

INDIAN COUNTRY FY 2010
BUDGET REQUEST

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Executive SUMMARY

Chickasaw Peace Treaty Feeler, July 9, 1782

*My former friends we mean to conclude a peace with you as
brothers never fall out with each other but they make friends
again. If it is agreeable to you it is our desire to be at peace
with you that our corn may grow and our stocks increase for
the benefit of our children hereafter.*



EXECUTIVE *Summary*

American Indian and Alaska Native tribal governments have recently begun to address the long accumulated social and economic deficits on reservations through a resurgence in self-determination. An analysis of socioeconomic change between 1990 and 2000 showed that Indian Country economies grew at a faster pace than the economy as a whole.ⁱ Taking another step back, over the last 30 years, the inflation adjusted per capita income of Indians on reservations grew by 83 percent compared to 64 percent for the U.S. population as a whole. In spite of these incredible gains, per capita income remains one-third of the U.S. average. If incomes were to continue to grow at their 1990s rate, the gap would not close for another 55 years. The case is similar for unemployment and poverty: although dramatic gains have been made, considerable disparities remain.

The budget of the United States either does or does not support the self-determination of American Indian and Alaska Native tribal governments. The federal funding that goes to Indian issues in every relevant program area—from education and public safety to the environment, infrastructure, and health care—lags behind the average for the rest of the United States. This trend was documented in the U.S. Civil Rights Commission report, *Quiet Crisis*, issued in 2003.ⁱⁱ The core funding for tribal governmental services that supports self-determination and self-governance (such as the Bureau of Indian Affairs (BIA) funding category of Tribal Priority Allocations) has also steadily eroded due to inflation and population growth.

The recommendations in this FY 2010 Indian Country budget request are based on honoring the mutual promises between American Indian and Alaska Native tribal governments and the United States through the federal trust relationship. The recommendations are also founded on the hope and promise of self-determination: federal investment in tribal sovereignty and self-determination is not only fair and just, but it is an investment to close historic disparities in well-being through the most successful federal Indian policy in U.S. history.

This Summary highlights Indian Country's budget recommendations for each section of the FY 2010 budget.

Public Safety and Justice

(more information on page 11)

Tribal governments serve as the primary instrument of law enforcement and justice delivery for the more than 50 million acres of land that comprise Indian Country. As a result of historic under-funding and complex jurisdictional issues, American Indians experience disproportionately high rates of violent crime.

- ◆ **Increase funding for BIA law enforcement by 10 percent and continue increases in funding until the gap in funding for tribal communities is closed.**
- ◆ **Significantly increase detention center maintenance and construction until the gap in law enforcement funding for tribal communities is closed.**
- ◆ **Maintain the tribal set-asides at the Department of Justice and increase funding for detention centers.**
- ◆ **Increase funding for tribal courts by 10 percent.**

- **Maintain the set-asides for tribal courts and increase funding for this important component of the administration of justice.**
- **Increase funding for juvenile justice programs and provide a 10 percent tribal set-aside by increasing the Tribal Youth Program to \$36 million; provide a separate construction fund for regional tribal juvenile facilities.**
- **Fully fund the programs under the Violence Against Women Act, including \$1 million for the National Tribal Sex Offender and Order of Protection Registry and \$1 million for the baseline study of violence against Indian women.**

Homeland Security

(more information on page 13)

Tribal governments have broad emergency and first responder responsibilities as well as extensive border security responsibilities, including immigration, anti-terrorism, and smuggling.

- **Set aside a minimum of one percent of total grant funding for the Department of Homeland Security (DHS) Tribal Homeland Security Grant Program.**
- **Fund the tribal governmental ID improvement grants at \$20 million either within the Western Hemisphere Travel Initiative or within the Real ID programs.**
- **Fund the state and local reimbursement fund at \$20 million, specifically to reimburse tribal governments for tribal expenditures covering federal border responsibilities.**
- **Provide a \$5 million grant for the creation of a national tribal ID database.**

Education

(more information on page 13)

To ensure that Native students—from pre-school to college—experience the benefits of a quality and supportive education, it is imperative that the federal government uphold its responsibility for the education of Indian people.

- **Provide \$195.5 million for Title VII funding under the No Child Left Behind Act.**
- **Increase Impact Aid funding to adjust for inflation and population growth.**
- **Provide \$10 million for Head Start funding.**
- **Provide \$32 million for Title III of the Higher Education Act.**
- **Provide \$62 million (one-time) forward funding for tribal colleges and universities.**
- **Provide \$10 million for tribal education departments.**
- **Provide a \$120.5 million increase for Bureau of Indian Education Indian school construction and repair.**
- **Provide \$10 million for Esther Martinez language programs.**
- **Provide \$24.3 million for the Johnson O'Malley Act program.**

Health Care

(more information on page 17)

For over 100 years, Native people have experienced inferior health care. Adequate funding is needed to end this lasting injustice and uphold the federal trust responsibility.

- **Increase Indian Health Service funding by \$908 million.**
- **Provide \$15 million to fund Substance Abuse and Mental Health Services Administration (SAMHSA) Behavioral Health Services grants for American Indians and Alaska Natives.**

Indian Child Welfare and Human Services

(more information on page 19)

American Indian and Alaska Native children and their families and communities have some of the greatest needs in the areas of child abuse and neglect and mental health services, but also have some of the most restricted access to resources that would address these pressing issues. By funding tribal governments directly from federal resources, much of which they are not currently eligible for, the federal government can honor the trust relationship and empower tribal communities and governments.

- ◆ **Increase funding for the Indian Child Welfare Act (funded in BIA Tribal Priority Allocations) by \$45 million.**
- ◆ **Increase Urban Indian Child Welfare Programs by \$10 million.**
- ◆ **Increase Child Welfare Assistance by \$50 million.**
- ◆ **Increase Behavioral Health Services by \$50 million.**
- ◆ **Increase Circles of Care by \$5 million.**
- ◆ **Restore \$21.9 million to the Social Services Welfare Assistance program.**
- ◆ **Restore Miscellaneous Assistance (Disaster Assistance) program to full FY 2006 funding level.**

Economic Development

(more information on page 21)

Congress should continue to invest in sound economic policies that have proven to pay dividends in the form of greater individual and tribal government self-determination.

Sound business and economic policies have increased job opportunities for individuals, contracting opportunities for business owners, and created a better quality of life for tribal citizens through increased government programs.

- ◆ **Increase funding to \$10 million for Native economic development initiatives at the Native Community Development Financial Institutions Fund (NCDFI) or set aside 10 percent of the CDFI Fund's appropriation, whichever is greater.**
- ◆ **Increase line-item funding to \$5 million for the Native American Outreach Program.**
- ◆ **Provide \$1 million for dedicated government contracting oversight funding.**
- ◆ **Provide \$20 million for surety bonding capacity.**
- ◆ **Provide \$3 million for the Office of Native American Business Development.**
- ◆ **Provide \$3 million for the Minority Business Development Agency.**
- ◆ **Provide \$8 million for additional BIA business loan guarantee funding.**
- ◆ **Provide \$39 million for expanded BIA loan guarantee for surety bonding.**

Agriculture

(more information on page 24)

Agriculture is the second leading employer in Indian Country and is the backbone of the economy for approximately 130 tribes. Because 36 percent of Native Americans live in rural areas, tribal governments and farmers look to active partnerships with the Department of Agriculture (USDA) to sustain and advance common interests across the broad array of services that USDA provides to tribal governments.

- ◆ **Increase funding for the Federally Recognized Tribal Extension Program by \$10 million.**
- ◆ **Fund the Risk Management Agency (RMA) Community Outreach and Assistance Partnership Program at least at its FY 2008 level.**
- ◆ **Fully fund the authorized amount of \$25 million for broadband access, with a substantial percentage towards tribal areas.**

- Provide \$10 million for the USDA Rural Development's Business and Industry Loan Program.
- Increase the \$5 million in existing funding for the 1994 land grant institutions Extension Program by \$1.7 million.
- Provide \$3 million for the Research Program for 1994 land grant institutions.
- Provide \$3.3 million for the Educational Equity Grant Program for 1994 land grant institutions.
- Provide \$12 million for the Native American Endowment Account for 1994 land grant institutions.
- Provide \$5 million for the Tribal College Rural Development Essential Community Facilities Program.

Environmental Protection

(more information on page 26)

Tribes, often with close spiritual, cosmological, and cultural relationships to their homelands and resources, face the direct impacts of environmental degradation, contamination, and climate change. In order to preserve and enhance the environmental quality of Indian Country for present and future generations and sustain tribal cultures, tribes deserve equitable funding for their environmental programs.

- Provide \$68.3 million for the Indian Environmental General Assistance Program (GAP).
- Provide \$10 million for a new set-aside for the Direct Implementation Tribal Cooperative Agreements program.
- Provide \$67.2 million for tribes in the Clean Water and Drinking Water State Revolving Funds.
- Provide \$25 million for Targeted Watershed Grants.
- Provide \$22 million for Section 103/105 Grants for Indian Tribes.

- Provide \$1.5 billion for the Superfund Program.
- Provide \$10 million for solid waste priorities in the GAP funding specifically to enable tribes to develop and implement solid and hazardous waste programs.

Natural Resources

(more information on page 29)

The management of natural resources is as precious an obligation as there exists in Indian Country. However, tribes are facing a funding crisis that threatens their ability to support basic natural resource management obligations and responsibilities, which threatens tribal treaty rights.

- Funding for both water resources and water rights should be restored to no less than FY 2003 enacted levels in FY 2010.
- Funding for BIA Endangered Species Program in FY 2010 should be no less than the FY 2002 enacted level.
- Provide \$50 million for Tribal Management/Development.
- Restore base funding for Rights Protection Implementation to at least the FY 2004 enacted level.
- Provide \$3 million for invasive species.

Indian Land Consolidation

(more information on page 31)

Land consolidation is critical for addressing trust management problems created by fractionation. Over 5 million acres of Indian owned land is locked up in unproductive status because the ownership of each tract is divided among dozens, hundreds, or thousands of owners. Consolidation of these tracts into tribal ownership results in immediate economic gains by putting the land into productive use, but also in creating new opportunities for commercial development and tribal government construction.

- Provide \$145 million for Indian Land Consolidation, Department of Interior.

Energy

(more information on page 32)

The development of tribal economies positively impacts neighboring county and regional economies. With significant future demand for greater domestic production from all developable energy resources, Indian energy has the potential for lifting underdeveloped tribal economies out of poverty and creating a foundation for sustainable development far into the future.

- **Provide \$10 million for the Office of Indian Energy Policy and Programs.**
- **Provide \$5 million for the Office of Energy Efficiency and Renewable Energy Indian Program - First Steps and Initial Renewable Resource Assessment and Development Feasibility Projects.**
- **Provide \$5 million for the continuation of the Tribal Energy Efficiency and Conservation Initiative.**
- **Provide \$5 million for High Potential Renewable Energy Development Projects.**
- **Provide \$200 million for the Indian Energy Project Loan Guarantee Program.**
- **Provide \$5 million for capacity-building assistance for Tribal Energy Resource Agreements.**
- **Increase Resource Assessments, Economic Evaluations, and Technical Assistance Grants for developing feasibility analysis for Indian minerals by \$10 million over FY 2009.**

Housing

(more information on page 35)

Tribal communities still face some of the most deplorable housing and socioeconomic conditions in the United States despite significant strides in recent years. While there have been improvements, Indian housing is still inferior when compared to the American population overall.

- **Provide \$854 million for the Indian Housing Block Grant.**

- **Provide \$100 million for the Indian Community Development Block Grant.**
- **Provide \$12 million for Section 184 Guaranteed Loan Program.**
- **Provide \$8 million for Title VI Guaranteed Loan Program.**
- **Provide \$5.2 million for Native American Housing Assistance and Self-Determination Act Training and Technical Assistance funding.**
- **Provide \$20 million for Title VIII Housing Assistance for Native Hawaiians.**
- **Restore the Housing Improvement Program to full FY 2006 funding level.**

Transportation

(more information on page 37)

Transportation infrastructure is vital to tribal economies, education systems, health care and social service programs. Indian reservation roads comprise over 104,000 miles of public roads and are the most underdeveloped road network in the nation—yet it is the primary transportation system for all residents of, and visitors to, American Indian and Alaska Native communities.

- **Provide \$800 million for the Indian Reservation Roads Program.**
- **Provide \$75 million for the Indian Reservation Roads Bridge Program.**
- **Provide \$35 million for the Tribal Transit Program.**
- **Provide \$4.2 million for Tribal Technical Assistance Programs.**
- **Provide \$150 million for the BIA Road Maintenance Program.**

Elders

(more information on page 38)

Elders are the spiritual leaders in tribal societies. Yet, Indian elders comprise the most economically disadvantaged elderly population in the nation. Elders in Indian Country could best be provided access to essential social services and important health care information by strengthening the capacity of existing community-based programs to serve them and advocate on their behalf.

- **Provide \$28.9 million (for Parts A and B) and \$7.2 million for Part C as authorized under Title VI in the 2006 Older Americans Act amendments.**
- **Provide \$700,000 for Title VI staff training as a separate line item.**
- **Provide \$1 million for Title VII - Elder Abuse Awareness and Protection Demonstration Grants.**
- **Provide \$1 million for the continuation of training and technical assistance to improve elder access to health and social services benefits in Indian Country under Title IV.**
- **Provide \$150,000 for the continuation of the Diabetes Prevention Program in tribal communities for elders.**

Historic Preservation

(more information on page 39)

Indian Nations directly manage the preservation, maintenance, and revitalization of their culture and traditions as part of the inherent right to self-government.

- **Provide \$10 million for tribal governments to operate as intended under the Historic Preservation Fund for Tribal Historic Preservation Officer efforts.**
- **Provide \$4 million for Section 10 of the Native American Graves Protection and Repatriation Act program.**

- **Provide a 3.5 percent increase in the set-aside appropriated to for American Indians, Alaska Natives and Native Hawaiians under the Institute of Museum and Library Services Reauthorization Act.**

Support for Tribal Governments

(more information on page 40)

Contract Support Costs (CSC) as well as Tribal Priority Allocations (TPA) directly support the core governmental functions of tribes. Failure to fully fund CSC penalizes tribes in the exercise of their self-determination rights under the law. TPA funds are the main resource for tribes to exercise their powers of self-governance. However, from 1998 through 2004, BIA's funding of TPA declined from 42 percent of BIA's budget to only 33 percent.

- **Fully fund Contract Support Costs at the BIA and Indian Health Service.**
- **Provide at least a 10 percent increase over FY 2009 for Tribal Priority Allocations.**
- **Fully fund fixed (uncontrollable) costs for the BIA, including population growth, inflation, and tribal pay costs.**
- **Increase funding for data management at the BIA.**

Introduction

Treaty with The Choctaw, January 20, 1825

*It is further agreed, that the fourth article of the treaty
aforesaid, shall be so modified, as that the Congress of the
United States shall not exercise the power of apportioning the
lands, for the benefit of each family, or individual, of the
Choctaw Nation, and of bringing them under the laws of the
United States, but with the consent of the Choctaw Nation.*



TIMELESS *Promise* OF America : RENEWED *Hope* IN Indian COUNTRY

The story of American Indian and Alaska Native tribal governments in America has led us to a time, finally, of reconciliation and a path to justice. After suffering through hundreds of years of failed federal policies of removing, assimilating, and terminating tribal governments, cultures, and traditions, in the last few decades, Indian tribes and their citizens have begun the arduous but gratifying work of piecing their societies back together.

The first two centuries of American Indian and Alaska Native relations have resulted in dramatically diminished tribal homelands for Indian people and the worst economic and social conditions of any group in America.

The long chain of broken agreements and damaging federal policies contributed to conditions in Indian Country comparable to developing nations. However, in the last few decades, tribes have been able to exercise self-rule rather than being constrained by decisions handed down from distant law-makers far removed from the impact of their policies.

Today, Indian tribes are re-building their nations in ways that honor their ancestors and cultures as well as meeting the demands and opportunities of living in the modern world. To witness the revitalization of Indian Country is to witness the timeless promise of America.

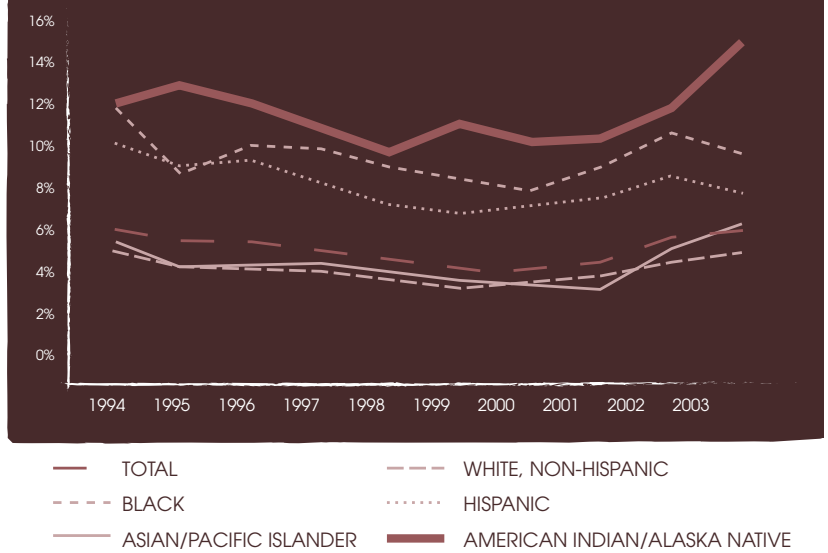


Despite the long accumulated social and economic deficits in Indian Country, the resurgence of tribal self-determination has resulted in concrete impacts on the poverty and unemployment of Indian people.

Indian Country has experienced economic conditions more stark than the Great Depression for the last 12 decades.

Tribal sovereignty, the right to self-determination, is recognized and protected by the U.S. Constitution, treaties, and court rulings, as well as principles of human rights.

Figure 1: Unemployment Rates for Persons Ages 16 and Over, by Race/Ethnicity: 1994 to 2003



SOURCE: U.S. DEPARTMENT OF COMMERCE, CENSUS BUREAU, MARCH CURRENT POPULATION SURVEY (CPS), 1994-2003. GRAPHIC LOCATED IN: DEVOE, J.F. & DARLING-CHURCHILL, K.E. (2008). STATUS AND TRENDS IN THE EDUCATION OF AMERICAN INDIANS AND ALASKA NATIVES: 2008. (NCES 2008-084.) NATIONAL CENTER FOR EDUCATION STATISTICS, INSTITUTE OF EDUCATION SCIENCES, U.S. DEPARTMENT OF EDUCATION, WASHINGTON, DC.

The Mutual Promises

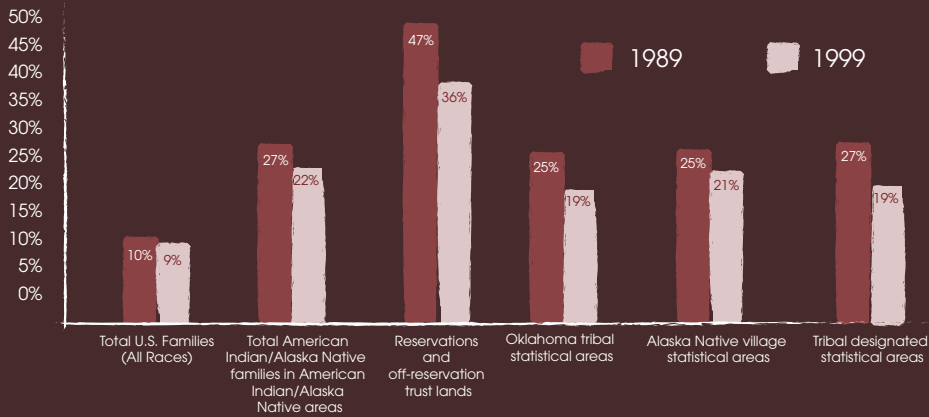
Tribal sovereignty, the right to self-determination, is recognized and protected by the U.S. Constitution, treaties, and court rulings, as well as principles of human rights. As part of the family of American governments, tribal governments have the power to determine their own governance structures, define citizenship, pass laws, enforce laws through police departments and tribal courts, regulate domestic affairs, and regulate property use.

The relationship between the tribes and federal government is based on mutual promises. Through treaties, agreements, and a long history of dealings, vast regions of Indian lands were ceded to the United States, and in return the tribes received promises for protection of Indian lands; protection of tribal self-governance; and provision of social, medical, and educational services for tribal members. Federal investment in fulfilling this trust responsibility is not only moral and just, it is also vital to addressing the long cycles of economic and social distress in Indian Country.ⁱⁱⁱ American Indian and Alaska Native tribes kept their word when they ceded their homelands, and they fully expect the U.S. to honor its word.

Conditions in Indian Country

In December 2008, the National Bureau of Economic Research determined that the U.S. economy slipped into recession 12 months earlier. However, Indian Country has experienced economic conditions more stark than the Great Depression for the last 12 decades. For instance, economists forecast that the unemployment rate will peak at 8.4 percent during this recession, potentially the highest rate since the Great Depression for the nation. Yet, this figure pales in comparison to the severity of the current and historic joblessness in Indian Country (see Figure 1).

Figure 2: Percentage of American Indian and Alaska Native Families Living in Poverty, by American Indian and Alaska Native Area Compared to Total U.S. Families in Poverty: 1990 and 2000 Census



SOURCE: U.S. DEPARTMENT OF COMMERCE, CENSUS BUREAU DECADENNIAL CENSUS, 1990 AND 2000. DATA FOUND IN: DEVÖE, J.F. & DARLING-CHURCHILL, K.E. (2008). STATUS AND TRENDS IN THE EDUCATION OF AMERICAN INDIANS AND ALASKA NATIVES: 2008. (NCES 2008-084.) NATIONAL CENTER FOR EDUCATION STATISTICS, INSTITUTE OF EDUCATION SCIENCES, U.S. DEPARTMENT OF EDUCATION, WASHINGTON, DC. TOTAL U.S. POPULATION DATA SOURCE: TAYLOR, J. & KALT, J. (2005). AMERICAN INDIANS ON RESERVATIONS: A DATABOOK OF SOCIOECONOMIC CHANGE BETWEEN THE 1990 AND 2000 CENSUS. CAMBRIDGE, MA: THE HARVARD PROJECT ON AMERICAN INDIAN ECONOMIC DEVELOPMENT, HARVARD UNIVERSITY.

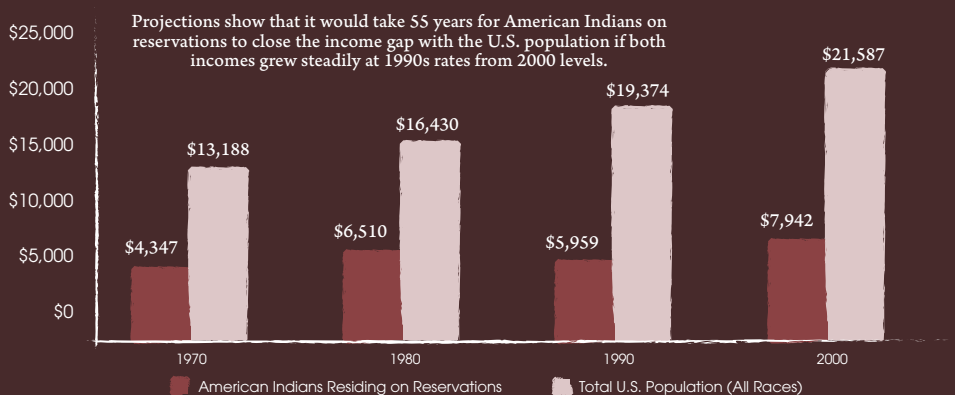
A similar economic disparity is reflected in per capita income. According to the U.S. Census, in 2000, the per capita income for American Indians and Alaska Natives living on reservations was \$7,942, merely one-third of the U.S. average for all races, which was \$21,587.^{iv} High unemployment coupled with low average income yielded a reservation Indian family poverty rate of 36 percent, which was two and half times the national average in 2000 (see Figure 2)^v. Although data is not available to analyze the precise impact of the recession on Indian Country, signs point to the recession hitting low-income Americans hardest. Between September 2006 and October 2008, the unemployment rate for workers age 25 and over who lack a high school diploma, which is correlated with lower incomes, increased by 39 percent.^{vi} In 2007, 20 percent of American Indians aged 25 and over lacked a high school diploma, compared to 14 percent for the U.S. population overall.^{vii}

The Promise of Tribal Self-Determination

Despite the long accumulated social and economic deficits in Indian Country, the resurgence of tribal self-determination has resulted in concrete impacts on the poverty and unemployment of Indian people. Strong and effective governments rooted in tribal cultures are critical to economic development. The remarkable resurgence of Indian tribes in recent years is discernible in both empirical and anecdotal evidence.

An analysis of socioeconomic change between 1990 and 2000 showed that Indian Country economies grew at a faster pace than the economy as a whole.^{viii} In the last four decades, tribes have invested heavily in self-government and have contracted and built up such institutions as police departments, health clinics, education departments, water treatment plants, and court systems.

Figure 3: Real Per Capita Income: 1970 - 2000 - American Indians Residing on Reservations Only



SOURCE: TAYLOR, J. & KALT, J. (2005). AMERICAN INDIANS ON RESERVATIONS: A DATABOOK OF SOCIOECONOMIC CHANGE BETWEEN THE 1990 AND 2000 CENSUS. CAMBRIDGE, MA: THE HARVARD PROJECT ON AMERICAN INDIAN ECONOMIC DEVELOPMENT, HARVARD UNIVERSITY.

Between 1990 and 2000, the inflation adjusted per capita income for reservation Indians grew by 33 percent, which outstripped by nearly 3 times the growth in per capita income for the average U.S. citizen. Similar progress is evident in other Census indicators between the same time periods: the family poverty rate decreased for Indians on reservations by at least seven percentage points, and homes lacking complete plumbing decreased by a quarter. These gains are impressive in that the socioeconomic improvements are evident among tribes with and without gaming operations.

Taking another step back, over the last 30 years, the inflation adjusted per capita income of Indians on reservations grew by 83 percent compared to 64 percent for the U.S. population as a whole (see Figure 3). In spite of these incredible gains, per capita income remains one-third of the U.S. average. If incomes were to continue to grow at the 1990s rate, the gap would not close for another 55 years. The case is similar for other socioeconomic indicators: although dramatic gains have been made, considerable disparities remain.

When tribes are successful in re-building their nations and communities, they are not only healing the wounds of history in providing for tribal citizens; the revitalization of Indian Country ripples throughout the surrounding communities. For instance, the Mississippi Band of Choctaw Indians nearly eliminated tribal unemployment through contracting

federal operations and delivering services on their own. The expansion in non-Indian hiring in tribal operations and factories also benefits surrounding non-reservation communities as well.^{ix} The Mississippi Choctaws are one of the largest employers in the state and support a highly productive manufacturing sector in plastics and electronics. Thousands of non-Indians migrate onto the reservation everyday to work in the manufacturing, service, and public enterprises.^x

When tribes are provided the necessary tools to exercise their inherent right of self-government, the results have been strides towards improving the social, health, and economic well-being of Indian Country. The Indian economy has grown faster in the last quarter century than the U.S. economy because of the investment in tribal sovereignty.

The recommendations in this FY 2010 Indian Country budget request are based on honoring the mutual promises between American Indian and Alaska Native tribal governments and the United States through the federal trust relationship. These recommendations are also founded on the hope and promise of self-determination: federal investment in tribal sovereignty and self-determination is not only fair and just, but it is an investment to close historic disparities in well-being through the most successful federal Indian policy in U.S. history.



Budget REQUESTS

Treaty with The Navajo, June 1, 1868

....the United States agrees that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher.



Public Safety and Justice

A primary role of tribal government is to ensure the security and safety of Indian communities. Tribal governments serve as the primary instrument of law enforcement and justice delivery for the more than 50 million acres of land that comprise Indian Country. As a result of historic underfunding and complex jurisdiction issues, American Indians experience disproportionately high rates of violent crime. The rate of aggravated assault among American Indians and Alaska Natives is roughly twice that of the country as a whole (600.2 per 100,000 versus 323.6 per 100,000). Indians are the victims of violent crime at twice the rate of African-Americans, two and a half times that of Caucasians, and four and half times as often as Asian-Americans.^{xi} These crime rates have been rapidly increasing in Indian Country, while crime rates have been falling in similarly low-income communities throughout the United States.

Across the nation, tribal leaders have called for more resources, making public safety and justice the top priority in budget consultations over the years. The current lack of resources for public safety poses a direct threat to Native children and the future of Indian Country.

Recent media attention has highlighted the unconscionable breakdown in public safety in tribal communities. Although U.S. attorneys have the sole authority to prosecute felony crime on most reservations, the *Denver Post's* article, "Lawless Lands," details how U.S. Attorneys declined to prosecute 65 percent of all reservation cases between 1997 and 2006, twice the rate of declination for all other federally prosecuted crime.^{xii} Federal agents focus on terrorism and organized crime, while the investigation of serious crimes on reservations waits for years, leaving suspects free to commit other crimes. Tribal leaders point out that federal prosecutors respond least to the kinds of crime that most affect Indian reservations: aggravated assault, domestic assault, sex crimes, and drug crimes. The Department of Justice simply is not meeting its responsibilities to Indian Country. Hundreds of these serious cases are sent through tribal misdemeanor courts instead, over-taxing the tribal courts and jails.

The breakdown of justice in Indian Country has also contributed to high rates of methamphetamine abuse and international drug cartels' targeting of reservations. Nationally, American Indians and Alaska Natives have the highest rates of methamphetamine abuse of any ethnic group.^{xiii} Meth abuse contributes to increases in violent crime, suicide, and child abuse.

In short, the Department of Justice (DOJ) and Bureau of Indian Affairs (BIA) are not meeting the legal, treaty, and trust responsibilities to provide for the public safety of Indian Country. There must be a widespread change within all branches of the federal government with respect to tribal public safety.

In October 1997, the Executive Committee for Indian Country Law Enforcement Improvements issued its final report to the Attorney General and the Secretary of the Interior.

Tribal governments serve as the primary instrument of law enforcement and justice delivery for the more than 50 million acres of land that comprise Indian Country.

The report concluded that “there is a public safety crisis in Indian Country,” and “the single most glaring problem is a lack of adequate resources in Indian Country.”^{xiv} In the wake of this report, funding for tribal justice systems was increased for several years. Ten years later, however, funding levels have been cut, and law enforcement and justice systems in Indian Country are once again operating without the resources they need. As a result, tribal communities continue to suffer crisis levels of crime.

Key Recommendations

Department of Interior

Law Enforcement

- ◆ **Increase funding for BIA law enforcement by 10 percent and continue increases in funding until the gap in funding for tribal communities is closed.**

Although tribal law enforcement officers have limited criminal authority under federal law, they are often the first responders to reservation crime. Yet, according to the Bureau of Indian Affairs, Indian Country has a 42 percent unmet staffing need for police departments. To put this in perspective, 2,555 Indian Country law enforcement officers make up about 0.004 percent of the total 675,734 state, city, and county law enforcement officers in the United States, yet they patrol approximately two percent of the landmass of the United States and one percent of the population.

Shared Responsibility: Department of Interior and Department of Justice

Detention

- ◆ **Significantly increase detention center maintenance funding at BIA and construction funding at BIA or DOJ until the gap in law enforcement funding for tribal communities is closed.**
- ◆ **Maintain the tribal set-asides at the Department of Justice and increase funding for detention centers.**

In September 2004, the Department of Interior Inspector General’s Office issued a report, *Neither Safe Nor Secure: An Assessment of Indian Detention Facilities*, which outlined the deplorable and life-threatening conditions of tribal jails.

The report detailed the stark realities: 79 percent of facilities fall below minimum staffing levels on a regular basis; poorly maintained facilities that provide ample opportunity for escape are common; unusually high rates of suicide, a trend that generally correlates with reduced staff supervision and the influence of drugs and alcohol; and jails dilapidated to the point of condemnation.^{xv} Another recent 2008 Department of Interior study confirms that tribal jails are still grossly inadequate.^{xvi} The study finds that only half of the offenders are being incarcerated who should be and the remaining are released due to severe overcrowding. It identifies a need to construct or rehabilitate 263 detention facilities at a cost of about \$8.4 billion over the next 10 years.

Shared Responsibility: Department of Interior and Department of Justice

Tribal Courts

- ◆ **Increase funding for tribal courts by 10 percent.**
- ◆ **Maintain the set-aside for tribal courts and increase funding for this important component of the administration of justice.**

Tribal courts are overwhelmed with hundreds of serious cases declined by U.S. attorneys as well as increasing meth and drug crimes. Tribal courts have been level funded for the last five years.

Department of Justice

Juvenile Justice

- ◆ **Increase funding for juvenile justice programs and provide a 10 percent tribal set-aside by increasing the Tribal Youth Program to \$36 million; provide a separate construction fund for regional tribal juvenile facilities.**

A critical piece of law enforcement is juvenile detention facilities and juvenile rehabilitation and treatment programs. Many tribes have no place to house juvenile offenders and are required to shoulder the cost of transportation and bed rentals in order to send their youth to another jurisdiction – often far from their communities. In addition, tribes have no ongoing source of funds for non-detention programs for youth.

Research on juvenile justice has shown that detention is the most expensive and often the least effective way to deal with young offenders; it should be the last resort. However, without the resources to support alternatives to detention, tribes have few options for addressing juvenile crime.



Department of Justice Violence Against Women

- **Fully fund the programs under the Violence Against Women Act, including \$1 million for the National Tribal Sex Offender and Order of Protection Registry and \$1 million for the baseline study of violence against Indian women.**

When Congress unanimously authorized the Violence Against Women Act in 2005, new tribal provisions were included with the goals of decreasing the incidence of violence against Indian women, strengthening the capacity of Indian Nations to exercise their sovereign authority to respond to violent crimes against Indian women, and ensuring that perpetrators of violent crimes against Indian women are held accountable. Congress and this Administration have the opportunity to take the next step toward ending domestic violence and sexual violence by fully funding the tribal provisions of the Violence Against Women Act.

Homeland Security

Nearly 40 tribes are located directly on or near the U.S. international borders with Mexico and Canada. Hundreds of other 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 immigration, anti-terrorism, and smuggling. In addition, 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

- **Set aside a minimum of one percent of the total grant program funding for the Department of Homeland Security Tribal Homeland Security Grant Program.**
- **Fund the tribal governmental ID improvement grants at \$20 million either within the Western Hemisphere Travel Initiative or within the REAL ID programs.**
- **Fund the state and local reimbursement fund at \$20 million, specifically to reimburse tribal governments for Tribal expenditures covering federal border responsibilities.**
- **Provide a \$5 million grant for the creation of a national tribal ID database.**

Education

American Indian and Alaska Native children continue to fall behind the educational and learning achievements of their peers. The 2007 National Indian Education Study indicated that in reading and math, American Indian and Alaska Native students scored significantly lower than their peers in both fourth and eighth grades.^{xvii} In fact, Native students were the only students to show no significant progress in either subject since 2005. Native students also face some of the highest high school dropout rates in the country.^{xviii} These discouraging trends need to be reversed.

While 90 percent of Indian children are enrolled in public elementary and secondary schools, 10 percent (approximately 43,000 children) attend the reservation-based schools funded by the Bureau of Indian Education (BIE), an agency of the Interior Department.

To ensure that Native students—from pre-school to college—experience the benefits of a quality and supportive education, it is imperative that the federal government uphold its responsibility for the education of Indian people.

This school system is the sole responsibility of the federal government, as its operations are supported only by federal funds. More than two-thirds of these schools are operated by Indian tribes and tribal school boards. These schools and their Indian students have been overlooked and neglected for decades, more severely so in recent years. If they are to succeed in their educational mission, these schools need a commitment of high priority support to enable them to: pay competitive salaries to attract and retain high-quality teachers, meet the costs of school bus operations, and improve and maintain school facilities.

The number of American Indian and Alaska Native students enrolled in colleges and universities and the number of postsecondary degrees awarded has more than doubled in the past 30 years. Though these trends are promising, only slightly more than a quarter (26 percent) of American Indian and Alaska Native 18- to 24-year-olds were enrolled in college in 2006.^{xix} Higher levels of education correlate with higher earnings, lower unemployment rates, and lower poverty rates. For example, in 2005, the typical year-round worker in the United States with a bachelor's degree earned 62 percent more than someone with a high school diploma.^{xx} A college degree has a positive ripple effect on the well-being and economic strength of tribal communities and society as a whole.

To ensure that Native students—from pre-school to college—experience the benefits of a quality and supportive education, it is imperative that the federal government uphold its responsibility for the education of Indian people.



Key Recommendations

Department of Education

Culturally Based Education

- ◆ **Provide \$195.5 million for Title VII funding under the No Child Left Behind Act.**

This funding provides critical support for culturally based education approaches for American Indian and Alaska Native students and addresses the unique educational and cultural needs of Native students.

It is well-documented that Native students are more likely to thrive in environments that support their cultural identities while introducing different ideas. Title VII has produced many success stories within tribal communities, but increased funding is critical in this area to bridge the achievement gap for Native students.

Department of Education

Impact Aid Funding

- ◆ **Increase Impact Aid funding to adjust for inflation and population growth.**

Impact Aid provides resources to public schools whose tax bases are reduced because of federal activities, including the presence of an Indian reservation. Impact Aid affects Native children living on or near tribal lands and children of military families living on or near bases. Approximately 95 percent of American Indian and Alaska Native youth are educated in public schools. Impact Aid funding must be adjusted to account for population increases and inflation.

Department of Health & Human Services

Head Start

- ◆ **Provide \$10 million for Head Start funding.**

Over the past 40 years, Head Start has played a major role in the education of Indian children and in the well-being of many tribal communities. However, because of inadequate funding, only about 16 percent of the age-eligible Indian child population is enrolled in Indian Head Start. The comprehensive nature of this program integrates education, health, and family services. Since it closely mirrors a traditional Indian educational model, it is one of the most successful federal programs operating in Indian Country. Despite these successes, Head Start funding has declined by 14 percent over the last six years, after factoring in inflation. Head Start should be funded at a rate substantially greater than inflation to make up for prior year cuts and to trigger special Indian expansion funds that Congress provided when the Head Start Act was reauthorized in 2007.

Department of Education

Tribal Colleges and Universities

- ◆ **Provide \$32 million for Title III of 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) fit this definition. The nation's 36 TCUs serve 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 young and struggling institutions and 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 grant programs: formula funded basic development grants and competitive single year facilities construction grants.

Department of Education

- ◆ **Provide \$62 million (one-time) forward funding for tribal colleges and universities.**

Under the Tribal College Act, securing the one-time payment to transition institutional operating grants to a forward funded program would finally end the cycle of delayed payments, short-term loans, and lay-offs that currently plague tribal colleges and universities each year; and further, for the first time, it would provide these institutions the resources they need at the start of each academic year.

Shared Responsibility: Department of Education and Department of Interior

Tribal Education Departments

- ◆ **Provide \$10 million for tribal education departments.**

Over 100 Indian tribes have started tribal education departments (TEDs). TEDs develop and administer policies, gather and report data, and perform critical research to help tribal students from early childhood through higher and adult education. TEDs serve thousands of tribal students nationwide in BIA, tribal, and public schools. They also cultivate leadership skills and train a potential workforce.

For over 100 years, Native people have experienced inferior health outcomes.

Funding for TEDs has been authorized by Congress but never appropriated in either the BIA budget or that of the Department of Education. Both of these authorizations are retained in the No Child Left Behind Act of 2001. Tribes must have access to funding in order to close the achievement gap so that tribal students will be better equipped to perform well in school. We recommend that \$5 million of the funding to support tribal education departments be appropriated to the Department of Interior and \$5 million of the funding be appropriated to the Department of Education.

Department of Interior

Construction and Repair of Bureau of Indian Education Schools

- ◆ **Provide a \$120.5 million increase for Bureau of Indian Education Indian school construction and repair.**

There are currently 81 Bureau of Indian Education schools that are in need of major repairs or replacements. The funding that has been previously allocated will not keep pace with the tremendous backlog of Indian schools and facilities in need of replacement or repair. Substantial progress has been made in replacing Indian schools, but, as noted by the House Interior Appropriations Subcommittee in its Committee Report accompanying the FY 2006 Interior appropriations bill, “much remains to be done.”

Department of Health & Human Services

Language Preservation Programs

- ◆ **Provide \$10 million for Esther Martinez language programs under the Administration for Native Americans.**

Throughout Indian Country, tribes are combating the loss of traditional languages by 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 these language immersion programs perform substantially better academically, including on national tests, than Native students who have not been enrolled in such programs.

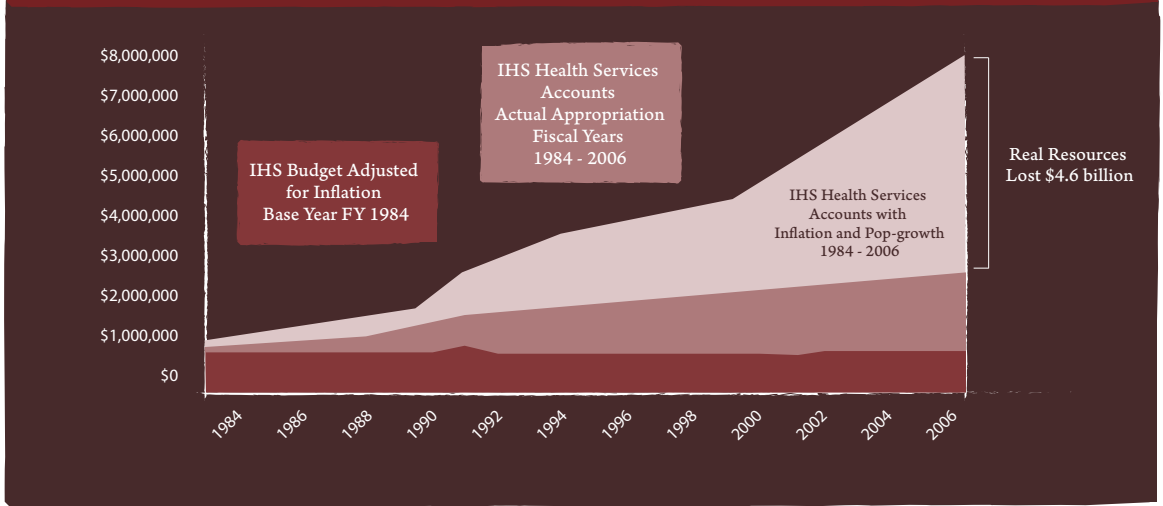
Department of Interior

Johnson O’Malley Act

- ◆ **Provide \$24.3 million for this program.**

The Johnson O’Malley Act (JOM), enacted in 1934, provides supplemental funds to address the unique educational and cultural needs of Native children attending public school, and must be fully funded. What is different about JOM is that its “special and unique needs” are determined through parent committees and not by the school boards. Each JOM program is required to have this parental committee wherein parents complete need assessments and therefore have a say in what their children need to complete for the school year. Decades of research have shown that parental involvement in their children’s education is correlated with positive effects on students.

Figure 4: Diminished Purchasing Power - A Twenty Year Look at the IHS Health Services



Accounts: Actual expenditures adjusted for inflation and compared to lost purchasing power when adjusted for inflation and population growth. (Fiscal Years 1984 to 2006)

SOURCE: INDIAN HEALTH SERVICE BUDGET WORKGROUP: FY 2010 BUDGET RECOMMENDATION: RESTORING THE TRUST & LEAVING A LEGACY.

Health Care

Tragically, over the last year, nearly 3,000 American Indians and Alaska Natives died of cardiovascular disease; over 16,500 were diagnosed with a sexually transmitted disease; 5,000 were diagnosed with diabetes for the first time; over 22,000 are now living with cancer (45 percent of which were diagnosed as late-stage); and 400 took their own life. These people are our tribal leaders, our daughters and sons, our mothers and fathers, and our brothers and sisters.

For over 100 years, Native people have experienced inferior health outcomes. Our life expectancy is still five years less than that of other Americans. Adequate funding is needed to end this lasting injustice and uphold the federal trust responsibility of the United States.

As the new Administration and Congress prepare for the FY 2010 budget cycle, they have an opportunity to restore the trust back into the budget formulation process by providing an adequate increase for the Indian Health Service budget that will fully fund mandatory costs and allow for program increases that will address the significant health disparities Native people face.^{xxi}



Rachel A. Joseph, Co-chair, National Steering Committee on the Reauthorization of the Indian Health Care Improvement Act

Key Recommendations

Department of Health & Human Services

Indian Health Service (IHS)

- **Increase Indian Health Service funding by \$908 million.**

The provision of health services to American Indians and Alaska Natives is the direct result of treaties and executive orders. However, it is estimated the IHS is funded at less than 60 percent of its total need. Between 1984 and 2006, the IHS budget has suffered a cumulative loss of \$4.6 billion in purchasing power (see Figure 4).

The requested funding increase includes a \$449.3 million increase in current services – including a restoration of the FY 2005 and FY 2006 rescissions (see Table 1) and a \$458.7 million program increase (see Table 2).

The Current Services Increases budget outlined below is essential for maintaining current base funding for IHS programs. Below are highlights of three of the line items: Contract Support Costs, Health Care Facilities Construction, and Urban Programs.

Contract Support Costs are vital to support tribal efforts in developing the administrative infrastructure needed to successfully operate IHS programs. The present shortfall creates a disincentive for tribes to compact or contract these services from the federal government, and diminishes available health care funding, as budgets must absorb the shortfall. Failing to adequately fund Contract Support Costs defeats the very program that most appears to improve health conditions for Native people.

The current average age of an IHS facility is 32 years. The continuing “pause” on facility construction has delayed attempts to address the aging health care facilities within the IHS system. The tribal FY 2010 budget recommendation allows IHS to replace its priority health care facilities with modern facilities, and to significantly expand capacity at its most overcrowded sites.

Urban Indian Health Program (UIHP) clinics are the only health care providers in urban centers providing culturally appropriate services.

Without this program, American Indian and Alaska Natives living in urban centers would most likely return to their home reservations to seek care—oftentimes delaying necessary care for months, if not years, until they return home, which would raise the cost of care. No study or consultation has ever taken place addressing the impact that the elimination of the UIHP would have on tribes. The UIHP represents approximately one percent of the IHS, but it is a necessary and congressionally-mandated part of the Native health system. Continuing attempts to eliminate the UIHP sends a troubling message: that the Administration seeks to substantially rescind its trust responsibility.

Table 1: Recommended FY 2010 Current Services Increases

Pay Costs.....	\$47,730,000
Inflation.....	\$51,038,000
Additional Medical Inflation.....	\$36,349,000
Contract Support Costs.....	\$143,259,073
Population Growth.....	\$22,544,792
Health care Facilities Construction.....	\$93,556,187
Staffing New/Replaced Facilities.....	\$15,118,568
Restore Urban Programs.....	\$35,000,000
Restore FY 2005 Rescission.....	\$3,500,000
Restore FY 2006 Rescission.....	\$1,250,000
Total Current Services.....	\$449,345,620

The second major component of the IHS budget request is for program increases. The increased funding amount outlined below will provide American Indian and Alaska Natives with access to quality primary and secondary health care, basic preventative services, and the infrastructure needed to support those services. The following table outlines the program increases in more detail.

Table 2: Recommended FY 2010 Program Services Increases

Health Accounts

Hospitals & Clinics.....	\$107,391,447
Indian Health Care Improvement Fund (subset of Health & Clinics).....	\$61,205,765
Information Technology (subset of Health & Clinics).....	\$4,927,850
Dental.....	\$17,266,383
Mental Health.....	\$23,592,385
Alcohol and Substance Abuse.....	\$32,561,359
Contract Health Services.....	\$109,833,578
Public Health Nursing.....	\$7,895,049
Health Education.....	\$4,392,135
Community Health Representatives.....	\$8,102,018
Alaska Immunization.....	\$54,927
Urban Indian Health.....	\$3,121,335
Indian Health Professions.....	\$1,555,099
Tribal Management.....	\$4,976,344
Direct Operations.....	\$622,357
Self-Governance.....	\$142,068

Facilities

Maintenance & Improvement.....	\$8,103,413
Sanitation Facilities Construction.....	\$26,195,488
Facilities & Environmental Health Support....	\$4,169,464
Equipment.....	\$1,690,656
HFC Priority System Area Distribution*.....	\$20,000,000

Other Priority Recommendations

Ambulatory/Outpatient.....	\$5,671,807
Pharmacy.....	\$1,250,000
Diabetes.....	\$3,151,004
Injury Prevention.....	\$833,333

Total Program Increases.....\$458,705,264

* The ADF funding methodology is currently under review by the IHS and HHS.

Department of Health & Human Services

Behavioral Health Services

- **Provide \$15 million to fund Substance Abuse and Mental Health Services Administration (SAMHSA) Behavioral Health Services grants for American Indians and Alaska Natives.**

This grant program within the Substance Abuse and Mental Health Services Administration has been authorized to award grants to Indian health programs to provide the following services: prevention or treatment of drug use

or alcohol abuse, mental health promotion, or treatment services for mental illness. To date, these funds have never been appropriated.

Indian Child Welfare and Human Services

American Indian and Alaska Native children and their families and communities have some of the greatest needs in the areas of child abuse and neglect and mental health services, but also have some of the most restricted access to resources to address these pressing issues. Native families have some of the highest exposures of any racial group to many of the documented risk factors for child abuse and neglect, such as poverty, single-parent households, mothers having their first child under the age of 20, and alcohol and substance abuse. An analysis of national data reveals that American Indian children are abused and neglected at rates higher than the national average, and the number of reported cases of abuse or neglect of American Indian children is increasing.

In the area of children’s mental health, Native people have a rate of alcohol and substance abuse that is much greater than the national average, coupled with a suicide rate that is double or triple that of other racial groups. These challenges create increased risk and the need for mental health services among American Indian children.

The IHS is the primary provider of mental health services on tribal lands, but their system lacks a specific emphasis and focus on children’s mental health services in most areas. It is estimated that only one child-trained therapist exists for every 17,000 American Indian and Alaska Native children. Coupled with the often-remote locations of many tribes, the ability to provide timely mental health services to Native children who have experienced serious trauma is very limited in most cases.

Where solutions to these critical social problems facing Native children, youth, and families have been developed, the common themes are: 1) access to relevant and reliable data; 2) intensive involvement of tribal governments in the development of practice and policy solutions; and 3) community-based evaluation with targeted and sustained dissemination of the results. Historically, the responsibility for development of solutions has been given to other entities, such as state, federal, or private agencies, rather than tribal governments. This has resulted at times in interventions and outcomes that were not effective. By funding tribal governments directly from federal resources, many of which they are not currently eligible for, the federal government can honor the trust relationship and empower tribal communities and governments with the best opportunity to change the dynamics that bring children, youth, and families into child welfare, mental health, and juvenile justice service systems.

Key Recommendations

Department of Interior

Indian Child Welfare

- ◆ **Increase funding for the Indian Child Welfare Act (funded in BIA Tribal Priority Allocations) by \$45 million.**

Historically, the funding for tribal programming under the Indian Child Welfare Act has never exceeded \$25 million even though the Congressional estimate of funding needed to fully fund the program was estimated at \$35 each year since 1978 when the law was enacted.

- ◆ **Increase Urban Indian Child Welfare Programs by \$10 million.**

From 1979 until 1993, the Bureau of Indian Affairs requested funds for grants to urban Indian child welfare programs that assisted tribes in meeting the requirements of the Indian Child Welfare Act for children under state custody. The funding proved to be a valuable asset in helping improve services to Native children in urban areas who were isolated from their families and tribes and assisting states in meeting the federal requirements of the ICWA.



NCAI President Joe Garcia

- ◆ **Increase Child Welfare Assistance by \$50 million.**

This funding (Tribal Priority Allocation category under BIA Social Services) provides foster care and adoptive home services to Native children who are not eligible for other federal sources, such as Title IV-E. Historically, these funds have never exceeded \$30 million a year, and many tribes are not even allowed to access these limited discretionary dollars.

Shared Responsibility: Department of Health & Human Services and Department of Interior

Human Services

- ◆ **Increase Behavioral Health Services by \$50 million.**

Currently, Indian Health Service funds mental health services, but the services are primarily geared toward adults with no specific funds set aside for children's services. Fifty million dollars in Behavioral Health Services specifically used for tribal children's mental health services would allow every tribe and tribal organization to have at least one child-trained therapist to provide treatment services to Native children, and provide the manpower needed to assist in efforts to leverage other federal funds that support treatment services, such as Medicaid.

- ◆ **Increase Circles of Care by \$5 million.**

The Circles of Care children's mental health grant program under the Substance Abuse and Mental Health Services Administration has historically been funded at about \$5 million a year.

This grant program, which provides for approximately seven tribal grants during each three-year grant cycle, has been very successful. Several new self-sustaining tribal children's mental health programs in Indian Country have been developed.

◆ **Restore \$21.9 million to the Social Services Welfare Assistance program.**

The BIA-funded Welfare Assistance program provides crucial assistance to federally recognized American Indian and Alaska Native individuals and families residing on or near designated service areas. These funds are a source of assistance for child welfare, child protection, foster care, general assistance, burial assistance, adult care assistance, emergency assistance, and services to children, elderly, and families.

The President's FY 2009 budget includes a \$21.9 million dollar reduction, including \$7.5 million in the Self-Governance sub-activity, eliminating General Assistance services to single employable individuals. The General Assistance program is a residual program that provides assistance to the "neediest of the needy" for the essential needs of food, clothing, shelter, and utilities. General Assistance recipients do not qualify for any other source of assistance. Approximately 80 percent of the existing General Assistance caseload population will be impacted by the proposed funding cut.

Funding for the Tribal Work Experience Program (TWEP) program was discontinued in FY 2007. The TWEP program was an essential program that provided work experience and job skills to meet the General Assistance program's goal of assisting clients to obtain employment and reach self-sufficiency. Without funds for the operation of TWEP, General Assistance clients do not have any resources to assist them in obtaining skills and resources to become employable.

◆ **Restore the Miscellaneous Assistance (Disaster Assistance) program to full FY 2006 funding level.**

Funding for the BIA Miscellaneous Assistance (Disaster Assistance) program was discontinued in FY 2007. As a result, tribal communities across the nation impacted by the ravages of natural disaster (fires, hurricanes, tornados, and floods) have been left homeless and without access to any other source of assistance.

The Disaster Assistance program was a residual program, meaning in order to be eligible individuals must not qualify for any other type of disaster or relief assistance.

Economic Development

Congress should continue to invest in sound economic policies that have proven to pay dividends in the form of greater individual and tribal government self-determination. Sound business and economic policies have increased job opportunities for individuals, contracting opportunities for business owners, and created a better quality of life for tribal citizens through increased government programs. The following business and economic development programs are among those proven to be successful. However, they are either underfunded or not given enough support to meet their stated objectives.

Key Recommendations

Department of Treasury

Native Community Development
Financial Institutions Fund (NCDFI)

- ◆ **Increase funding to \$10 million for Native economic development initiatives at the Native Community Development Financial Institutions Fund (NCDFI) or set aside 10 percent of the CDFI Fund's appropriation, whichever is greater.**

Increased funding in FY 2010 will help continue the forward progress of Native communities as they work to create a better life for families and children and turn the tide of extreme poverty that has been the norm for far too long. Native CDFIs have grown by leaps and bounds over the last five years and have become a true catalyst for many Native communities. In 2000, there were just a handful of CDFI Fund certified Native CDFIs. Since the CDFI Fund created its Native Initiative, the number of certified Native CDFIs has grown to 48, with another 30-40 in the development or certification processes. The demand for the training programs has consistently exceeded the space available, and Native communities are requesting expansion of training and technical assistance into other areas such as legal infrastructure development.

NCDFI-related funding should be increased to include agencies that build on the success of the program through related funding and partnerships. Agencies like the Department of Agriculture, Department of Housing and Urban Development, Small Business Administration, and Bureau of Indian Affairs should include greater funding and coordinated program support of Native CDFIs and their partners at housing authorities, tribal colleges, tribal departments, and other Native community institutions.

Small Business Administration (SBA)

Native contracting with federal agencies offers a proven avenue for business diversification and economic development for Native communities still struggling to achieve self-sufficiency and self-determination and those wishing to diversify. The 8(a) government contracting, along with the Hub Zone business development programs at the Small Business Administration, have proven to be effective tools in building strong Native communities devastated by economic distress.

Native American Outreach Program

- ◆ **Increase line-item funding to \$5 million for the Native American Outreach Program.**

The Office of Native American Affairs (ONAA) is funded by the NAOP at the Small Business Administration and has played an important role in overseeing and facilitating the implementation of small business programs administered by the SBA. Funding for the NAOP should be increased beyond the \$1 million afforded in recent years to \$5 million for FY 2010. The funding for the NAOP should be dedicated line-item funding, separate from the SBA's operating budget. The NAOP was funded at \$5 million in the 1990s. Since 2001, funding has hovered at \$1 million as part of the Native American Outreach line item in the SBA operating funds. For FY 2009, the President's budget request for NAOP within the SBA operating budget increased to \$1.7 million.

Dedicated Government Contracting Oversight

- ◆ **Provide \$1 million for this activity.**

At least \$1 million of additional funding for NAOP should be dedicated to improve accountability, efficiency, and transparency by re-engineering the operations of the Office of Native American Affairs to help oversee the Native 8(a) Business Development Program. In a 2006 report on Alaska Native Corporations (GAO-06-399), the Government Accountability Office (GAO) concluded that more regulatory oversight, but not legislative action, was needed to address the federal agency acquisition challenges in planning, staffing, coordinating, monitoring, and managing their contracting activities. These issues should be addressed through increased agency resources and staffing to improve oversight and monitoring of the 8(a) program as suggested by GAO.

Surety Bonding

- ◆ **Provide \$20 million for Surety Bonding Capacity.**

The Small Business Administration also has a surety program to guarantee bonds to cover bid, performance, and payment bonds for Native contractors who are unable to obtain surety bonds through regular commercial channels. This guarantee strengthens Native contractors' ability to obtain bonding and provides greater access to contracting opportunities. The SBA should also increase the bonding capacity of Native enterprises and other small businesses by increasing the limitations on the SBA surety guaranty program to \$20 million. Funding for this program should be increased so small businesses will be able to compete for infrastructure projects in their local communities.

Department of Commerce

Office Of Native American Business Development

- ◆ **Provide \$3 million for this office.**

The Office of Native American Business Development (ONABD) was authorized in 2000, yet no significant or independent funding has ever been provided. The ONABD must be elevated as required by the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (Public Law 106-464), with the Director of the Office reporting directly to the Secretary of Commerce.



Agriculture

The office should receive line-item funding of \$3 million initially. The current lack of funding is completely inadequate to operate the ONABD. Plans to implement the Office of Native American Business Development should be developed.

Department of Commerce

Minority Business Development Agency

- ◆ **Increase the funding for the Minority Business Development Agency by \$3 million.**

Funding for the Minority Business Development Agency (MBDA) should be increased by \$3 million to provide more funding for at least eight Native American Business Enterprise Centers (NABEC) at levels commensurate with the average funding levels of other Minority Business Enterprise Centers. MBDA funding averaged about \$29 million during the Bush Administration, of which about \$12 million has been allotted for its Minority and Native American Business Enterprise Centers. NABECs' funding has declined over the years from about \$2 million in the 1990s down to less than \$1.6 million in recent years.

Department of Interior

Business Loan Guarantee Funding

- ◆ **Provide \$8 million for additional BIA business loan guarantee funding.**
- ◆ **Provide \$39 million for expanded BIA loan guarantee for surety bonding.**

The Guaranteed Loan Program should receive an additional \$8 million in loan backing to fund a total leveraged amount of \$80 million (10:1 leverage) in loans to meet existing demand for business development. The Guaranteed Loan Fund should be utilized to guarantee the performance bonds to ease the expense or outright denial of coverage needed to compete for and secure contracting opportunities. An additional set aside of \$39 million for a total of \$100 million in guaranteed funding (3.9:1 leveraging) is also needed as part of the existing program for surety bonding.

Agriculture is the second leading employer in Indian Country and is the backbone of the economy for about 130 tribes. In 2002, American Indians operated 56.8 million acres of land and sold \$1.64 billion of agricultural products, including \$781 million of crops and \$857 million of livestock.^{xxii} Because 36 percent of Native Americans live in rural areas and one in four Native Americans lives below the poverty line,^{xxiii} tribal governments and farmers look to active partnerships with the U.S. Department of Agriculture (USDA) to sustain and advance common interests across the broad array of services that USDA provides to tribal governments.

Key Recommendations

Department of Agriculture

Federally Recognized Tribal Extension Program (FRTEP)

- ◆ **Increase funding for the Federally Recognized Tribal Extension Program by \$10 million.**

This increase would create up to 85 new offices, provide meaningful service to Indian Country, and begin to address a persistent inequity. Congress mandates research and extension services in every county in the nation. These programs are funded cooperatively by county, state, and federal levels of government. Extension programs provide research-based information and education to farmers, and also provide support programs in natural resources, 4-H/youth development, human nutrition, and community resource development. Residents of Indian reservations generally do not have access to these programs. While there are over 3,100 extension offices nationwide, fewer than 30 extension agents are supported on Indian reservations, with current funding of \$3 million. In other words, 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.

Department of Agriculture

Risk Management Agency (RMA)
Community Outreach and Assistance
Partnership Program

- ◆ **Fund the RMA Community Outreach and Assistance Partnership Program at least at its FY 2008 level.**

USDA Risk Management Agency's (RMA) Community Outreach and Assistance Partnership Program provides information and training to women, limited resource, socially disadvantaged, and other traditionally underserved producers. It has effectively provided education, program information, and technical assistance to these producers, enabling them to participate in crop insurance and many other USDA programs and activities. RMA has signed 298 partnership agreements worth more than \$32 million since 2003; in FY 2000 alone, the program supported the activities of 65 organizations in 33 states with agreements worth \$8.3 million. Budget cuts in FY 2009 resulted in an interim decision by USDA to fund the program at \$2.25 million.

Department of Agriculture

Broadband Access

- ◆ **Fully fund the authorized amount of \$25 million for broadband access, with a substantial percentage towards tribal areas.**

On American Indian reservations, less than 10 percent have broadband access, and many reservations have less than 50 percent coverage of basic telephone service. To ensure the Administration's commitment to nationwide broadband access, USDA Rural Development needs to work with tribes to improve telecommunications service to tribal communities. This can be provided through funding increases in the Rural Business Enterprise Grants program, and by providing tribal communities with funding through the new broadband fund established in Section 6110 of the Farm Bill. This new fund, authorized for \$25 million, provides loans and loan guarantees for the development of broadband service in rural areas, with priority to areas with no incumbent providers.

Department of Agriculture

USDA Rural Development's Business
and Industry Loan Program

- ◆ **Provide \$10 million for this Loan Program.**

This program is authorized to provide grants, loan guarantees, and below market direct loans for a variety of purposes, including construction, expansion, repair, or modernization costs to eligible entities, including Indian tribes and tribal businesses. The program is already authorized, but has not been funded for several years. In light of existing disparities in the condition of tribal government infrastructures, the program presents an opportunity to create much needed jobs consistent with the Administration's Economic Development Plan, particularly on reservations where unemployment is on average, twice the national population. Further, this request will provide tribal governments and enterprises with a new source of much needed capital and employment.

Department of Agriculture

1994 Land Grant Institutions

In 1994, Tribal Colleges and Universities (TCUs) achieved Federal land grant status through the passage of the "Equity in Educational Land Grant Status Act." Since then, the number of TCU land grants has grown.

However, TCUs are still not recognized or funded as full partners in the nation's land grant system and their potential remains unrealized.

- ◆ **Increase the \$5 million existing funding for the Extension Program for 1994 land grant institutions by \$1.7 million.**

The 1994 Extension Program is designed to complement, not duplicate, the reservation agent extension program, itself a 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. In the years since, the 1994 Extension programs still have not recovered lost funds.



◆ **Provide \$3 million for the Research Program for 1994 land grant institutions.**

The 1994 Research Program allows TCUs to engage in a well-suited role as a partner with communities in research areas, such as agriculture marketing, renewable energy, nutrition and health, Native plants and horticulture, water quality, and land management. The \$3 million appropriation requested is a modest request to build the capacity of the 1994 Institutions to better engage in the land grant research system in these critical areas.

◆ **Provide \$3.3 million for the Educational Equity Grant Program for 1994 land grant institutions.**

This program helps TCUs establish agriculturally focused academic programs in areas such as natural resource management, nutrition, environmental science, horticulture, sustainable development, forestry, and bison production and management. Provision of \$3.3 million will be critical as tribes prepare for climate change impacts upon their agriculture, ecosystems, and natural resources.

◆ **Provide \$12 million for the Native American Endowment Account for 1994 land grant institutions.**

This endowment held by the U. S. Treasury provides funding to TCUs through annual interest. Although the corpus of the endowment has grown steadily, 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 instrumentation, and experiential learning. Funds also are 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 \$12 million payment to the 1994 Native American Endowment. Only 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.

◆ **Provide \$5 million for the Tribal College Rural Development Essential Community Facilities program.**

This program funds the urgent need for construction, improvement, and maintenance of key TCU facilities, such as advanced science laboratories, computer labs, student housing, day care centers, and community service facilities. Although the situation has improved at many TCUs over the past several years, some of our institutions still operate partially in donated and temporary buildings. Few have dormitories and 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 (2010-2014).

Environmental Protection

Tribes, often with close spiritual, cosmological, and cultural relationships to their homelands and resources, face the direct impacts of environmental degradation, contamination, and climate change. In order to preserve and enhance the environmental quality of Indian Country for present and future generations and sustain tribal cultures, tribes deserve equitable funding for their environmental programs. As sovereign entities, tribes have the ability to set environmental quality standards, make environmental policy decisions, and manage programs consistent with Environmental Protection Agency (EPA) standards and regulations.

Key Recommendations

Environmental Protection Agency

Indian Environmental General Assistance Program (GAP)

- **Provide \$68.3 million for the GAP Program.**

The Indian Environmental General Assistance Program (GAP) authorizes the U.S. Environmental Protection Agency (EPA) to provide grants to federally-recognized tribes to assist them in planning, developing, and establishing environmental protection programs. Established in 1994, GAP is the seminal and fundamental building block from which tribes have started their environmental department. GAP is one of the most successful and critical programs within EPA's Indian Program, particularly for Alaska Native villages, which are prohibited from accessing other sources of funding to address their basic environmental needs due to legal erosions upon their sovereignty. Each tribe has traditionally been provided \$110,000 per year under GAP. However, funding has steadily decreased during the past several years from \$62.5 million in FY 2004 to \$56.03 million in FY 2008, or less than \$100,000 per tribe. Further, this amount has not kept pace with inflation.

Environmental Protection Agency

Direct Implementation Tribal Cooperative Agreements (DITCAs)

- **Provide \$10 million for a new set-aside for the DITCA program.**

DITCAs provide a cost effective and efficient mechanism for tribes to accomplish the statutory responsibilities assigned to the EPA. DITCAs enable tribes to conduct environmental activities on behalf of EPA on their lands. As such, activities are undertaken under federal authority; therefore, DITCAs do not result in disputes over jurisdictional authority that often hampered the implementation of environmental protection programs. DITCAs are flexible enough to address high priority tribal environmental problems and also allow tribes the opportunity to exercise their programmatic capability prior to seeking and receiving tribal regulatory authority for applicable programs.

Thus far, the EPA has awarded over 20 DITCAs to Indian tribes to undertake such activities as Clean Air Act Title V permitting, development of smoke management plans, National Pollution Discharge Elimination System storm water permitting compliance, water quality monitoring, public water system supervision, and the hiring of a tribal pesticide circuit rider. Because DITCAs fund the actual activity (i.e., inspections, compliance assistance, etc.), they provide environmental results and meet strategic targets prized by both the tribes and EPA.

Despite its clear value and effectiveness, DITCAs do not come with associated funding. Funding must be pieced together ad hoc through discretionary funding.

As sovereign entities, tribes have the ability to set environmental quality standards, make environmental policy decisions, and manage programs consistent with Environmental Protection Agency (EPA) standards and regulations.

While there is a strong interest among tribes to enter into more DITCAs, they are constrained by the availability of funding.

Environmental Protection Agency

Clean Water And Drinking Water
State Revolving Funds (SRFs)

- ◆ **Provide \$67.2 million for tribes in the Clean Water and Drinking Water SRFs.**

Tribes have a tremendous need for funding under the Clean Water and Drinking Water State Revolving Funds, as over 13 percent of tribal homes lack access to safe drinking water and sanitation infrastructure, compared to less than one percent of homes nationwide. According to the IHS, over 36,000 tribal homes lack potable water. Due to the evident need and comparative inequalities, an increase to 3 percent in tribal set-asides for the SRFs is needed, or through a new allocation formula based on need.

Recognizing the persistent and inequitable water infrastructure circumstances of the residents of tribal homes lacking access, and the demonstrable negative impacts on human health and the environment, the following request is based on actual need, and is calculated through the interweaving of the following three separate facts. According to the IHS 2008 Sanitary Deficiency Service (SDS) Database, tribal water and sewer infrastructure needs total nearly \$2.4 billion. Second, a formal interagency workgroup seeks to reduce the tribal lack of access by 50 percent by the year 2015. Third, an IHS study to the Office of Management and Budget concluded that an additional \$672 million is needed per year to reduce the number of tribal homes lacking access by 67 percent by the year 2018.

Thus, this proposed request of \$67.2 million for FY 2010, even if accepted each year for the next 10 years, would significantly reduce tribal lack of access to basic water infrastructure, and exceed the Access goal. However, according to the IHS study, tribal homes would still lack access at a rate at least four times higher nationwide. This funding should also be used to implement innovative and cost effective ways to provide access to tribal areas of high need yet confronted with high unit costs.

Environmental Protection Agency

Targeted Watershed Grants

- ◆ **Provide \$25 million for Targeted Watershed Grants.**

The Targeted Watershed Grants program provides direct grants to a limited number of watershed groups, Indian tribes and communities working to improve water quality. Portions of these funds are designated for technical assistance programs and to train community groups engaged in watershed-level protection and restoration projects. As the need for intergovernmental and interagency cooperation increases, watershed-based protection is a concept whose time has come, and is consistent with EPA's Indian Policy to encourage cooperation between tribal, state, and local governments to resolve environmental problems of mutual concern.

Environmental Protection Agency

Section 103/105 Grants for Indian Tribes

- ◆ **Provide \$22 million for these grants.**

Section 301(d) of the 1990 Amendments to the Clean Air Act (CAA) authorized the EPA to treat Indian tribes "in a similar manner as States" under the Act, and required the EPA to issue a rule specifying the provisions of the Act for which it was appropriate to treat tribes as states. The EPA complied with this requirement in February of 1998 by finalizing the Tribal Authority Rule (TAR), which provides that tribes may be treated in a manner similar to states for virtually all provisions of the CAA. Tribes are not only eligible for section 103 grant funding to conduct air quality monitoring, emissions inventories, and other studies and assessments, but they may also obtain section 105 grant funding to implement CAA regulatory programs.

In anticipation of the TAR, the EPA increased its tribal air grant funding during a time when few Indian tribes were conducting air-related activities. This funding, however, has remained relatively flat during the past 10 years, specifically between a range of \$10.7 million and \$11.5 million. At the same time, the number of tribes seeking 103 and 105 grant funding has substantially increased to the point that any carryover of tribal air funding from previous years has now been exhausted. The EPA and its regional offices are now being forced to turn away a number of tribes for 103 and 105 grant funding requests.

Tribes, however, are facing many of the same air-related issues that neighboring state and local jurisdictions are facing, but are significantly underfunded to address such issues. Tribal air grant funding must therefore be increased to more accurately reflect the air quality-related needs of tribes across the nation.

Environmental Protection Agency **Superfund**

- **Provide \$1.5 billion for the Superfund program.**

The Superfund program was created in 1980 to locate, investigate, and clean up the worst hazardous and toxic sites nationwide. In 2002, EPA regions reported 602 hazardous waste sites on or impacting Indian Country, and 55 National Priorities List (NPL) sites or equivalent sites impacting 50 tribes. The EPA Inspector General (IG) and others have documented a significant and growing funding shortfall over the past several years. This shortfall is exacerbated by the bankruptcy of the Superfund Trust Fund. In 2003, the Superfund Trust ran out of polluter-contributed funds because Congress and the Administration have refused to renew the polluter pays tax on the oil and chemical industries that formerly funded cleanups.

Environmental Protection Agency **Solid Waste Priorities**

- **Provide \$10 million for solid waste priorities in the GAP funding specifically to enable tribes to develop and implement solid and hazardous waste programs.**

The Indian Lands Open Dump Cleanup Act of 1994 (P.L. 103-399) requires that IHS submit annual reports to Congress indicating a priority for addressing solid waste deficiencies and progress made in addressing the needs in Indian Country, including assessments of the funding necessary to bring those open dump sites into compliance. IHS's last report in 1998 indicated that 1,104 open dumps existed on Indian land, and that approximately \$126 million was needed for activities related to the cleanup of open dump sites. Furthermore, as a result of a federal court case, under the Resource Conservation and Recovery Act, tribes are considered municipalities rather than states, further hampering their own efforts to implement and enforce the measures necessary to address open dumps and other solid and hazardous waste issues.

Despite a committed interagency effort between EPA, BIA, IHS, DOD, and USDA to tackle this enormous problem, funding to directly address solid waste issues in Indian Country has always been vastly exceeded by tribal requests. A total of \$19.5 million has been awarded to support 163 proposals between FY 1999-FY 2007, or less than one-sixth of the total need identified by IHS. In one attempt to mitigate these fundamental legal, programmatic, and policy obstacles, EPA's GAP statutes allow funding for the development and implementation of solid and hazardous waste programs for Indian lands. While not the ideal manner by which to engage in these critical activities, an additional \$10 million should be included in the GAP, specifically to enable tribes develop and implement solid and hazardous waste programs. In the longer term, relevant agencies should work with the tribes to overcome the existing legal, funding, and policy obstacles towards a coordinated effort to address this persistent problem.

Natural Resources

Natural resources are as important to Native people today as they have been for millennia. American Indian cultures, spirituality, and economies have been centered on fish, wildlife and other natural resources in each region of the country. Harvest of fish and game and gathering of berries and wild rice are practiced today in much the same way they have always been. Recent funding cuts for natural resources and environmental programs have occurred at nearly twice the rate of all federal budget categories. This is especially true for programs that are of great importance to tribes and their cultures, including fish and wildlife, conservation enforcement, wetlands protection, and water resources. These are critical resources that form an integral part of the federal Indian trust responsibility.

BIA funding for nearly all tribal natural resource programs has undergone sharp decreases in recent years. A partial list includes: funding for Endangered Species has decreased from \$2.2 million in FY 2004 to \$200,000 in FY 2007 (proposed); Tribal Management/Development (fish and wildlife) declined from \$9.7 million in FY 2004 to \$4.3 million in FY 2009. The Noxious Weed Eradication program was reduced from \$2 million in recent years to \$1 million in FY 2009.

The management of natural resources is as precious an obligation as there exists in Indian Country. However, the tribes are facing a funding crisis that threatens their ability to support basic natural resource management obligations and responsibilities, which threatens the treaty rights of the tribes.

Key Recommendations

Department of Interior

Water Resources

- ◆ **Funding for both water resources and water rights should be restored to no less than FY 2003 enacted levels in FY 2010.**

During the FY 2010 BIA national budget meeting, tribal leaders from most BIA regions stated that funding for water resources was a high priority. The BIA Water Management, Planning and Pre-Development program (Water Resources) is a Trust Natural Resources program, and funds are used to assist tribes in protecting and managing their water resources. The Water Rights Negotiation/Litigation program is a Real Estate Services program, and funds are used to defend and assert Indian water rights. The two programs have always been funded separately by Congress for their separate purposes. From FY 2003 to FY 2008, funding for Water Resources has declined from \$8,298,000 to \$5,583,000. During the same time period, funding for Water Rights has declined from \$10,923,000 to \$6,847,000.

Department of Interior

Endangered Species

- ◆ **Funding for the BIA Endangered Species Program in FY 2010 should be no less than the FY 2002 enacted level.**

The Interior Secretary's trust responsibility includes protecting threatened and endangered species on more than 56 million acres of federal Indian Trust land. The BIA's Endangered Species Program provides technical and financial assistance to tribes to protect endangered species on Indian Trust lands. There is no other program that provides financial resources for tribes to protect endangered species and comply with the Endangered Species Act. From fiscal years 2002 - 2008, funding for Endangered Species has declined 59 percent from \$3,000,000 to \$1,228,000. An additional reduction of \$978,000 has been proposed for FY 2009, which if enacted, would result in an overall reduction of 92 percent from FY 2002 levels.



Department of Interior

Tribal Management/Development (TMD)

- ◆ **Provide \$50 million for Tribal Management/Development.**

This program, funded by the BIA, is the key tribal program for managing reservation fish and wildlife resources across the nation. This tribally-administered program contributes significantly toward meeting the growing national demand for outdoor recreation and tourism, and aids in the protection of millions of acres of habitat necessary for the conservation of fish, wildlife and plant resources. From FY 2002 - FY 2008, funding for the TMD program has declined 30 percent from \$9,333,000 to \$6,534,000. An additional reduction of \$2,200,000 has been proposed for FY 2009 which if enacted, would result in an overall reduction of more than 46 percent from FY 2002 levels.

Department of Interior

Rights Protection Implementation

- ◆ **Restore base funding to at least the FY 2004 enacted level.**

This BIA program supports the exercise of off-reservation hunting, fishing, and gathering rights for 49 tribes located in the Pacific Northwest and Great Lakes regions, and their five umbrella inter-tribal fish and wildlife organizations. These rights are secured by treaties and specific legal adjudications. Since 1975, these tribes have experienced a serious erosion of their base natural resource management funding.

With the level of base funding provided, the tribes can no longer effectively manage their treaty protected resources. The base fisheries management funding now provided to tribes is less than it was 30 years ago when adjusted for inflation. The base contract funding under the Indian Self-Determination and Education Assistance Act to implement relevant federal court cases and to protect trust resources was initially established at a level to cover the minimal responsibilities identified by the courts as necessary management functions. Since 1975, the management responsibilities required of the tribes have increased exponentially.

Despite the critical role tribes play in managing the resources on tribal land and surrounding areas, funding for Rights protection has declined 9 percent, from \$22,238,000 in FY 2004 to \$19,841,000 in FY 2008. An additional reduction of \$3,304,000 has been proposed for FY 2009, which if enacted, would result in an overall reduction of 26 percent from FY 2004 levels.

Department of Interior

Invasive Species

- ◆ **Provide \$3 million for invasive species.**

The Invasive Species program (formerly called Noxious Weed Eradication) provides critical funds to tribes to control noxious and invasive species. It is the only invasive species program providing protection to Indian Trust land. This program is an active partner in the Department's Invasive Species Crosscut Initiative. Invasive species cause \$120 billion in damage each year in the United States, equating to \$3 billion on Indian Trust land. Federal invasive species spending on non-Indian lands is at least \$1.3 billion each year. On average, the Department of Interior spends five times more on non-Indian land than on Indian land for invasive species. Unfortunately, funding for this program has declined 50 percent from \$2 million in FY 2002 to \$1 million in FY 2008.

Indian Land Consolidation

Land consolidation is critical for addressing trust management problems created by fractionation. Over five million acres of Indian owned land is locked up in unproductive status because the ownership of each tract is divided among dozens, hundreds, or thousands of owners. Economic activity on these lands has become impossible because of the inability to gain the consent of the owners. Consolidation of these tracts into tribal ownership results in immediate economic gains by putting the land into productive use, largely in timber and agricultural production, but also in creating new opportunities for commercial development and tribal government construction.

Over five million acres of Indian owned land is locked up in unproductive status because the ownership of each tract is divided among dozens, hundreds, or thousands of owners.

Key Recommendation

Department of Interior

Indian Land Consolidation

- **Provide \$145 million for Indian Land Consolidation.**

The over four million ownership interests in 130,000 tracts of land have created a title management and accounting nightmare for the federal government and enormous difficulties for Indian land owners in putting land to economic use. Land consolidation improves federal administration and management, and saves substantial federal dollars that currently go to tracking tiny land interests. The investment in land consolidation will do more to save on future trust administration costs than any other item in the trust budget. Land ownership and land tenure is the fundamental infrastructure of reservation economies. The 2004 American Indian Probate Reform Act authorized \$145 million through FY 2010.

Energy

The American Indian and Alaska Native population and tribal economies are growing at historic rates. Prior to the recent economic downturn, tribal economies were growing three times as fast as the American economy.

The development of tribal economies positively impacts neighboring county and regional economies. For example, some Indian tribes have chosen to develop their energy resources. In the process, reservation economies have grown, yielding significant job creation, increases in the business and personal services sectors, and improved county and city revenue positions in the process.

If federal policies are reformed to encourage tribal development of tribally-owned renewable and non-renewable energy resources, it will create a major stimulus to tribal and regional economies while also bringing valuable Indian energy resources to the national domestic energy markets. In addition, federal investment in tribal capacity-building and infrastructure construction will greatly assist tribes to develop and to manage their energy resources and will yield tangible benefits to the tribes, their members, and surrounding communities.

For several reasons, the Indian tribal energy sector is poised for an economic growth spurt: (1) abundant tribal energy resources; (2) certainty and predictability in the energy-related legal regime; (3) significant increases in the national demand for energy; and (4) positive impacts on tribal, regional, and national economies.

Indian tribes possess abundant quantities of renewable and non-renewable energy resources, and many tribes have been adept in developing these resources for the benefit of their citizens and their tribal economies. 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, production from tribal lands represents less than five percent of current on-shore oil, gas, and coal production.

Indian tribes are also well-situated to assist America in solving three major national policy priorities, including reducing America's dependence on foreign sources of energy, reducing greenhouse gas emissions, and stimulating job creation and income generation for rural communities.

For example, available resource assessment information demonstrates huge potential for Indian wind in the Plains stretching from the Canadian border in the north to Texas in the south. It is estimated that harnessing this wind would generate large amounts of deliverable electricity. A single Indian tribe in Montana is estimated to have 20,000 Megawatts of wind power—enough to heat and light two million American homes. Despite this potential, the amount of electricity currently generated from Indian wind and solar power is less than 100 Megawatts.

If these resources are developed by the tribes themselves (as many tribes prefer) rather than by surrendering them through conventional leases, which generate royalty interests only, the economic benefits for tribal members and the tribal economies multiply geometrically. With significant future demand for greater domestic production from all developable energy resources, Indian energy has the potential for lifting underdeveloped tribal economies out of poverty and creating a foundation for sustainable development far into the future.

Key Recommendations

As laid out in more detail below, the top priorities for Indian tribal energy programs and activities in the FY 2010 budget relate to the development of tribal capacity and in supporting access to private financing for tribal energy development by tribal enterprises.

Department of Energy

Office of Indian Energy Policy and Programs (OIEPP)

- ◆ **Provide \$10 million for the Office of Indian Energy Policy and Programs.**

This amount excludes personnel and operational costs for the OIEPP, but will allow for up to 75 tribal capacity-building projects to start-up. The continuing development of the program will require additional incremental budget increases estimated at \$5 million a year for the following four years to reach the mature program level of \$30 million a year.

The Indian Tribal Energy Development and Self-Determination Act of 2005 (P.L. 109-58) authorized the establishment of a new Office of Indian Energy Policy and Programs to coordinate all Indian tribal-related energy programs in the Department of Energy. The programs are designed to provide financial assistance for projects designed to address the institutional and human resource capacity-building tribes need to turn their energy resources into major economic assets. The programs authorize Indian tribes to set their own priorities for development of a full range of energy opportunities and to build their human resources and their institutional capacity for successful energy development.

Department of Energy

Indian Renewable Energy Program

This new program complements and supports but does not replace the existing Department of Energy Indian Renewable Energy Program, which provides grant funds to tribes to develop renewable energy resources. The number of tribal applications for grants under this program has been limited by the amount of funds available in the program, in which tribes simply divide the total available and calculate the cost benefit of applying for a project. Instead, the program should meet the needs of all tribes with or interested in developing renewable and alternative energy resources for both electric power generation and bio-fuels development.

Department of Energy

Office of Energy Efficiency and Renewable Energy (EERE)

Indian Program - First Steps and Initial Renewable Resource Assessment and Development Feasibility Projects

- ◆ **Provide \$5 million for this program.**

An appropriation of \$5 million will engender 50 projects and allow the program to fund an additional 50 to 60 new tribal projects while allowing more than one project per Indian tribe. This is important as many tribes have a wide variety of renewable energy resources within their lands which have the potential for development. This funding would accelerate the assessment of all developable tribal renewable energy resources.

Department of Energy

Continuation of Tribal Energy Efficiency and Conservation Initiative

- ◆ **Provide \$5 million for this initiative.**

This level of funding will continue energy efficiency projects for those tribes that require more time to plan than will be permitted under the proposed economic stimulus package.

Department of Energy

High Potential Renewable Energy Development Projects

- ◆ **Provide \$5 million for these projects.**

An appropriation of \$5 million for this element of the OIEPP will enable the office to advance 10 to 15 high-potential tribal renewable energy projects to the privatization stage. This will greatly increase the actual production of renewable energy from Indian tribal lands while leveraging private sector investment and loan financing many times greater than the program outlay.

Department of Energy

Indian Energy Project Loan Guarantee Program

- ◆ **Provide \$200 million for this loan guarantee program.**

An appropriation of \$200 million will support \$2 billion in private financing for tribally-owned energy resource development projects sponsored by Indian tribes.

Energy development is highly capital intensive and the investment in projects that leverage private financing will have a large monetary benefit as well as energy security, independence payoff, and a clean energy benefit as well.

This will allow tribal energy projects to move to private financing in an orderly well managed process that will also provide pace to the economic growth for tribal economies.

Department of Interior

The Indian Tribal Energy Development and Self Determination Act of 2005 authorized the Department of Interior's Office of Indian Energy and Economic Development to develop and implement myriad energy-related programs, activities, and significant land-leasing reforms to be used in the discretion of Indian Tribes. These reforms were implemented through the negotiation and execution of "Tribal Energy Resource Agreements," which authorize consenting Indian Tribes to exert greater degrees of control over the development of their energy resources. Through this office, tribes operate on-going programs of importance to the future economic growth of stable, diversified and sustainable Indian tribal economies.

Tribal Energy Resource Agreements (TERAs)

- **Provide \$5 million for capacity-building assistance for Tribal Energy Resource Agreements.**

An appropriation of \$5 million will authorize between 10 to 12 Indian tribes to undertake comprehensive feasibility assessments of their energy development potential and to develop their internal capacities for securing consent of the tribal members in the planning, development and implementation of a TERA with the Department of Interior.

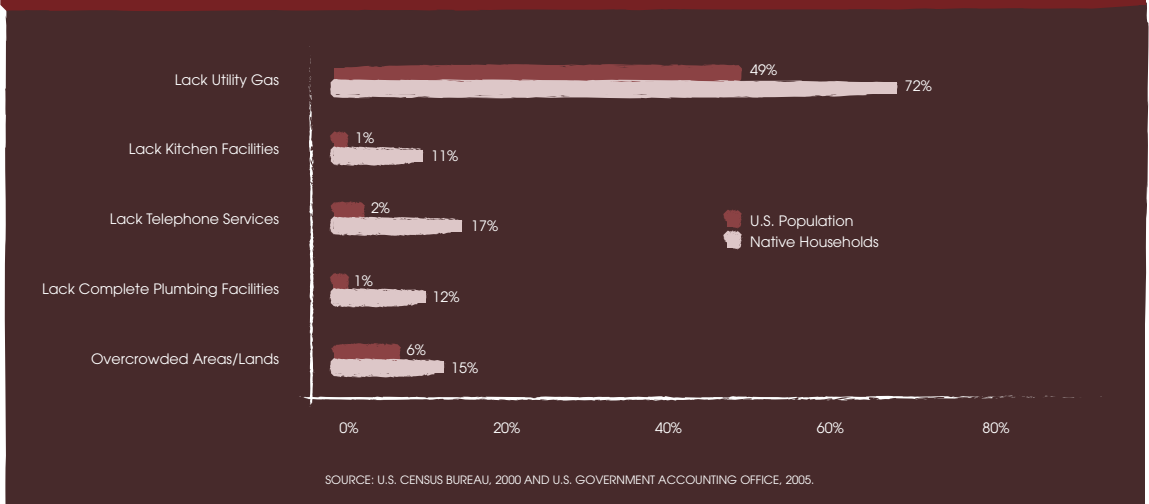
Resource Assessments, Economic Evaluations, and Technical Assistance Grants for Developing Feasibility Analysis for Indian Minerals

- **Increase funding for these grants by \$10 million over FY 2009.**

As the U.S. economy rebounds, the need for sand, gravel, and other tribal subsurface resources, as well as for energy minerals, will accelerate. Equally true, as tribal housing, road construction, and other public works deriving from the economic stimulus package work their way through the economy, the demand for sand and gravel will reach all-time highs.



Figure 5: Overcrowding and Lack of Basics in Native Households Compared to the U.S. Population



Indian tribal lands contain sand and gravel resources in abundance while non-Indian lands with aggregate resources are either not available or non-existent. This program should be able to respond to this increasing demand by absorbing a larger burden of resources and economic assessments for Tribes and individual Indian lands owners.

Twelve years later, NAHASDA has resulted in tens of thousands more housing units being constructed as well as increased tribal capacity to address related infrastructure and economic development challenges faced by tribal members. NAHASDA authorizes a number of programs and activities that are in dire need of additional funding.

Housing

Tribal communities still face some of the most deplorable housing and socioeconomic conditions in the United States despite significant strides in recent years. While there have been improvements, Indian housing is still inferior when compared to all other elements of the American population (see Figure 5). Building on the strong foundations of Indian self-determination, in 1996, Congress passed the Native American Housing Assistance and Self-Determination Act (NAHASDA), which revolutionized how Federal housing assistance is made available to Native communities. NAHASDA consolidated existing housing funds into a single block grant—the Indian Housing Block Grant—and increased the role of Indian tribes in the design and implementation of tribal housing and related infrastructure programs.

Key Recommendations

Department of Housing & Urban Development

Indian Housing Block Grant (IHBG)

- Provide \$854 million for the IHBG.

IHBG funding is the lifeblood for housing development, construction, infrastructure, and repair in Native communities. These funds are also important in helping Indian tribes and Tribally Designated Housing Entities (TDHEs) leverage other funds, such as low income housing tax credits. Even at its peak in FY 2004, the IHBG does not meet all Indian housing needs.

Department of Housing & Urban Development

Indian Community Development Block Grant (ICDBG)

- Provide \$100 million for the ICDBG.

These funds are dedicated to improve not only housing but the overall economic and community development foundation of tribal communities. Community development includes a variety of commercial, industrial, and agricultural projects.

This budget area has faced numerous and devastating reductions over the last few years and its funding needs to be increased to a level that will have real impacts in some of the neediest communities in America.

Department of Housing & Urban Development

Section 184 Guaranteed Loan Program

♦ **Provide \$12 million for this program.**

Created in 1992, the Section 184 program provides 100 percent reimbursement to private lenders in case of default. Indian tribes have been successful in participating in this program with an extremely low default rate. Using Section 184, Indian tribes or tribal members can purchase an existing home or obtain single-close construction loans for a stick-built or a manufactured home on a permanent foundation, rehabilitation loans or a purchase and rehabilitation loan. This program, which is underutilized, continues to grow as Indian tribes and TDHEs expand their housing programs beyond low-income programs tailoring them to meet the needs of their people.

Department of Housing & Urban Development

Title VI Guaranteed Loan Program

♦ **Provide \$8 million for this program.**

Title VI assists IHBG recipients (borrowers) who want to finance eligible affordable housing activities, but are unable to secure financing without the assistance of a Federal guarantee. Eligible activities to be made possible by Title VI assistance include rental assistance, development, services, management services, crime prevention, and safety activities and model activities. This program, a valuable leveraging tool, provides tribes with an additional resource to leverage limited dollars.

Department of Housing & Urban Development

NAHASDA’s Training and Technical Assistance Funding

♦ **Provide \$5.2 million for this activity.**

The training and technical assistance (TAT) to be provided for Native American housing interests is a critical resource for Indian tribes, and TDHEs that rely on TAT to train housing employees and effectively implement their housing programs.

TAT includes developing model policies, which saves tribes tens of thousands of dollars per year. Reductions in TAT funding for the last three years forced NAIHC to cut back on much needed services for tribes.

Department of Housing & Urban Development

Title VIII Housing Assistance for Native Hawaiians

♦ **Provide \$20 million for this program.**

Since 2000, this funding has been the lifeblood for housing assistance for Native Hawaiians who are eligible to reside on Hawaiian Home Lands. Activities eligible to be funded with Native Hawaiian Housing Block Grant (NHHBG) assistance include new construction, rehabilitation, acquisition, infrastructure, and various support services. The Department of Hawaiian Home Lands (DHHL), the sole recipient of NHHBG, will focus the use of the NHHBG funds on increasing the supply of affordable housing units or to rehabilitate existing units to relieve some of the overcrowding pressures and substandard living environments experienced in many low-income Native Hawaiian households. In addition, the DHHL will support healthy and safe communities, empower resident organizations and promote self-sufficiency for native Hawaiian families. Likewise, the DHHL will focus on developing the capacity of resident organizations and partnering entities (i.e. non-profit entities) in order for them to successfully apply for and administer NHHBG funds.

Department of Interior

Housing Improvement Program (HIP)

♦ **Restore Housing Improvement Program (HIP) to full FY 2006 funding level.**

The HIP program funded through the BIA serves as a safety net program, targeting those needy individuals who do not meet the income requirements set forth by tribes administering Department of Housing and Urban Development housing programs. The program restores and builds homes for qualifying individuals without access to any other housing resources. The program does not duplicate any other federal program.

Transportation

Indian Reservation Roads (IRRs) comprise over 104,000 miles of public roads and are owned by the BIA, Indian tribes, states and counties. These roadways are the most underdeveloped road network in the nation—yet it is the primary transportation system for all residents of and visitors to American Indian and Alaska Native communities. More than 65 percent of the system is unimproved earth and gravel, and approximately 24 percent of IRR bridges are classified as deficient. The inadequate road conditions make it very difficult for residents of tribal communities to travel to hospitals, stores, schools, and employment centers.

Transportation infrastructure is vital to tribal economies, education systems, health care, and social service programs. Tribal communities are threatened by unsafe and often inaccessible roads, bridges and ferries, and suffer injury and death by driving and walking along reservation roadways at rates far above the national average. Over the past 25 years, 5,962 fatal motor vehicle crashes occurred on Indian reservation roads, with 7,093 lives lost. While the number of fatal crashes in the nation declined 2.2 percent during this time period, the number of fatal motor vehicle crashes per year on Indian reservations increased 52.5 percent. Significant changes and investments in Federal transportation safety programs serving Indian Country are crucial.

Key Recommendations

Department of Transportation

Indian Reservation Roads (IRR) Programs

- ◆ **Provide \$800 million for the Indian Reservation Roads Programs.**
- ◆ **Provide \$75 million for the Indian Reservation Roads Bridge Program.**

Department of Transportation

Tribal Technical Assistance Programs

- ◆ **Provide \$4.2 million for Tribal Technical Assistance Programs (TTAPs).**

Funding for the Indian Reservation Roads (IRR) Program and other tribal transportation programs is authorized every five to six years through federal highway reauthorization legislation and is severely underfunded. The Highway Trust Fund is underfunded due to Federal gas tax receipts, which are insufficient to pay for the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) authorized transportation funding increases. The White House and other transportation analysts estimate that the Highway Account of the Highway Trust Fund will suffer a \$4.3 billion shortfall in the FY 2009 funds needed to pay for all federal highway programs at the level promised in SAFETEA-LU.

These roadways are the most underdeveloped road network in the nation—yet it is the primary transportation system for all residents of and visitors to American Indian and Alaska Native communities.

Without an immediate and substantial increase in Highway Trust Fund revenues, the American Road & Transportation Builders Association (ARTBA) estimates that the federal transportation investment could be cut by 40 percent in FY2009 alone. If left uncorrected, this will mean a disastrous cut in tribal transportation funding as well.

Department of Transportation

Tribal Transit Program

- **Provide \$35 million for the Tribal Transit Program.**

Department of Interior

BIA Roads Maintenance

- **Provide \$150 million for the BIA Road Maintenance Program.**

In 2003, the BIA formally acknowledged in a report that at least \$120 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. Costs to maintain these roads have risen sharply in the past five years due to high inflation costs for construction. However, the Interior Department has requested only approximately \$25 million annually in appropriations for the BIA Road Maintenance Program, and proposed to cut the funding to \$13 million in FY 2009.

Elders are the spiritual leaders in tribal societies. Children are taught to honor and respect the oldest family members for they are the ‘wisdom-keepers’. Yet, Indian elders comprise the most economically disadvantaged elderly minority in the nation. Even so, their needs for in-home and community-based services are not available through Title VI programs under the Older Americans Act, although funding for these services is provided to other populations through Title III. Some Title VI programs are forced to close for several days each week, unable to provide basic services such as transportation, information and referral, legal assistance, ombudsman, respite or adult day care, home telephone visits, homemaker services or home health aide service.

Skilled staff working with elders is absolutely critical in tribal communities. Separate funding for staff training needs to be provided under Title IV in order to ensure the maximum amount of resources are still available to support nutrition and other supportive services for Indian elders under Title VI. Funding for the Native American Caregiver program is also inadequate. Title VII of the Older Americans Act authorizes a program for tribes, public agencies, or non-profit organizations serving Indian elders to assist in prioritizing issues relating to elder rights and to carry out activities in support of these priorities.



Historic Preservation

Funds have never been appropriated for this purpose. While funds have been appropriated to states for similar purposes, these programs seldom reach Indian elders due to cultural, jurisdictional, and geographic barriers. Indian tribes have little or no access to the agencies, departments, ombudsman, or other programs that are available to states.

Elders in Indian Country could best be provided access to essential social services and important health care information by strengthening the capacity of existing community-based programs to serve, advocate, inform, and intervene on their behalf. For Native American elders, these important functions are best provided by locally managed Title VI programs.

Key Recommendations

Department of Health & Human Services

Title VI of the Older Americans Act

- **Provide \$28.9 million (for Parts A and B) and \$7.2 million (for Part C) as authorized under Title VI in the 2006 Older Americans Act amendments.**
- **Provide \$700,000 for Title VI staff training as a separate line item under Title IV.**

Department of Health & Human Services

Title VII - Elder Abuse Awareness and Protection Demonstration Grants

- **Provide \$1 million for Title VII - Elder Abuse Awareness and Protection Demonstration Grants.**

Department of Health & Human Services

Title IV - Elder Access to Health and Social Services Benefits

- **Provide \$1 million for the continuation of training and technical assistance to improve elder access to health and social services benefits in Indian Country under Title IV.**

Department of Health & Human Services

Diabetes Prevention Program
In Tribal Communities

- **Provide \$150,000 for the continuation of Diabetes Prevention Program in Tribal Communities for elders.**

As part of the inherent right to self-government, Indian Nations directly manage the preservation, maintenance, and revitalization of our culture and traditions. There are three important federal programs that support cultural preservation Indian Country. Small increases in funding to these programs could greatly enhance preservation of historic and cultural properties important to Indian tribes and Native peoples.

Key Recommendations

Department of Interior

National Historic Preservation Act

- **Provide \$10 million for tribal governments to operate as intended under the Historic Preservation Fund for Tribal Historic Preservation Officer efforts.**

In furtherance of the modern federal policy of tribal self-determination, tribes were authorized in the 1992 amendments to the National Historic Preservation Act (NHPA) to assume historic preservation activities and responsibilities under the NHPA with respect to Indian lands via the Tribal Historic Preservation Officer program, operated by the National Park Service (Interior Department) and funded by the Historic Preservation Fund. There will be over 100 tribes operating Tribal Historic Preservation Officer (THPO) programs in FY 2010 and, at a minimum, they require at least an average amount of \$100,000 per THPO for a total of \$10 million.

Department of Interior

Native American Graves Protection and Repatriation Act (NAGPRA)

- **Provide \$4 million for Section 10 of the Native American Graves Protection and Repatriation Act program.**

Section 10 of NAGPRA authorizes the Secretary of the Interior to make grants to Indian tribes and Native Hawaiian organizations for the purpose of assisting them in the repatriation of Native American cultural items and to make grants to museums to assist them in conducting inventories and preparing summaries. Over the years, the National Park Service NAGPRA program has been using funds from the grant program to cover some of their administrative costs with the result that fewer dollars are making it to the local, tribal level.

NAGPRA grants to Indian tribes and museums have decreased in the past five years, thus it is recommended that the program be substantially increased from its current level of \$2.4 million in FY 2008 to at least \$4 million in FY 2010.

Institute of Museum and Library Services

Museum Set-Aside for Native Americans and Native Hawaiians

- ◆ **Provide a 3.5 percent increase in the set-aside appropriated to museums for Native Americans and Native Hawaiians under the Institute of Museum and Library Services Reauthorization Act.**

On September 24, 2003, President Bush signed Public Law 108-81, the Institute of Museum and Library Services (IMLS) Reauthorization Act, which contained a set-aside of 1.75 percent of all amounts appropriated to museums under the IMLS Act through FY 2009 for a tribal museum grant program. The authorization provides for up to \$675,500 annually through FY 2009 for the Native American and Native Hawaiian Museum Services grant program, or up to \$3.3 million total over the life of the authorization. The funding can be used for “grants, contracts, or cooperative agreements” between IMLS and Indian tribes.

Support for Tribal Governments

Contract Support Costs (CSC) as well as Tribal Priority Allocations (TPA) directly support the core governmental functions of tribes. Failure to fully fund CSC penalizes tribes in the exercise of their self-determination rights under the law. TPA funds are the main resource for tribes to exercise their powers of self-governance. However, from 1998 through 2004, BIA’s funding of TPA declined from 42 percent of BIA’s budget to only 33 percent.

Shared Responsibility: Department of Health & Human Services and Department of Interior Contract Support Costs (CSC)

- ◆ **Fully fund contract support costs at BIA and IHS.**

We strongly urge full funding for CSC in the BIA and IHS budgets. The Supreme Court has confirmed that CSC funding is a federal contract obligation, yet the past Administration continued to single out Indian tribes alone,

from all other government contractors, in refusing to pay full CSCs. We further request the new Administration and Congress to lift the existing “caps” on IHS and BIA funding for CSC. The BIA estimates that the FY 2007 CSC shortfall was approximately \$54 million (\$143 million in CSC appropriations versus \$197 million in allowable CSC need). Additionally, \$3 million is needed annually for administrative costs for new and expanded programs (Indian Self-Determination (ISD) Fund).

The lack of CSC dollars diminishes the administrative capacity of Indian tribes to deliver quality programs and services to our members. It undermines our ability to recruit, train, and retain qualified, professional employees that we pay with CSC funds, such as accountants and human resource specialists. The tribal administrative personnel hired with CSC dollars help ensure accountability and transparency in our administration of federal programs. Contract support shortfall forces tribal governments to use program funds to cover administrative shortfall needs, subsidize the shortfall with scarce tribal funds, or do without. There is no other government contractor that is forced to subsidize federal contracts. The consistent failure to pay contract support costs results in a de facto moratorium on the negotiation of self-determination agreements while penalizing tribes in the exercise of their self-determination rights under the law.

Department of Interior

Tribal Priority Allocations

- ◆ **Provide at least a 10 percent increase over FY 2009 for Tribal Priority Allocations (TPA).**

TPA is one of the most important funding areas for tribal governments. It covers such needs as scholarships and higher education funding, human services, economic development, and natural resource management. Since tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, they are the main resource for tribes to exercise their powers of self-governance. However, from 1998 through 2004, BIA’s funding of Tribal Priority Allocations declined from 42 percent of BIA’s budget to only 33 percent. TPA funding has been so inadequate that it is estimated that its programs in Indian Country still needed \$2.8 billion in 2000.

Department of Interior

Fixed Costs at the Bureau of Indian Affairs

- ◆ **Provide full funding of fixed (uncontrollable) costs for the BIA, including population growth, inflation, and tribal pay costs.**

Over the past decade, funding for a multitude of tribal government services such as human services, natural resource management, and community development has lost significant ground to inflation and population increases. The effects of rising costs on travel, equipment, supplies, and purchased services have been compounding for years while the Native American population increases at 1.6 percent per year. Annual increases for fixed costs are critical to avoid progressive program decline.

Department of Interior

Data Management

- ◆ **Increase federal investment in BIA Data Management.**

A centralized data system is essential within the BIA to more efficiently and effectively manage data to improve justification for budget formulation, budget allocations, and fund distribution. Further, enhancing data credibility and analysis for use by decision makers is critical for both the Government Performance and Results Act (GPRA) and Performance Assessment Rating Tool (PART) requirements. Lack of data management infrastructure leads to duplicate data calls, missed deadlines, and incomplete reporting. Investment in data management capacity is fundamental to program success.

Acknowledgements

Agreement with the Crows, May 4, 1880

That in consideration of the cession of territory to be made by the said Crow tribe, the United States, in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, agrees to appropriate annually for twenty five years, the sum of thirty thousand dollars, to be expended under the direction of the President for the benefit of the said Indians, in assisting them to erect houses, to procure seeds, farming implements, stock, or in cash, as the President may direct.



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American Indian Higher Education Consortium
Bureau of Indian Affairs Self-Governance Advisory Committee
Bureau of Indian Affairs Tribal Budget Advisory Council
Council of Energy Resource Tribes
Indian Health Service Budget Workgroup
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 Education Association
National Indian Health Board
National Tribal Air Association
National Tribal Environmental Council
Native American Contractors Association
Oweesta Corporation
Tribal Education Departments National Assembly

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...Treaty with The Apache, Broken Arrow, Creek Nation
29 June, 1825.

...And they are hereby invited to return to their usual place
abode or elsewhere, and their to dwell in the full enjoyment
peace and security and of all their rights and privileges guaranteed
to them by our Laws. of our children hereafter.

Treaty with The Apache, July 1, 1852

...Should any citizen of the United States, or other person or persons
violate the laws of the United States, murder, rob, or otherwise
oppress any Apache Indian or Indians, he or they shall be arrested
and upon conviction, shall be subject to all the penalties provided
for the protection of the persons and property of the people of
the States.



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Founded in 1944, the National Congress of American Indians is the oldest, largest and most representative American Indian and Alaska Native organization in the country.

NCAI advocates on behalf of tribal governments, promoting strong tribal-federal government-to-government policies, and promoting a better understanding among the general public regarding American Indian and Alaska Native governments, people and rights.