribal governments. American Indians and Alaska Natives hold their natural resources as sacred and heavily depend upon them for economic, cultural, and spiritual sustenance. Historically, federal natural resources funding for tribes has been limited, as tribes are ineligible for dozens of federal natural resource programs. Other funding for tribal natural resource programs under Bureau of Indian Affairs' appropriations consistently experiences the smallest budget increases of all the Department of the Interior bureaus.

Tribes should have access to new opportunities afforded by USDA's NRCS programs, despite the harsh budget climate and potential funding cuts.

As the number of Native farmers has increased by 200 percent in the last decade, tribes request that the funding levels remain at existing levels for the Environmental Quality Incentives Program (EQIP). EQIP provides financial and technical help to tribes and others to install or implement structural and management conservation practices on eligible agricultural land. Tribes also request maintaining current levels for the Wildlife Habitat Incentives Program (WHIP), which enables tribes and other eligible participants to protect, restore, develop or enhance habitat for upland wildlife, wetland wildlife, threatened and endangered species, fish, and other types of wildlife in an environmentally beneficial and cost-effective manner. Another important NRCS program is the Conservation Stewardship Program (CSP), which helps reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damages caused by floods and other natural disasters. Tribes' use of the CSP increased 172 percent from FY 2010 through FY 2011, with 246 contracts to tribes totaling \$10.4 million.

## DEPARTMENT OF AGRICULTURE

### *Agriculture Appropriations Bill*

#### **Federally Recognized Tribal Extension Program**

- *Increase the Federally Recognized Tribal Extension Program (FRTEP) to \$5 million.*

Congress mandates research and extension services in every county in the nation. These services support farmers, natural resources managers, youth (via 4-H youth programs), and communities. While there are more than 3,100 extension offices nationwide, fewer than 30 extension agents serve Indian reservations, with current funding of only \$3 million. This means that more than 97 percent of America's counties have had robust programs since 1914, while less than 4 percent of tribal members living on their reservations have access to these programs. An increase to \$5 million would begin to address this persistent inequity.

## DEPARTMENT OF AGRICULTURE

### *Agriculture Appropriations Bill*

#### **Food Distribution Program on Indian Reservations**

- *Increase the Food Distribution Program on Indian Reservations (FDPIR) to \$124 million.*

The Food Distribution Program on Indian Reservations (FDPIR) provides USDA foods to low-income households living on Indian reservations and to American Indian and Alaska Native households residing in approved areas near reservations or in Oklahoma. As an alternative to the Supplemental Nutrition Assistance Program (SNAP), FDPIR is currently serving approximately 276 tribes that do not have easy access to SNAP offices or authorized food stores. This program should receive a 6 percent increase to offset rising food costs and ensure continual food purchase and program operation. The \$15 million increase should be used to develop a traditional food market within the food packet. Congress authorized the USDA to purchase traditional and locally-grown foods, but it has been difficult for tribes to create a sustainable supply of traditional foods due to the lack of infrastructure and tribal capacity.

*Students gather Camas Root in Hot Springs, Montana, during the Montana Youth Conservation Corps 2011.*

*Credit: US Fish and Wildlife Service.*

## ENVIRONMENTAL PROTECTION

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.

Today, nearly 40 years later, only 40 tribes have Environmental Protection Agency (EPA)-approved water quality standards, which are a cornerstone of the Clean Water Act.

The vast majority of states have been implementing the Clean Water Act through approved water quality standards for decades. Approximately 12 percent of tribal homes lack access to safe drinking water and basic sanitation, an unacceptable fundamental living condition that is nearly 20 times higher than the national average. Significant gaps in environmental protection that should be met through the implementation of monitoring, regulatory, and on-the-ground activities still remain in many areas of Indian Country. The realization of the EPA Indian Policy remains a daunting challenge. In this vein, the federal government must ensure tribes have fair and equal opportunities to realize, preserve, and enhance the environmental quality of Indian Country for present and future generations and to sustain tribal cultures.

### Key Recommendations

#### ENVIRONMENTAL PROTECTION AGENCY

*Interior - Environment Appropriations Bill*

#### Indian Environmental General Assistance Program (GAP)

- Increase funding for GAP to \$75 million.

Program capacity building is the number one environmental priority identified by tribes. The General Assistance Program (GAP) is unique among federal programs in that it provides a foundation which tribes and other agencies can jointly leverage to support other greatly-needed programs, such as planning for climate change and natural resource management, energy efficiency activities, and small scale renewable energy projects.

GAP funding is particularly critical to Alaska Native villages, where it provides 99 percent of the overall funding to address their fundamental and often dire needs, such as inadequate safe drinking water and basic sanitation, and the on-the-ground presence to help confront profound climate change impacts, such as eroding shorelines, thawing permafrost, threats to subsistence resources, and permanent relocation of Alaska Native communities.

This increased collaborative leveraging potential makes GAP a wise investment of federal dollars. However, GAP funding has not kept pace with the growth of tribal environmental programs over the years, forcing tribes to perform the increased duties of maturing programs with fewer funds. Furthermore, the average cost for tribes to sustain a basic environmental program was set at \$110,000 per tribe in 1999 and has not been adjusted for inflation since that time. Tribal demand for program implementation across various media includes a very pressing need to establish climate change adaptation plans. A \$175,000 per tribe distribution (totaling approximately \$98 million) reflects an equitable adjustment, which tribes seek to achieve incrementally through a \$75 million request for FY 2013.

## ENVIRONMENTAL PROTECTION AGENCY

### *Interior - Environment Appropriations Bill*

#### **Multimedia Tribal Implementation Grants Program**

- *Authorize and appropriate \$20 million for the Multimedia Tribal Implementation Grants Program.*

This new grant program was proposed by EPA and the tribes in FY 2012 in recognition of the significant gap in program funding necessary to implement the sorely-needed on-the-ground environmental protection activities throughout much of Indian Country. This program would not only provide those resources, but also the flexibility to direct funds to the specific high priority environmental challenges which many tribes have already identified as their lands and waters. Tribes support the continuation of the President's FY 2012 request of \$20 million for FY 2013.

## ENVIRONMENTAL PROTECTION AGENCY

### *Interior - Environment Appropriations Bill*

#### **Clean Water and Drinking Water State Revolving Funds (SRFs)**

- *Provide a 3 percent tribal set-aside for Clean Water and Drinking Water State Revolving Funds.*

The pronounced lack of access to safe drinking water and basic sanitation in tribal homes includes more than 36,000 tribal homes without potable water. The fundamental inequity in the quality of tribal water systems must be addressed.

Recognizing the severity of these circumstances, MOUs signed by EPA, IHS, DOI, and USDA resulted in the creation of an interagency Infrastructure Task Force referred to as ACCESS. This group's mission is to meet the US commitment to the United Nations Millennium Development Goal to address lack of access to clean and safe drinking water in tribal communities by 50 percent by the year 2015. The unmet need is over \$2 billion. An IHS report to the Office of Management and Budget noted that \$67.2 million per year is needed until the year 2018 to reduce the number of tribal homes lacking access by 67 percent. Tribes continue to advocate for a 3 percent set-aside for funds provided under both the Clean Water and Safe Drinking Water Acts for FY 2013 appropriations, noting that this alone will not make a significant dent in the Millennium Goal, but may prevent further deterioration of an already unacceptable condition.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### *Interior - Environment Appropriations Bill*

#### **Operation and Maintenance Funding for Tribal Public Water Systems (25 USC §1632)**

- *Provide \$1 million for this program.*

In addition to inadequate funding for water infrastructure, the operation and maintenance of existing infrastructure are endemic challenges. Many tribes, particularly those experiencing persistent poverty, struggle with the ability to hire, fund, and retain qualified water system operators. The interagency ACCESS workgroup notes that some tribal water systems fail before their intended design life for lack of operations and maintenance, which in turn requires premature recapitalization and the diversion of funds that could be used to provide some tribal communities with safe drinking water and basic sanitation for the first time. The Indian Health Service has the only statutory authority to fund tribal operations and management for water infrastructure under 25 USC §1632(b), but has never done so. Tribes request that \$1 million be provided to tribes to fund and retain operators of tribal water systems with high rates of non-compliance to protect the federal investment in physical infrastructure on Indian lands and to ensure the provision of safe drinking water and basic sanitation.

## ENVIRONMENTAL PROTECTION AGENCY

### *Interior - Environment Appropriations Bill*

#### **Tribal Water Pollution Control, Clean Water Act Section 106**

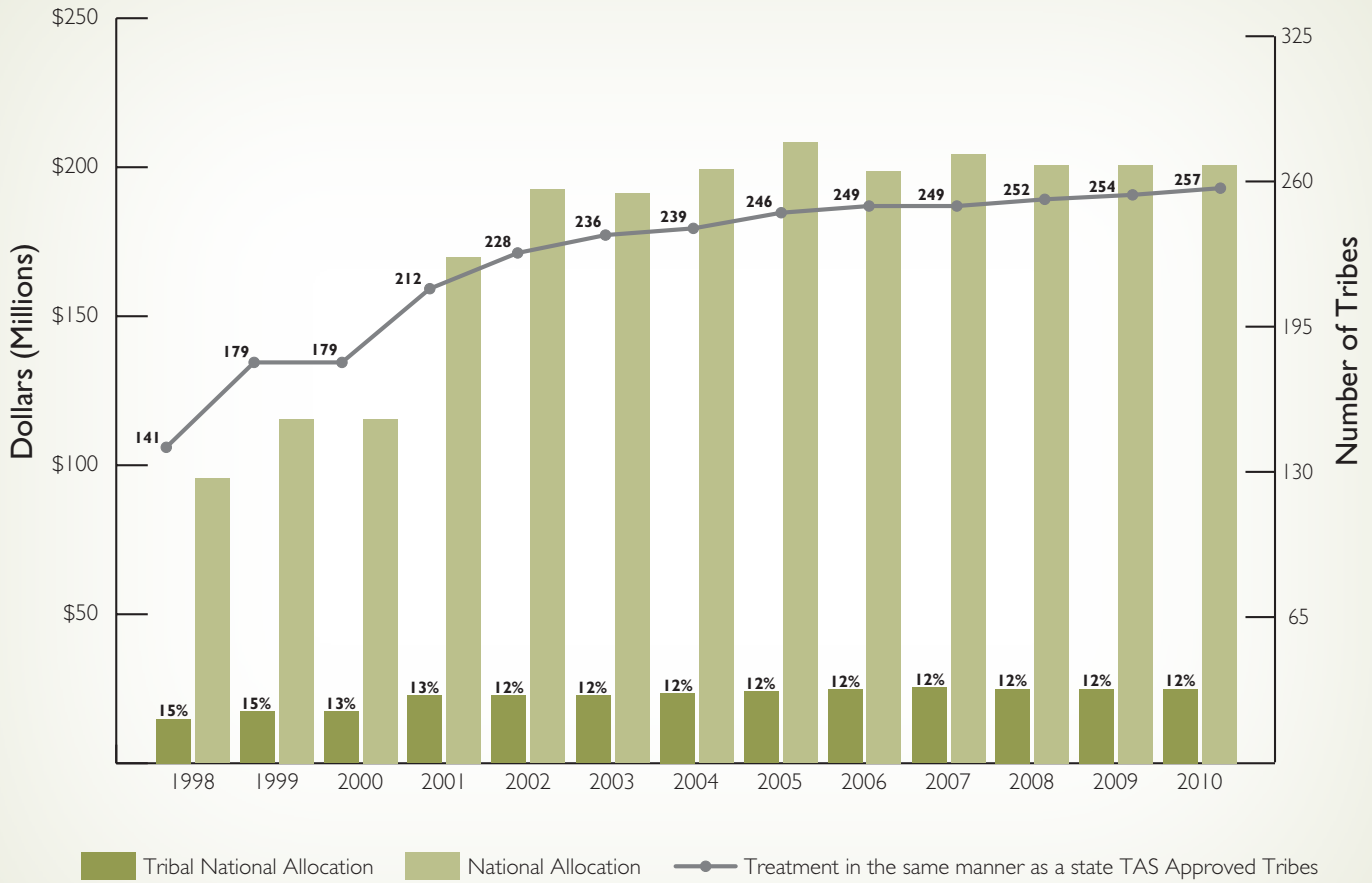
- *Increase the tribal allocation to 20 percent.*

Clean Water Act Section 106 grants are critical to tribal efforts to control water pollution, including water quality planning and assessments; developing and implementing water quality standards and total maximum daily loads; ground water and wetland protection; and nonpoint source control activities. Since 1998, the number of eligible tribes to receive CWA Section 106 funding increased from 141 to 257 in 2010. Tribal recipients are now required to submit their water quality data through the Water Quality Exchange (WQX) as part of their Section 106 reporting requirements without any increase in Section 106 program funding. The national CWA 106 allocation to tribes has flat-lined and—in certain cases—decreased in some years during the same time period (e.g., 15.49 percent in 1998 to as low as 11.55 percent in 2005). Successful CWA implementation requires at least 20 percent of the national CWA Section 106 allocation to keep pace with the expansion of tribal programs. Furthermore, only 40 of the 565 tribes have EPA-approved water quality standards (WQS), which have been a necessary and fundamental feature of the Clean Water Act since its enactment nearly 40 years ago. In contrast, the vast majority of states have WQS, most of which have been in place for decades. Section 106 grants would enable tribes to bridge this vast gap by supporting the development of EPA-certified WQS.

Figure 4 shows the ongoing disparity between tribal and state allocations for Section 106 grants. The lack of adequate and continuous funding for implementation and enforcement hinder the effectiveness of tribal water programs.



**Figure 4: Tribal Program Clean Water Act Section 106  
Total Allocation vs. Tribal Allocation**



Source: US EPA Office of Water. (July 7, 2010). Protecting Tribal Waters and Clean & Safe Water in Indian Country. Presentation at National Tribal Caucus Discussion with Peter Silva (Assistant Administrator) and Michael H. Shapiro (Deputy Assistant Administrator).



## ENVIRONMENTAL PROTECTION AGENCY

### *Interior - Environment Appropriations Bill*

#### **Nonpoint Source Pollutant Control – Clean Water Act 319**

- *Eliminate the cap on tribal funding for Nonpoint Source Pollutant Control.*

Clean Water Act Section 319 provides tribes with grants to develop and implement polluted runoff control programs that address critical water quality concerns identified in the 106 program and other monitoring programs. As mentioned above, few tribes have EPA-approved WQS compared to 96 percent of states. WQS are the necessary foundation to engage in water pollution control activities, making this program critical, particularly as climate change will significantly affect water quality and collaboration across jurisdictions will be required. As tribal demand for this competitive funding exceeds availability, tribes request a permanent elimination of the percent cap placed upon them to help close the vast inequity in funding and programmatic implementation compared with states.

## ENVIRONMENTAL PROTECTION AGENCY

### *Interior - Environment Appropriations Bill*

#### **Exchange Network (EN)**

- *Set aside 10 percent of Environmental Information Exchange Network funding for tribes.*

The EPA Exchange Network is an innovative partnership among tribes, states, and the EPA to provide better access to high-quality environmental data and facilitate data management and the submission of data efficiently. Beginning in 1998, states assisted in the development of the Exchange Network and received several million dollars to develop requisite information technology infrastructure. Tribal governments were brought in years later with limited capacity and unequal access to the resources.

At present, all 50 states operate nodes for the exchange of information over the internet, while only ten tribes do (eight tribes operate node clients), with seventeen in the planning phase. Tribes urge sustained funding for tribal access to the Exchange Network, a minimum 10 percent tribal set-aside of such funding to provide development and implementation support for tribes that are just coming on board, and operations and maintenance funding to tribes with operating programs.



*A member of the Yakama Nation fishes below the Horn Rapids Dam in Washington.*

*Credit: Scott Butner.*

## NATURAL RESOURCES

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 ecological practices tribal peoples have cultivated for millennia are inherently sustainable and practical. They have been tested over time and have contributed to cultural survival. Today, tribes are using their unique knowledge and skills in concert with modern management practices to produce real accomplishments and model programs of excellence. Indian Country is full of examples where tribes and their citizens have shaped the successful restoration and sustainable management of fragile natural resources through a commitment to stewardship that often requires arduous, though rewarding, collaboration with states, local governments, and other stakeholders in larger ecosystem management efforts.

For example, over 700 acres of the Nisqually River's estuary have been reclaimed due to the unprecedented cooperation of tribal, federal, state, and local governments. The Nisqually Tribe served as the lead entity for the Salmon Recovery Program, and helped leverage nearly \$1 million from four neighboring organizations that share the watershed region. A groundbreaking estuary restoration project emerged, and ultimately resulted in one of the most extensive salmon habitat restoration projects in western Washington. In late 2011, the effort was

*Indian Country is full of examples where tribes and their citizens have shaped the successful restoration and sustainable management of fragile natural resources through a commitment to stewardship that often requires arduous, though rewarding, collaboration with states, local governments, and other stakeholders in larger ecosystem management efforts.*

recognized by President Obama with the first and only Coastal America Partnership Award.

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.

Federal support for natural resources has not matched the value of tribal ecological knowledge and natural resources for tribal peoples and for the nation.

Fiscal Year 2013 presents an important opportunity for the federal government to invest in sustainable futures for tribes and for all Americans by contributing to tribal natural resource management. Such an investment will foster tribal economic self-sufficiency, cultural revitalization, and collaborative working relations across jurisdictions.

In particular, there must be an increase in funding for Bureau of Indian Affairs (BIA) natural resource programs. Consider that this funding has declined incrementally over decades more precipitously than other Department of the Interior (DOI) natural resource programs. And yet tribes continue to be ineligible for dozens of natural resource programs across the federal agencies that are otherwise available to states, local governments, and other entities. BIA programs are often the only source of funding to protect tribal lands. Yet, the funding inequities are

profound: per acre funding for Forest Service lands is three times the per acre funding for tribal forest lands; per acre funding for the DOI invasive species program is five times the per acre funding for the BIA's Invasive Species Program; and the BIA's percentage allocation of funding across the six DOI agencies under the Cooperative Landscape Conservation Initiative is a meager 0.12 percent.

Many of the BIA trust natural resources programs discussed below experienced substantial cuts over the past decade. Further reductions through a potential 9 percent cut from sequestration pursuant to the Budget Control Act of 2011 in FY 2013 would eliminate jobs, stymie economic activity at a critical time for tribes, and curtail co-benefits in indirect economic activity, cross jurisdictional collaboration, and the excellence in natural resource management that tribes contribute to the national economy.

## Key Recommendations

### DEPARTMENT OF THE INTERIOR

#### *Interior - Environment Appropriations Bill*

#### **BIA Rights Protection Implementation**

- Increase funding to \$40 million for the BIA Rights Protection Implementation.

The BIA Rights Protection Implementation Program has a clear and direct relationship with the federal trust obligation to tribes. This program supports the implementation of the tribal rights secured by treaties and other legal obligations, enabling 49 tribes in the Pacific Northwest and Great Lakes regions and their five umbrella intertribal fish and wildlife organizations to exercise their off-reservation hunting, fishing, and gathering rights.

Several tribes and intertribal organizations—including the Nisqually Tribe, Menominee Tribe, Warm Springs Tribe, Lower Elwha Klallam Tribe, Quinault Indian Nation, and Swinomish Indian Community—have implemented outstanding natural resource management practices, often in collaboration with other stakeholders. These efforts have been lauded in regional and national forums and serve as proven innovative models in an era where multi-jurisdictional cooperation and synergistic programming are essential aspects of a sustainable economic approach to national development.

Increasing funding for BIA Rights Protection Implementation from \$30.45 million in FY 2010 to \$40 million in FY 2013 is a wise investment that is consistent with the federal trust responsibility to tribes. This funding is also essential for the protection of tribal economic, subsistence, cultural, and medicinal practices, as well as the sustenance of healthy, productive tribal nations and their surrounding states, local governments, and neighboring communities.

*Several tribes and intertribal organizations—including the Nisqually Tribe, Menominee Tribe, Warm Springs Tribe, Lower Elwha Klallam Tribe, Quinault Indian Nation, and Swinomish Indian Community—have implemented outstanding natural resource management practices, often in collaboration with other stakeholders.*

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Cooperative Landscape Conservation Initiative**

- Provide \$8.75 million in funding for the Cooperative Landscape Conservation Initiative.

Tribal peoples, lands, and infrastructure are disproportionately impacted by climate change. Tribal governments experience unique challenges relative to other governments in their access to federal resources with which to plan and address those impacts. Disparities in funding and capacity complicate and extend existing tribal needs in relation to climate change. Consider that while other DOI bureaus focus primarily upon lands and natural resources and have existing personnel to implement climate programs, the BIA has a responsibility to include a focus on people, tribal governments, and the necessary services to uphold the quality of life, including health, tribal infrastructure, and economic development as part of any climate change initiative.

Though disproportionately impacted due to infrastructure issues and remoteness, many tribal governments do not have sufficient personnel to respond to the impacts of climate change. This reality underscores the inequity in the FY 2012 DOI budget request for \$175 million to fund the Cooperative Landscape Conservation Initiative that included only \$200,000 for the BIA. Tribes request \$8.75 million of the Initiative's FY 2013 budget to remedy this inequity and enable the BIA to address tribal natural resource management in an effective manner and to build tribal capacity to plan and implement programs in the face of climate change. This funding level was justified in a report submitted to the House Interior Appropriations Subcommittee in May 2011.<sup>26</sup>

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **BIA Water Management, Planning and Pre-Development Program**

- Restore funding to the FY 2003 level of \$8.298 million for the BIA Water Management, Planning, and Pre-Development Program.

The BIA Water Management, Planning, and Pre-Development Program is a Trust Natural Resources program, and funds are used to assist tribes in protecting and managing their water resources, thereby reflecting the federal trust obligation to tribes. However, from FY 2003 to FY 2010, funding for this program declined 32 percent from \$8.298 million to \$5.624 million. To meet the significant tribal need and honor treaty rights, funding should be restored to the FY 2003 level of \$8.298 million.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **BIA Water Rights Negotiation/Litigation Program**

- Restore funding to the FY 2003 level of \$10.923 million for the BIA Water Rights Negotiation/Litigation Program.

The Water Rights Negotiation/Litigation program is a Real Estate Services program, and funds are used to defend and assert Indian water rights. Access to quality water and the exercise of water rights continue to be significant health and governance issues for tribes and other communities, especially in light of major environmental events of the past few years. Consider that the Western Governors' Association recognizes the need to resolve water rights to prepare for the oncoming changes in water quality and quantity predicted and now occurring in its region as a result of climate change.<sup>27</sup>

However from FY 2003 to FY 2010 funding for this program declined 30 percent, from \$10.923 million to \$7.685 million. Tribes request that FY 2003 funding levels of \$10.923 million be restored so that water rights can be resolved.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **BIA Endangered Species Program**

- *Restore funding to the FY 2002 level of \$3 million for the BIA Endangered Species Program.*

The BIA's Endangered Species Program is the only program that provides tribes with technical and financial assistance to protect endangered species on Indian trust lands. From FY 2002 to FY 2010, funding for this critical program declined 58 percent to \$1.249 million. Tribes request that FY 2002 funding levels of \$3 million be restored so that endangered species can be protected into the future.

#### **BIA Fish and Wildlife Programs**

Three key programs that empower tribes to manage reservation fish and wildlife resources across the nation are Tribal Management and Development (TMD), Wildlife and Parks, and Natural Resources programs. These programs help meet the growing national demand for outdoor recreation and tourism, as well as aid with the protection of millions of acres of habitat necessary for the conservation of fish, wildlife, and plant resources. These programs also employ more than 500 tribal staff who help the United States meet its trust responsibility to tribes. If base funding for these programs were reduced by 9 percent in FY 2013 due to sequestration, at least 50 critical management jobs would be lost, along with hundreds of resource-harvesting jobs and millions of dollars in economic benefits associated with tourism and outdoor recreation.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **BIA Tribal Management and Development (TMD) Programs**

- *Provide \$20 million for base and programmatic funding for the BIA Tribal Management and Development Programs.*

From FY 2002 to FY 2010, funding for the Tribal Management and Development Program (TMD) declined 40 percent from \$9.333 million to \$5.638 million. During the same period, several decades-old, recurring TMD programs were eliminated. These included the Lake Roosevelt Management, Upper Columbia United Tribes, Wetlands/Waterfowl Management, and Intertribal Bison Cooperative programs. Congress restored funding for these programs in FY 2010, and the BIA restored them to the budget request structure in FY 2011. This funding needs to continue in FY 2013. These investments will substantially strengthen tribal conservation successes and meet the federal government's trust responsibility. Of the \$20 million requested, \$5 million is for Conservation Law Enforcement Officers. The BIA recognizes the critical need that tribes have to enforce fish and game laws on their lands and included a budget justification for this amount in its FY 2012 budget process.



## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **BIA Wildlife and Parks Tribal Priority Allocations**

- *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.*

The 88 tribal fish hatcheries across Indian Country provide essential jobs, food, and revenue for tribes, as well as inspiration and opportunities for tribal youth to pursue environmental careers.

Tribal standards in fisheries management are high because the tribes are highly dependent upon these operations and because many tribal peoples recognize their responsibility to steward and sustain their natural resources. These programs create additional jobs, advance economic self-sufficiency, and reduce costs by promoting cooperation and local economic growth.

At the request of Congress, the BIA conducted a comprehensive needs assessment study in FY 2006 which identified a \$48 million need in hatchery and rehabilitation costs. The President's FY 2012 budget included \$7.452 million to begin to cover these costs. In this context, funding levels of \$5.5 million for Fish Hatchery Maintenance and \$3 for Fish Hatchery Operations in FY 2013 at 88 tribal fish hatcheries across the country are small investments that will lead to significant returns.

The base Tribal Priority Allocations (TPA) funding for tribal fish and wildlife protection activities has remained flat for years, at just under \$5 million. Funding for Wildlife and Parks TPA should be increased by \$5 million in FY 2013 to expand the capacity of tribal fish and wildlife management departments to meet the needs of their communities and to work with federal, state, and local partners.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **BIA Natural Resources Tribal Priority Allocations**

- *Increase funding to \$10 million for the Natural Resources Tribal Priority Allocations.*

The Natural Resources program fulfills the federal trust obligation through improved management, protection, and development of Indian land and natural resource assets. Funding for this Tribal Priority Allocation (TPA) program has remained flat for years at just under \$5 million. Funding for the Natural Resources program should be increased by \$5 million in FY 2013. This investment will substantially increase tribal land and resource management capabilities and increase economic independence through generating revenues for tribal economies. By enhancing tribal economies through this program, the economic costs of social decline (e.g., increased need for law and order, social services, and health services) are decreased, resulting in cost savings.



## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **BIA Invasive Species Program**

- Provide \$5 million in funding to the Invasive Species Program.

The Invasive Species Program provides critical funds to tribes to control noxious and invasive species. Invasive species cause approximately \$3 billion in damage on Indian trust land.<sup>28</sup> Invasive species have a particularly disproportionate impact upon tribes because such species affect plants, animals, and other wildlife that are essential to tribal members for sustenance, medicines, ceremonies, cultures, and economic health.

This BIA program, funded at \$3 million in FY 2010, is the only funding stream designated to address invasive species on tribal trust land. In contrast, DOI spends at least \$1.3 billion each year to address invasive species on non-Indian lands, which amounts to over four hundred times more proportional funding on non-Indian land than on Indian land. The BIA program should be a critical interlocking element of the Department's Invasive Species Crosscut Initiative since tribal trust land is often contiguous to other federal lands.

In light of the disproportionate impact invasive species have upon tribes, the significant disparity in funding between non-tribal and tribal land under DOI's jurisdiction, and the contiguous nature of many tribal and non-tribal DOI land areas, a \$2 million increase to \$5 million in BIA's Invasive Species Program is an equitable and reasonable request.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Fish and Wildlife Service's Tribal Wildlife Grants Program**

- Provide \$8 million in funding to the Fish and Wildlife Service's Tribal Wildlife Grants Program.

After years of declining allocations, the State and Tribal Wildlife Grants Program received \$90 million in FY 2010—representing a \$15 million increase from FY 2009, with \$7 million provided to tribes. This is the only program that expressly allows tribes to address climate change impacts on their natural resources, and it will be a key program in the coming decades as tribes and the nation address climate change influences on natural resources. Given past underfunding of this initiative, tribes request an increased appropriation to \$8 million.

## FORESTRY

Of the total 56 million acres of federal Indian trust land, 18 million acres are forest lands, within which 5.7 million acres are designated for commercial forestry. At present, there is at least a one million acre backlog in forestry management on federal Indian trust land. Tribal and US Forest Service (USFS) forests share 2,100 miles of common boundaries. Combining sound business practices, traditional ecological knowledge, modern techniques, and an inherent respect for the land, many tribes engage in superb sustainable forestry management practices that are recognized as innovative national (and international) models. Indian trust forests are significantly more productive, generating on a per-acre basis about 250 percent of the harvest produced by comparable USFS lands. With an allowable harvest of 700 million board feet, commercial forestry on Indian lands is a key economic activity for over 80 tribes. Additionally, several timber tribes are engaging in biomass projects to generate renewable energy and jobs for tribal people and the surrounding community.

These tribal achievements and initiatives demonstrate high return on federal dollars, which tribes accomplish in profoundly inequitable circumstances. In an era where federal funding commitments must demonstrate high return, tribal forests and their management are a strong and essential investment.

Tribes demonstrate excellence in profoundly inequitable circumstances, which justifies a call for a redirection of existing federal forest funding to further leverage the high level of tribal management and return in the forestry sector. In 1993 and 2003, independent reports prepared for Congress on BIA Forestry found that on a per-acre basis, tribal forests received about one-third of the funding provided to forests managed by the USFS.<sup>29</sup> Funding parity would require an additional \$120 million a year from a starting point of \$50 million.

The funding disparities have only widened since 2003. From 2004 to 2009, in comparing generally equivalent non-tribal and tribal programs, the budgets for USFS National Forest Products and Bureau of Land Management Public Domain Forest Management increased over 25 percent, while the BIA budgets for Tribal Priority Allocation Forestry and Forestry Projects increased only 3.8 percent and declined 0.7 percent, respectively. Furthermore, tribes are barred from accessing other federal forestry programs such as the Forest Service Community Forestry Assistance Act, and from using federal funds to service tribal forest lands, such as the Forest Service's somewhat paradoxically titled Tribal Forest Protection Act.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **BIA Forestry**

- Provide \$31.2 million in BIA Forestry Tribal Priority Allocations.
- Provide \$23.6 million to BIA Forestry Projects.

Increasing funding for BIA TPA Forestry Projects from \$25.6 million to \$31.2 million—which matches the percentage increases for USFS and BLM from 2004 through 2009 described above—will spur needed long-term incremental progress toward BIA Forestry base funding parity. BIA Forestry Projects must be increased by \$6 million, to \$23.6 million, to treat an additional 30,000 acres of the BIA's one million acre forest development backlog, which will increase Indian timber jobs, harvest, and value; improve forest health; contribute to carbon sequestration; and produce woody biomass for national renewable energy initiatives.

## ENVIRONMENTAL PROTECTION AGENCY

### *Interior - Environment Appropriations Bill*

#### **Great Lakes Restoration Initiative**

- Maintain funding at \$3 million for the Great Lakes Restoration Initiative.

Tribes in the Great Lakes region have joined together to establish a tribal-federal-state collaboration, which stands as a model for replication across the country. This initiative received an overall allocation of \$475 million in FY 2010 for restoration activities in the Great Lakes region. Of this amount, \$3 million was allocated to tribes. Funding for tribes under the Great Lakes Restoration Initiative should be maintained in FY 2013 at the FY 2010 enacted level.

## DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY (NOAA)

*Commerce, Justice, Science Appropriations Bill*

### **NOAA Regional Ocean Partnership Grant**

- *Provide \$20 million to the NOAA Regional Ocean Partnership Grant.*

The Regional Ocean Partnership Grants Program is a new competitive grant program within the National Ocean Service that was proposed in the FY 2011 President's budget request to advance regional ocean partnerships. Tribes supported the NOAA request for FY 2012 of \$20 million for this grant program. Regional ocean governance mechanisms facilitate the effective management of ocean and coastal resources across jurisdictional boundaries by improving communications, aligning priorities, and enhancing resource sharing between state, local, tribal, and federal agencies.

## DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

*Commerce, Justice, Science Appropriations Bill*

### **Pacific Coastal Salmon Recovery Fund (PCSRF)**

- *Provide \$110 million to the Pacific Coastal Salmon Recovery Fund.*

The Pacific Coastal Salmon Recovery Fund (PCSRF) addresses watershed restoration and salmon recovery work for both Endangered Species Act listings and populations, and is critical to meeting trust obligations codified in treaties, laws, and other legal instruments regarding Indian fishing rights. This fund originated the groundbreaking multi-governmental collaborative project in salmon habitat restoration that was led by the Nisqually Tribe and recognized by President Obama with the nation's first and only Coastal America Partnership Award in late 2011. The President's FY 2012 budget included \$65 million for PCSRF, and \$80 million was appropriated in FY 2010. Tribes support an increase of \$45 million from the FY 2012 level as a wise investment in a program that creates a ripple effect including economic, ecological, social, cultural, legal, and intergovernmental co-benefits.



*Sandra Begay-Campbell, a researcher at Sandia Labs and member of the Navajo Nation, talks with Sandia Labs interns about solar energy in the Pueblo of Acoma, New Mexico.*

*Credit: Randy Montoya, Sandia Labs.*

## ENERGY

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 them. Further development of tribal energy would contribute significantly to national energy independence, clean energy, economic development, and job creation.

On the renewable energy front, tribal wind could provide 14 percent of the nation's electric needs and tribal solar could supply twice the nation's demand for electricity.<sup>30</sup> Despite this substantial potential, only one commercial-scale renewable energy project operates in Indian Country.

Similarly, in the conventional energy arena, Indian tribes boast nearly a quarter of American on-shore oil and gas reserves and developable resources and one-third of the West's low-sulfur coal. Yet, in total, existing tribal energy production represents less than 5 percent of current national production.

A primary reason for this underdevelopment is bureaucratic and financial barriers. For example, oil and gas producers must pay a \$6,500 application fee for a permit to drill in Indian Country, while in some states these permits cost as little as \$25. Both the Senate (S. 1684) and the House are currently considering legislation that would remove some of these obstacles. Such legislation provides low-cost and no-cost solutions to tribally-driven energy development.

At the same time, however, tribes have a great need for the capacity and technical assistance to advance the over 150 energy projects that they are currently moving into the development, financing, and construction stages.

*In 2008, the then-Director of the Office of Indian Energy and Economic Development within the Department of the Interior estimated that: "15 million acres of undeveloped energy and mineral resources may exist on individual Indian and tribal lands, which if fully developed could result in billions of dollars in revenue for those tribes and individual Indian landowners over the period of production. Drawing from the results of various studies done over the years, we estimate that these lands contain over 5 billion barrels of oil, 37 trillion cubic feet of natural gas, and 53 billion tons of coal that are technically recoverable with current technologies." (p. 4)<sup>31</sup>*

Through Recovery Act funding of the Energy Efficiency Conservation Block Grant (EECBG) program, many tribes were able to establish—for the first time ever—the capacity to even consider energy and energy efficiency projects. This momentum must be sustained.

Tribal interest is strong, and the Departments of the Interior (DOI) and Energy (DOE) are now well positioned to provide these services. DOE's new Office of Indian Energy Policy and Programs (OIEPP) is beginning to mobilize the Department's current network of technical assistance on behalf of tribes—

a service that the Department has provided to states for decades. OIEPP has also initiated a demonstration project to channel DOE's technical assistance to help grow from the number of commercial-scale tribal renewable energy projects from one to five. DOI's Office of Indian Energy and Economic Development has seen a significant increase in tribal applications for funding to develop Tribal Energy Resource Agreements (TERA). TERAs would remove many bureaucratic barriers and foster tribally-driven development. These are building blocks necessary to provide tribes with equal opportunities to effectively access their energy resources.

## Key Recommendations

### DEPARTMENT OF ENERGY

#### *Energy and Water Development Appropriations Bill*

#### **Office of Indian Energy Policy and Programs (OIEPP)**

- *Provide \$20 million for OIEPP programs.*

Since its inception in December 2010, OIEPP has done a tremendous job in identifying and addressing the technical and capacity hurdles that tribes experience with the complexities inherent in the development of energy projects. By providing the maximum statutory amount under the Energy Policy Act, OIEPP, through its broad statutory authority, can direct the funds where tribes need them. For example, these areas of need might include technical and financial analyses, energy efficiency for homes, solar panels for tribal government buildings, and transmission studies. Full funding would also serve to address the most significant tribal needs that might not be met by other federal programs (such as EECBG) due to federal budget cuts.

### DEPARTMENT OF THE INTERIOR

#### *Interior - Environment Appropriations Bill*

#### **Bureau of Land Management – Application for a Permit to Drill (APD)**

- *Eliminate the \$6,500 application fee for a permit to drill in Indian Country.*

As part of the *Consolidated Appropriations Act of 2008* (Pub. L. 110-161), Congress authorized the imposition of a “\$4,000 fee per new application for permit to drill that the [Bureau of Land Management (BLM)] shall collect upon submission of each new application, subject to the condition that no such fee may be collected by the Bureau for any application for a permit to drill on Indian land (as defined in section 2601 of the Energy Policy Act of 1992, 25 U.S.C. §3501).” This fee authority was included in subsequent Appropriations Acts, and the fee was increased to \$6,500. The fee has significantly deterred oil and gas developers from undertaking projects in Indian Country. None of these Appropriations Acts specified whether the Application for a Permit to Drill (APD) fee is applicable to when applying to drill for Indian minerals. It was the BLM that issued a memorandum, mandating “every new APD (including those on Indian Minerals) is to be accompanied by a filing fee in the amount of \$4,000” (BLM Instruction Memorandum No. 2008-043). Congress and the Administration should clarify that the fees were not intended to affect tribal lands.



## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Office of Indian Energy and Economic Development (OIEED)**

- Provide \$5 million in capacity-building assistance to Indian tribes for negotiating and implementing Tribal Energy Resource Agreements (TERAs).

Tribal Energy Resource Agreements (TERAs) authorize consenting Indian tribes to exert greater control over the development of their own energy resources. TERAs remove many of the bureaucratic barriers to energy development that Congress and the tribes have already identified. TERAs balance the increased provision of local control and authority by requiring tribes to take greater responsibility for the implementation of environmental regulations. TERAs are critical tools in developing tribal energy resources. Tribal applications for the program have increased significantly in recent years. An appropriation of \$5 million will enable more than ten tribes to undertake comprehensive assessments of their energy development potential and conduct the necessary assessments and consultations to develop their energy resources.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### *Labor, Health and Human Services, Education Appropriations Bill*

#### **Low-Income Home Energy Assistance Program (LIHEAP)**

- Maintain full funding levels for LIHEAP (\$4.5 billion) with \$51 million to tribes.

The Low-Income Home Energy Assistance Program (LIHEAP) prevents families from having to make the choice between food and heat. With high unemployment and barriers to economic development, much of Indian Country cannot afford to pay for the rising costs of heat and power. For example, Alaska Native villages have experienced a substantial increase in energy costs, with fuel prices recently reaching \$9 per gallon. In FY 2011, LIHEAP was appropriated \$4.7 billion total, with \$51 million allocated to tribes and tribal organizations. Full funding of LIHEAP is crucial to address the extreme need for heating assistance in Indian Country.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Bureau of Indian Affairs' Office of Indian Energy and Economic Development (OIEED)**

- Fund the Office of Indian Energy and Economic Development at \$5 million.

The Department of the Interior's Office of Indian Energy and Economic Development (OIEED) has launched many creative and successful initiatives to encourage energy resource development on tribal lands, spur economic and business development assistance and training, expand job and skills training opportunities, and leverage limited federal funding to provide access to capital for business development.

More funding would enable the OIEED to continue to expand the scope and usefulness of its Indian Loan Guarantee Program, as well as finance more business development (including support for Native business development providers engaged in assisting Native businesses in preparing business plans and financing applications). Additional funding would also support OIEED programs that enable more Native contractors to satisfy surety bond requirements for construction projects; expand use of the Section 477 program and other job training initiatives; and assist business incubation pilot projects initiated in recent years to facilitate Native business growth and job creation. Additionally, the OIEED has supported Interior's acquisition staff as it develops stronger and streamlined procurement procedures for use of Buy Indian Act authority to procure goods and services from Native contractors and suppliers.





*Study Hall for the Crow Nation Reservation, Montana, built after four students won a National Science Foundation contest for their idea to build affordable housing using straw-bale construction.*

*Credit: National Science Foundation.*

## HOUSING

Many American Indian and Alaska Native households live in homes that lack basic essentials that most other Americans enjoy on a daily basis, such as gas and plumbing. Approximately seven out of ten Native households lack utility gas; more than 10 percent lack complete plumbing facilities; and close to 15 percent face living in overcrowded areas and lands.<sup>32</sup>

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 consolidated existing housing funds into a single block grant, the Indian Housing Block Grant (IHBG), and increased American Indian and Alaska Native tribes' role in the design and implementation of tribal housing and related infrastructure. NAHASDA has been highly successful in increasing the number of houses constructed for Native peoples, 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.

In an effort to further improve the inadequate housing conditions that Native communities face, the American Reinvestment and Recovery Act of 2009 (ARRA) provided substantial funding for tribal housing. Along with the \$648 million dollars from the FY 2011 Transportation, Housing and

Urban Development (HUD), and Related Agencies Appropriation Act, these appropriations reversed a decade of funding levels that failed to keep pace with both inflation and the acute housing needs of tribal nations.

The ARRA funding spend-out rate for tribal programs exceeded the spend-out rate of HUD's non-Indian ARRA-funded programs. Spending rates for the tribal programs were at the 95 percent level, which is fully 10 percent more than the total HUD expenditure rate of 85 percent. 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.

*Approximately seven out of ten Native households lack utility gas; more than 10 percent lack complete plumbing facilities; and close to 15 percent face living in overcrowded areas and lands.<sup>32</sup>*

## Key Recommendations

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

#### *Transportation, Housing and Urban Development Appropriations Bill*

- *Fund the Indian Housing Block Grant at \$875 million.*

The Indian Housing Block Grant is the single largest source of federal funding for housing development, housing related infrastructure, and home repair and maintenance in Indian Country. Even if funding is appropriated at \$875 million, this funding amount will not meet all tribal housing needs. However, at this funding level, the increased cost of housing construction, energy costs, and other inflationary factors will keep pace with inflation costs. As such, it is critical maintain funding at \$875 million.

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### *Transportation, Housing and Urban Development Appropriations Bill*

- *Fund the Indian Community Development Block Grant at \$100 million.*

The Indian Community Development Block Grant funds are essential to tribal economies and community development efforts and should be funded at \$100 million. Indian Community Development Block Grant funding has actually decreased since FY 2004 and this trend needs to be reversed.

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### *Transportation, Housing and Urban Development Appropriations Bill*

- *Fund NAHASDA's Training and Technical Assistance at \$4.8 million.*

The National American Indian Housing Council (NAIHC) is the only national American Indian and Alaska Native housing organization that provides comprehensive training and technical assistance to tribal nations and their housing entities. Since 2006, the NAIHC membership has voted unanimously during each of their annual conventions to set aside dollars from their Indian Housing Block Grant funding for NAIHC's training and technical assistance program. To ensure high-quality training and technical assistance, the NAIHC should be funded at no less than \$4.8 million.

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### *Transportation, Housing and Urban Development Appropriations Bill*

- *Fund the Section 184 Loan Guarantee Program at \$9 million.*

The Section 184 Program has demonstrated enormous success. However, it has been less successful in American Indian and Alaska Native communities where housing economies are less developed, where employment and income levels are lower, and where residents live on restricted lands. This key financing tool should be funded at \$9 million.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

*Transportation, Housing and Urban Development Appropriations Bill*

- *Fund the Title VI Loan Guarantee at \$2 million.*

The Title VI Loan Guarantee is a key financial tool for American Indian and Alaska Native tribes and their housing authorities to stimulate housing and community development efforts. This program should be funded at \$2 million, which is the FY 2010 appropriation level.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

*Transportation, Housing and Urban Development Appropriations Bill*

- *Fund the Native Hawaiian Housing Block Grant at \$20 million and maintain funding for the Section 184A Loan Guarantee at \$1 million.*

Funding for the Native Hawaiian Housing Block Grant should be increased to at least \$20 million to address the significant needs for low-income and affordable housing on Native Hawaiian Home Lands. Similarly, the Section 184A Loan Guarantee Program should continue to be funded at the \$1 million level.



*This road improved with ARRA funds is vital to bringing visitors to the Acoma Pueblo's Sky City Cultural Center, an educational destination for visitors and a cultural center for tribal members.*

*Credit: National Congress of American Indians.*

## TRANSPORTATION

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.

Currently, there are over 140,000 miles of Indian reservation roads with multiple owners, including the Bureau of Indian Affairs, American Indian tribes, states, and counties. Construction of transportation systems that allow for safe travel and promote economic expansion will help strengthen tribal communities, while also making valuable contributions to much of the surrounding rural America. Maintenance and enhancement of transportation infrastructure is critical to economic development, job creation, and improving living conditions for individuals and families throughout Indian Country.

### Key Recommendations

#### DEPARTMENT OF TRANSPORTATION

*Transportation, Housing and Urban Development Appropriations Bill*

#### Indian Reservation Roads (IRR) Programs

- Provide \$500 million for the Indian Reservation Roads Programs.
- Provide \$20 million for the Indian Reservation Roads Bridge Program.

Deficient transportation infrastructure is a barrier which impedes economic development in Native communities. Tribal governments are working to improve public safety, education, health care, and housing, and generate jobs through economic development. These worthy objectives are more difficult to achieve when transportation infrastructure in Indian Country continues to lag behind the rest of the nation.

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.

*Construction of transportation systems that allow for safe travel and promote economic expansion will help strengthen tribal communities, while also making valuable contributions to much of the surrounding rural America.*



The officials at the Departments of the Interior and Transportation have recognized that transportation systems within Indian Country are suffering from a nearly \$40 billion construction backlog. An equally daunting backlog exists for deferred maintenance for tribal transportation facilities. Rising construction inflation rates continue to diminish the purchasing power of the limited federal funds currently provided to the IRR Program and other tribal transportation programs. Even solid tribal roads and bridges fall into disrepair and require costly reconstruction years before the end of their design life due to a lack of more cost-effective maintenance funding. Under any assessment, tribal transportation programs remain severely underfunded and the construction and maintenance funding backlog will only get worse without significant funding increases during the next highway reauthorization period.

## DEPARTMENT OF TRANSPORTATION

*Transportation, Housing and Urban Development Appropriations Bill*

### Tribal Technical Assistance Programs

- Provide \$4.2 million for Tribal Technical Assistance Programs.

The Tribal Technical Assistance Program is the only technical assistance program that provides much-needed education and training to tribal governments for transportation road projects. Education and certification is important to assist in building a viable tribal transportation workforce. In addition, having a skilled workforce enables American Indian tribes and Alaska Native villages to further develop tribal transportation infrastructure.

## DEPARTMENT OF TRANSPORTATION

*Transportation, Housing and Urban Development Appropriations Bill*

### Tribal Transit Program

- Provide \$20 million for the Tribal Transit Program.

The Tribal Transit Program provides transit funding through a national competitive grant process to federally-recognized tribes. The Tribal Transit Program funding level began at \$8 million for FY 2006 and increased to \$15 million for FY 2010. Since the initiation of the Tribal Transit Program, the Federal Transit Administration has awarded approximately 236 grants to tribes totaling \$60 million. However, the total amount requested by tribes who have applied for the Tribal Transit program is approximately \$189 million. The awarded funding has been a positive first step in addressing the immense need for public transportation in Indian Country. However, the overall need still remains unmet.

## DEPARTMENT OF INTERIOR

*Interior - Environment Appropriations Bill*

### BIA Roads Maintenance

- Provide \$35 million for the BIA Road Maintenance Program.

In 2003, the BIA formally acknowledged that at least \$150 million per year was needed to maintain BIA-owned roads and bridges to an adequate standard, and \$50 million per year was needed for bridge rehabilitation and replacement.<sup>33</sup> Costs to maintain these roads have risen sharply in the past five years due to high inflation costs for construction. Yet between FY 2010 and FY 2011, only \$26.5 million was enacted for roads maintenance at BIA. It is essential that \$35 million be appropriated for the BIA Road Maintenance program in FY 2013 to begin to address this significant gap.



*History and culture are passed down through Native traditions celebrated in ceremony, art, and place. Historical and cultural preservation must be a priority to ensure that the next generation carries on the traditions and ways of their nations.*

*Credit: Taths.*

## HISTORIC AND CULTURAL PRESERVATION

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.

### Key Recommendations

#### DEPARTMENT OF THE INTERIOR

*Interior - Environment Appropriations Bill*

##### **Native American Graves Protection and Repatriation Act (NAGPRA)**

- Provide \$4 million for Section 10 of NAGPRA and create a line-item for grants to fund work with culturally unidentifiable remains.

Section 10 of NAGPRA authorizes the Secretary of the Interior to award grants to museums, tribes, and Native Hawaiian organizations to assist in the consultation, documentation, and repatriation of Native American human remains and cultural items. Over the past few years, the National Park Service NAGPRA program has used a high percentage of funds from the Section 10 grant program to cover their administrative costs, which has resulted in fewer dollars for tribes. Further, in the report released in July 2010 assessing NAGPRA compliance on the 20<sup>th</sup> anniversary since enactment, the Government Accountability Office determined that “key federal agencies still have not fully complied with the act.”<sup>34</sup> Additionally, during FY 2010, many tribes were denied funding because of inadequate federal funding.<sup>35</sup> Tribes should receive priority in Section 10 grant awards, and a separate line-item should be created 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.



The number of tribal complaints made about museums failing to comply with NAGPRA has grown exponentially in the past few years, and the Department of the Interior is unable to respond to the tribes in a timely manner. Dedicated funding for investigations of tribal complaints is essential for the spirit of NAGPRA to be fully implemented.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Tribal Historic Preservation Officer Program**

- *Provide \$15 million for the Tribal Historic Preservation Officer Program.*

The 1992 amendments to the National Historic Preservation Act (NHPA) authorized tribes to assume historic preservation activities and responsibilities on Indian lands through the Tribal Historic Preservation Officer (THPO) program. This program is operated by the National Park Service and funded by the Historic Preservation Fund. It is estimated that there will be at least 100 tribes operating Tribal Historic Preservation Officer programs in FY 2013. To provide a minimum level of services, the offices require an average of \$125,000 each. This compels the appropriation of \$15 million for the Tribal Historic Preservation Officer Program.

## ENDNOTES

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- <sup>19</sup> *Ibid.*
- <sup>20</sup> See for example the cases profiled in Pease-Pretty on Top, J. (2003). *Native American language immersion: Innovative Native Education for Children & Families*. Denver, CO: American Indian College Fund.
- <sup>21</sup> Indian Health Service budget narrative and recommendations found in this section were adapted from the Indian Health Service Budget Workgroup's *FY 2013 Budget Recommendations*.

- <sup>22</sup> Hill, R. (2007). *An analysis of racial/ethnic disproportionality and disparity at the national, state, and county levels*. Washington, DC: Casey-CSSP Alliance for Racial Equity in Child Welfare.
- <sup>23</sup> US Department of Health and Human Services, Administration on Children, Youth, and Families. (2007). *Child maltreatment 2005*. Washington, DC: Government Printing Office.
- <sup>24</sup> US Department of Agriculture. (2007). *2007 Census of Agriculture*. Washington, DC: National Agricultural Statistics Service.
- <sup>25</sup> US Census Bureau, 2000 Census of Population and Housing, Summary File 2.
- <sup>26</sup> Tribal recommendations for the FY 2012 Department of the Interior Climate Change Adaptation Initiative, transmitted on May 20, 2011, to Mike Simpson, Chairman, House Subcommittee on Interior and Environment. Retrieved on December 20, 2011, from [www.ncai.org/fileadmin/appropriations/Tribal\\_Recommendations\\_for\\_2012\\_DOI\\_Climate\\_Change\\_Adaptation\\_Initiative.pdf](http://www.ncai.org/fileadmin/appropriations/Tribal_Recommendations_for_2012_DOI_Climate_Change_Adaptation_Initiative.pdf).
- <sup>27</sup> See the Western Governors' Association statement on Indian Water Rights at [www.westgov.org/initiatives/water](http://www.westgov.org/initiatives/water) for more information.
- <sup>28</sup> Extrapolation from National Invasive Species Council's Invasive Species Interagency Performance-Based Budget (Crosscut) for Fiscal Year 2007 that identifies more than \$100 billion in damages from invasive species annually and estimates that federal Indian trust land is approximately three percent of the land area of the United States.
- <sup>29</sup> The Indian Forest Management Assessment Team for the Intertribal Timber Council. (1993). *Assessment of Indian forests and forest management in the United States*. Portland, OR: Interforest, LLC. Retrieved on December 20, 2011, from [www.itcnet.org/issues\\_projects/issues\\_2/forest\\_management/assessment.html](http://www.itcnet.org/issues_projects/issues_2/forest_management/assessment.html).  
Second Indian Forest Management Assessment Team for the Intertribal Timber Council. (2003). *An assessment of Indian forests and forest management in the United States*. Portland, OR: Interforest, LLC. Retrieved on December 20, 2011, from [www.itcnet.org/issues\\_projects/issues\\_2/forest\\_management/assessment.html](http://www.itcnet.org/issues_projects/issues_2/forest_management/assessment.html).
- <sup>30</sup> Chu, S. (2011, May). *Remarks as prepared for delivery*. Speech presented at the Department of Energy Tribal Summit, Arlington, VA.
- <sup>31</sup> Middleton, R. (2008, May). *Statement of Dr. Robert W. Middleton, Director, Office of Indian Energy and Economic Development, Office of the Assistant Secretary-Indian Affairs, Department of the Interior*. Statement presented before the Senate Select Committee on Indian Affairs, Washington, DC.
- <sup>32</sup> US Census Bureau, 2000 Census of Population and Housing, Summary File 3.
- <sup>33</sup> US Department of the Interior, Bureau of Indian Affairs. (2003). *Transportation serving Native American lands: TEA-21 reauthorization resource paper*. Washington, DC: Author.
- <sup>34</sup> US Government Accountability Office. (2010). *Native American Graves Protection and Repatriation Act: After almost 20 years, key federal agencies still have not fully complied with the Act* (Report Number GAO-10-768). Washington, DC: Author.
- <sup>35</sup> US Department of the Interior, National Park Service. (2010). *National NAGPRA Program FY 10 Final Report*. Washington, DC: Author.

# NCAI FY 2013 BUDGET REQUESTS

Area	Agency	Appropriations Bill	Program	NCAI FY 2013 Request	Page #
<b>Support for Tribal Governments</b>	DOI, HHS	Interior, Environment	IHS Contract Support Costs	Fully fund when calculations are final.	20
	DOI, HHS	Interior, Environment	BIA Contract Support Costs	Fully fund when calculations are final.	21
	DOI, HHS	Interior, Environment	BIA Tribal Priority Allocations	Increase funding.	21
<b>Public Safety and Justice</b>	DOJ, DOI, HHS	See full report on page 23 for full budget request by program.			
<b>Homeland Security</b>	DHS	Homeland Security	Western Hemisphere Travel Initiative, Tribal IDs	\$20,000,000	29
	DHS	Homeland Security	Tribal Homeland Security Direct Grants	\$20,000,000	29
<b>Education</b>	DHHS	Labor-HHS-Education	Title VII funding, No Child Left Behind Act (NCLB) (culturally based education)	\$198,400,000	31
	DHHS	Labor-HHS-Education	Title VIII funding, NCLB (Impact Aid Funding)	\$1,395,000,000	31
	DHHS	Labor-HHS-Education	Tribal Education Departments	\$5,000,000	32
	DOI	Interior, Environment	Tribal Education Departments	\$5,000,000	32
	DOI	Interior, Environment	Construction/Repair of Bureau of Indian Education (BIE) Schools	\$263,400,000	32
	DOI	Interior, Environment	Tribal Grant Support Costs (Administrative Cost Grants)	\$72,300,000	33
	DOI	Interior, Environment	Student Transportation	\$73,000,000	33
	DOI	Interior, Environment	Facilities Operations (BIE)	\$109,800,000	34
	DOI	Interior, Environment	Facilities Maintenance (BIE)	\$76,000,000	34
	DOI	Interior, Environment	Indian School Equalization Formula	\$431,000,000	34
	DOI	Interior, Environment	Johnson O'Malley	\$24,300,000	35
	ED	Labor-HHS-Education	Title III-A Grants under the Higher Education Act	\$36,000,000	35
	DOI	Interior, Environment	Title I - Tribally Controlled Colleges and Universities Assistance Act	\$62,500,000	35
	USDA	Agriculture	1994 Institutions Extension Program (NIFA)	\$10,000,000	36
	USDA	Agriculture	1994 Institutions Research Program	\$5,000,000	36
	USDA	Agriculture	1994 Institutions Educational Equity Grants Program	\$5,000,000	37
	USDA	Agriculture	Native American Endowment Account	\$130,000,000	37
	USDA	Agriculture	Essential Community Facilities Program	\$5,000,000	37
	DHHS	Labor-HHS-Education	Indian Head Start	Exempt from reductions.	38
DHHS	Labor-HHS-Education	Language Preservation Program	\$12,000,000	38	

# NCAI FY 2013 BUDGET REQUESTS

Area	Agency	Appropriations Bill	Program	NCAI FY 2013 Request	Page #
<b>Health</b>	DHHS	Interior, Environment	Increase Indian Health Service funding to maintain current services over FY 2012 budget request amount.	\$367,587,000	40
	DHHS	Interior, Environment	Increase Indian Health Service funding for program services.	\$634,070,000	40
	DHHS	Labor-HHS-Education	Substance Abuse and Mental Health Service Administration (behavior health grants to Indian health programs)	\$15,000,000	43
	DHHS	Labor-HHS-Education	American Indian Suicide Prevention Programs Set-aside under Garrett Lee Smith Act	\$6,000,000	43
<b>Child Welfare</b>	DHHS	Labor-HHS-Education	Foster Care Demonstration Grants (Children's Bureau)	\$20,000,000	44
			Child Welfare Services, Title IV-B, Subpart 1 (tribal allocation)	3 percent set-aside	45
	DHHS	Labor-HHS-Education	Promoting Safe and Stable Families, Title IV-B, Subpart 2 (discretionary component)	\$200,000,000	45
	DHHS	Labor-HHS-Education	Child Abuse Prevention and Treatment Act	3 percent set-aside	45
	DOI	Interior, Environment	Indian Child Welfare Act	\$70,000,000	46
	DOI	Interior, Environment	Urban Indian Child Welfare Grant Program	\$12,000,000	46
	DOI	Interior, Environment	BIA Child Welfare Assistance	\$55,000,000	46
<b>Disabilities</b>	ED	Labor-HHS-Education	Vocational Rehabilitation Services Projects for American Indians with Disabilities	\$67,000,000	47
	ED	Labor-HHS-Education	Vocational Rehabilitation Services Projects for American Indians with Disabilities (line item for outreach to tribal recipients)	\$5,000,000	47
<b>Elders</b>	DHHS	Labor-HHS-Education	Older Americans Act (Title VI-Parts A and B)	\$30,000,000	48
	DHHS	Labor-HHS-Education	Older Americans Act (Title VI-Part C), Native American Caregiver Support Program	\$8,300,000	48
	DHHS	Labor-HHS-Education	Older Americans Act (Title VII-Part B), tribal set aside	\$2,000,000	49
	DHHS	Labor-HHS-Education	Older Americans Act Title IV (national minority aging organizations to build the capacity of community-based organizations)	\$3,000,000	49
<b>Economic Development</b>	USDA	Agriculture	Rural Business and Industry Loan Program	\$10,000,000	51
	USDA	Agriculture	Rural Business Opportunity Grants	\$1,000,000	51
	USDA	Agriculture	Rural Business Enterprise Grants	\$3,500,000	51
	Commerce	Commerce, Justice, Science	Minority Business Development Agency	\$35,000,000	52
	Commerce	Commerce, Justice, Science	Office of Native American Affairs	\$3,000,000	52

# NCAI FY 2013 BUDGET REQUESTS

Area	Agency	Appropriations Bill	Program	NCAI FY 2013 Request	Page #
<b>Economic Development</b> <i>(continued)</i>	SBA	Financial Services	Office of Native American Affairs	\$2,000,000	53
	SBA	Financial Services	Native American Business Center Grants	\$10,000,000	53
	DOD	Defense	Procurement Technical Assistance Centers, Defense Logistics Agency	\$3,600,000	54
	DOD	Defense	Indian Incentive Payment Program	\$15,000,000	54
	DOI	Interior, Environment	Office of Indian Energy and Economic Development Indian Loan Guarantee Program	\$15,000,000	54
	Treasury	Financial Services	Community Development Financial Institutions Fund	\$15,000,000	55
	DOL	Labor-HHS-Education	YouthBuild Tribal Set-Aside	5 percent set-aside	55
<b>Telecommunications</b>	FCC	Financial Services	Office of Native Affairs and Policy	\$2,000,000	56
	CPB	Labor-HHS-Education	American Indian Radio Stations, Grants	\$5,000,000	57
	Commerce	Commerce, Justice, Science	Public Telecommunications Facilities Program (PTFP) AIAN Radio Station Construction	\$4,000,000	57
<b>Agriculture</b>	USDA	Agriculture	Office of Tribal Relations	\$1,500,000	58
	USDA	Agriculture	USDA Rural Development, Water, and Environmental Program	Maintain set-aside	59
	USDA	Agriculture	Environmental Quality Incentives Program	\$1,400,000,000	59
	USDA	Agriculture	Wildlife Habitat Incentives Program	\$85,000,000	59
	USDA	Agriculture	Conservation Stewardship Program	\$768,000,000	59
	USDA	Agriculture	Federally Recognized Tribal Extension Program	\$5,000,000	60
	USDA	Agriculture	Food Distribution Program on Indian Reservations	\$124,000,000	60
<b>Environmental Protection</b>	EPA	Interior, Environment	Indian Environmental General Assistance Program	\$75,000,000	61
	EPA	Interior, Environment	Multimedia Tribal Implementation Grants Program	\$20,000,000	62
	EPA	Interior, Environment	Clean Water and Drinking Water State Revolving Funds	3 percent set-aside	62
	HHS	Interior, Environment	Operation and Maintenance (O&M) Tribal Public Water Systems	\$1,000,000	63
	EPA	Interior, Environment	Tribal Water Pollution Control, Clean Water Act Section 106	20 percent tribal allocation	63
	EPA	Interior, Environment	Nonpoint Source Pollutant Control, Clean Water Act Section 319	Eliminate tribal cap.	65
	EPA	Interior, Environment	Exchange Network	10 percent set-aside	65
<b>Natural Resources</b>	DOI	Interior, Environment	BIA Rights Protection Implementation	\$40,000,000	67
	DOI	Interior, Environment	Cooperative Landscape Conservation Initiative	\$8,750,000	68
	DOI	Interior, Environment	BIA Water Management, Planning, and Pre-Development Program	\$ 8,298,000	68



# NCAI FY 2013 BUDGET REQUESTS

Area	Agency	Appropriations Bill	Program	NCAI FY 2013 Request	Page #
<b>Natural Resources</b> <i>(continued)</i>	DOI	Interior, Environment	BIA Water Rights Negotiation/Litigation Program	\$10,923,000	68
	DOI	Interior, Environment	BIA Endangered Species Program	\$3,000,000	69
	DOI	Interior, Environment	BIA Tribal Management and Development Programs	\$20,000,000	69
	DOI	Interior, Environment	BIA Wildlife and Parks Tribal Priority Allocations - Fish Hatchery Operations	\$3,000,000	70
	DOI	Interior, Environment	BIA Wildlife and Parks Tribal Priority Allocations - Fish Hatchery Maintenance	\$5,500,000	70
	DOI	Interior, Environment	BIA Wildlife and Parks Tribal Priority Allocations - Wildlife and Parks Tribal Priority Allocation	\$10,000,000	70
	DOI	Interior, Environment	BIA Natural Resources Tribal Priority Allocations	\$10,000,000	70
	DOI	Interior, Environment	BIA Invasive Species Program	\$5,000,000	71
	DOI	Interior, Environment	Fish and Wildlife's Tribal Wildlife Grants Program	\$8,000,000	71
	DOI	Interior, Environment	BIA Forestry Tribal Priority Allocations	\$31,200,000	72
	DOI	Interior, Environment	BIA Forestry Projects	\$23,600,000	72
	EPA	Interior, Environment	Great Lakes Restoration Initiative	\$3,000,000	72
	Commerce	Commerce, Justice, Science	NOAA Regional Ocean Partnership Grant	\$20,000,000	73
	Commerce	Commerce, Justice, Science	Pacific Coastal Salmon Recovery Fund	\$110,000,000	73
<b>Energy</b>	DOE	Energy and Water	Office of Indian Energy Policy and Programs	\$20,000,000	75
	DOI	Interior, Environment	Application for a Permit to Drill (APD)	Eliminate APD fee.	75
	DOI	Interior, Environment	Capacity-Building Assistance to Tribes for Negotiating and Implementing Tribal Energy Resource Agreements	\$5,000,000	76
	HHS	Labor-HHS-Education	Low-Income Home Energy Assistance Program	\$51,000,000	76
	DOI	Interior, Environment	Office of Indian Energy and Economic Development	\$5,000,000	76
<b>Housing</b>	HUD	Transportation, HUD	Indian Housing Block Grant	\$875,000,000	78
	HUD	Transportation, HUD	Indian Community Development Block Grant	\$100,000,000	78
	HUD	Transportation, HUD	NAHASDA's Training and Technical Assistance	\$4,800,000	78
	HUD	Transportation, HUD	Section 184 Loan Guarantee Program	\$9,000,000	78
	HUD	Transportation, HUD	Title VI Loan Guarantee	\$2,000,000	79
	HUD	Transportation, HUD	Native Hawaiian Housing Block Grant	\$20,000,000	79
	HUD	Transportation, HUD	Section 184A Loan Guarantee	\$1,000,000	79

# NCAI FY 2013 BUDGET REQUESTS

Area	Agency	Appropriations Bill	Program	NCAI FY 2013 Request	Page #
<b>Transportation</b>	DOT	Transportation, HUD	Indian Reservation Roads Programs	\$500,000,000	80
	DOT	Transportation, HUD	Indian Reservations Roads Bridge Program	\$20,000,000	80
	DOT	Transportation, HUD	Tribal Technical Assistance Programs	\$4,200,000	81
	DOT	Transportation, HUD	Tribal Transit Program	\$20,000,000	81
	DOI	Interior, Environment	BIA Roads Maintenance	\$35,000,000	81
<b>Historic and Cultural Preservation</b>	DOI	Interior, Environment	Native American Graves Protection and Repatriation Act (NAGPRA)	\$4,000,000	82
	DOI	Interior, Environment	Investigations into Failure to Comply with NAGPRA	10 percent increase	82
	DOI	Interior, Environment	Tribal Historic Preservation Officer Program	\$15,000,000	83

Key to Agency Abbreviations (listed in order of appearance in chart): DOJ (Department of Justice); DOI (Department of the Interior); DHS (Department of Homeland Security); HHS (Department of Health and Human Services); ED (Department of Education); USDA (Department of Agriculture); Commerce (Department of Commerce); SBA (Small Business Administration); Treasury (Department of the Treasury); DOD (Department of Defense); CPB (Corporation for Public Broadcasting); EPA (Environmental Protection Agency); HUD (Department of Housing and Urban Development); DOT (Department of Transportation)



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 Council of Energy Resource Tribes  
 Indian Health Service Tribal Self-Governance Advisory Committee  
 Intertribal Agriculture Council  
 Intertribal Timber Council  
 Intertribal Transportation Association  
 National American Indian Housing Council  
 National Association of Tribal Historic Preservation Officers  
 National Center for American Indian Enterprise Development  
 National Council of Urban Indian Health  
 National Indian Child Welfare Association  
 National Indian Council on Aging  
 National Indian Head Start Directors Association  
 National Indian Health Service Tribal Budget Formulation Workgroup  
 National Indian Education Association  
 National Indian Health Board  
 National Tribal Air Association  
 National Tribal Environmental Council  
 Native American Contractors Association  
 Native Community Development Financial Institutions Coalition  
 Native Public Media  
 Northwest Indian Fisheries Commission  
 Our Natural Resources  
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**About this publication:** The Indian Country Budget Request Report is published annually by the National Congress of American Indians as part of its mission to serve as a forum for unified policy development among tribal governments in order to: (1) protect and advance tribal governance and treaty rights; (2) promote economic development and health and welfare in American Indian and Alaska Native communities; and (3) educate the public toward a better understanding of American Indian and Alaska Native tribes. The Fiscal Year 2013 report is the eighth annual Indian Country budget request issued by the National Congress of American Indians.

**About the cover:** The seal developed for the Indian Country Budget Request document represents the nation-to-nation relationship between tribes and the United States government. The twelve stars symbolize the twelve areas represented by the National Congress of American Indians. The image of the US Capitol is a reminder of the federal governments' trust responsibility. Finally the feather invokes the cultural values of Native people, tribal governments, and the written laws that affirm tribal sovereignty.



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