



# CONTINUING THE PROGRESS IN TRIBAL COMMUNITIES

2012 White House  
Tribal Nations Conference

DECEMBER 2012







*“I believe that one day, we’re going to be able to look back on these years and say that this was a turning point. This was the moment when we began to build a strong middle class in Indian Country; the moment when businesses, large and small, began opening up in reservations; the moment when we stopped repeating the mistakes of the past, and began building a better future together, one that honors old traditions and welcomes every Native American into the American Dream.”*

– President Barack Obama, December 2, 2011  
2011 White House Tribal Nations Conference



**President Barack Obama meets with tribal leaders at the White House, December 2, 2011. (Official White House Photo by Pete Souza)**





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# Executive Summary

Over the past four years, through tribal consultation and the White House Tribal Nations Conferences, the Obama Administration has worked to ensure that tribal leaders are directly involved in setting policy priorities. To ensure this dialogue continues throughout the year, President Obama directed all Cabinet agencies to fully implement President Clinton's tribal consultation Executive Order. The Administration's commitment to tribal consultation and collaboration has led to great strides in fortifying the government-to-government relationship and bolstering tribes' ability to strengthen and develop their economies.

By working together with tribes over the past four years, the Administration has made significant advances throughout Indian Country. A key principle in the Administration's ongoing work is tribal control of land and resources, and President Obama was proud to sign the HEARTH Act into law earlier this year. This law restores tribes' authority to govern the leasing and management of their own lands if they choose. The Tribal Law and Order Act enhances tribal justice systems and improves coordination with federal law enforcement partners. The Indian Health Care Improvement Act—which was permanently reauthorized as part of the Affordable Care Act—makes quality health care more accessible to Native Americans. And because all young people deserve the chance to realize their full potential, President Obama signed an Executive Order to expand educational opportunities for all Native Americans and Alaska Native students. This policy emphasizes respect for cultural identities while offering a competitive education that prepares young Native Americans to succeed in college and careers.

To break with the past, the Administration has worked to resolve many longstanding legal claims that have strained our nation-to-nation relationship for far too long. The *Keepseagle* and *Cobell* settlements ended decades of litigation, and along with settlements in tribal trust funds and resources management cases, have brought resolution to more than 50 tribes and hundreds of thousands of Native American people. These historic agreements mark an important step toward building a foundation of mutual respect and mutual trust.

This Administration has seen tribal communities grow healthier and stronger when the Federal Government honors cultural identities, practices, and languages. Rich and invaluable traditions are rooted in every tribe, and to build a brighter future for Indian Country, we must respect tribal customs and heritage.

The Administration's commitment to tribal consultation and collaboration has led to great strides in fortifying the government-to-government relationship and bolstering tribes' ability to strengthen and develop their economies, but there is still much more work to do. President Obama believes that tribal leaders must have a seat at the table to help reach solutions on the pressing issues of our time and he looks forward to the continued partnership with tribal governments in addressing the challenges facing tribal communities.







# Strengthening the Government-to-Government Relationship

## Maintaining an Open Dialogue through Meaningful Consultation

President Obama has been and continues to be committed to including tribal leaders in the formulation of federal policy, especially policies that directly affect Indian Country. At the first White House Tribal Nations Conference held in November 2009, the President signed a memorandum, "Consultation and Coordination with Tribal Governments," directing every federal agency to develop a plan to fully implement Executive Order 13175 (E.O. 13175).

Since the signing of the Presidential Memorandum, federal agencies have been implementing consultation plans. Key examples include the following:

- On December 1, 2011, the Secretary of the Interior issued Secretarial Order 3317 to develop the first-ever department-wide policy on tribal consultation. In 2012, the Secretary issued a Department of the Interior (DOI) Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations. This is the first DOI-wide policy on consultation to specifically address the unique federal relationship that ANCSA Corporations have and the impact of the relationship on consultation practices.
- The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service established three regional Resource Conservation Advisory bodies made up entirely of tribal representatives.
- The Indian Country Energy & Infrastructure Working Group (ICEIWG) has been an invaluable tool for the Department of Energy (DOE) as it continues to build collaborative and innovative new programs and initiatives to support energy development in Indian Country. The ICEIWG is comprised of eight tribal leaders, or their designated delegates, who bring to the table expertise in active energy facilities operations or significant project development experience. The ICEIWG has met six times since the group was formed in August 2011.

## Supporting Self-Governance and Self-Determination

President Obama strongly supports tribal self-determination and self-governance. This support reflects a strong commitment to improve tribal governments' capacity for controlling their own futures.

### Indian Land Leasing Reform

This Administration has taken a number of significant steps in support of tribal self-determination, and we recognize that tribal control over tribal resources is intrinsic to this policy. We understand that tribal homelands are essential to the health, safety, and welfare of the First Americans, and that it is important for Indian tribes to have the ability to determine how their homelands will be utilized. This is why this Administration is working to enhance tribal self-determination by initiating a comprehensive reform of

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Indian leasing laws and regulations. Under this effort, tribes will regain greater control over their own lands.

On July 30, 2012, President Obama signed the Helping Expedite and Advance Responsible Tribal Homeownership Act (HEARTH Act) into law. This new law restores the authority of Indian tribes to control the leasing of tribal lands. Under the HEARTH Act, tribal governments can enact their own regulations to govern the leasing of tribal lands, supplanting the regulations of the DOI. Tribal regulations must still be approved by DOI, but once approved, tribes will no longer need the review and approval of the Bureau of Indian Affairs (BIA) prior to executing a lease of tribal lands. This measure enhances tribal control over tribal lands and promotes self-determination. It will also reduce the time it takes to get a lease of tribal lands approved, thereby promoting economic development of Indian lands.



**President Barack Obama signs H.R. 205, the HEARTH Act of 2012, in the Oval Office, July 30, 2012. Standing behind the President, from left, are: Bryan Newland, Senior Policy Advisor at the Department of the Interior; Governor Randall Vicente, Pueblo of Acoma in New Mexico; David Hayes, Deputy Secretary of the Department of the Interior; Jefferson Keel, President of the National Congress of American Indians; Rep. Martin Heinrich, D-N.M.; Sen. Daniel Akaka, D-Hawaii; interior Secretary Ken Salazar; Cheryl Causley, Chairperson of the National American Indian Housing Council; Governor Gregory Mendoza, Gila River Indian Community of Arizona; and Del Laverdure, Acting Assistant Secretary of the Department of the Interior. (Official White House Photo by Pete Souza)**

In November 2012, DOI published final revisions to its regulations governing the leasing of Indian lands. These revisions mark the most significant changes to DOI's Indian leasing regulations in 50 years and will reduce the timelines for the BIA to review and approve leases. The new regulations streamline

the process and promote homeownership and business development as well as renewable energy development in Indian Country.

Additionally, DOI announced a new categorical exclusion for leases of Indian lands for single-family homes on August 10, 2012. This is the BIA's first new categorical exclusion in more than a decade, and it will streamline the process for leasing Indian lands to build homes for families.

Together, these three reforms mark a significant transformation in the relationship between the United States and tribal nations in managing one of Indian Country's greatest resources—Indian lands. These reforms return greater control over Indian lands to tribal governments and individual Indians, promoting self-determination, and economic development in Indian communities.

### **Self-Governance Compacts and Self-Determination Contracts**

Self-governance compacts and self-determination contracts provide tribal governments with greater program flexibility during fluctuations in the federal budget. By increasing program flexibility, tribal governments can prepare for new budget challenges that will be shared across the federal government. That is why we are working to improve opportunities through the Indian Self Determination and Education Assistance Act (Public Law 93-638 or "638", as amended by Public Law 103-413) ISDEAA, and the Indian Employment, Training, and Related Services Demonstration Act of 1992 (Public Law 102-477 or "477") in a way that will help tribes to maximize federal programs in the future.

Over the past year, DOI has worked with tribes and lawmakers on a legislative proposal to streamline and improve the ISDEAA self-determination and self-governance programs; and today, DOI joins tribes in supporting a legislative proposal to improve tribes' ability to control tribal programs under the Indian Self-Determination and Education Assistance Act.

### **Working with Tribal Leaders on Homeland Security and Disaster Relief in Indian Country**

In response to feedback from tribal leaders expressing a desire to work more closely with the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) in responding to disasters that affect tribal members and lands, FEMA Administrator Fugate conducted listening sessions and directed FEMA's Special Advisor for National Tribal Affairs to review and revise FEMA's Tribal Policy and the Stafford Act. In addition, in 2011, the Department released a comprehensive Tribal Resource Guide that outlines DHS resources, training, and grants available to federally recognized tribes.

### **Stafford Act**

The Administration supports amending the Stafford Act to provide an option for federally recognized tribal governments to make direct requests to the President for emergency and major disaster declarations, while also retaining the current option of seeking federal assistance under a declaration requested by and granted for the States.

FEMA is committed to actively working with Indian Country and Members of Congress to support changes in the law that will aid increased preparedness and response in tribal communities nationwide. FEMA also believes that amending the law is a critical action that will:

1. Acknowledge the sovereignty of federally recognized Indian tribes;
2. Allow federally recognized tribal governments to prepare and respond more effectively to disasters in their jurisdictions;
3. Ensure equal access for tribal governments in applying for disaster funds, in the same manner that states can;
4. Allow for direct declaration requests in the same manner as states; and
5. Provide fair and consistent consideration for assistance across Tribal Nations, including those tribes whose geographic boundaries cross multiple states.

FEMA has strong, long-standing relationships with tribal governments and believes tribes are essential members of the emergency management team. Amending the Stafford Act will only strengthen the way that FEMA supports tribal communities before, after, and during disasters.

### USDA Disaster Declarations

The United States Department of Agriculture (USDA) has revised its regulations relating to disaster declarations by the Secretary of Agriculture, which are commonly used in relation to conditions affecting agriculture production. Through those regulatory improvements, a disaster can be automatically declared by the Secretary of Agriculture once an area reaches the threshold on the U.S. Drought Monitor, a product created by the National Oceanic and Atmospheric Administration (NOAA), USDA, and the National Drought Mitigation Center, thus improving the speed with which disasters can be declared and response mobilized by USDA.

### Review of the General Welfare Doctrine

The general welfare doctrine is an administrative/judicial doctrine pursuant to which certain payments made to or on behalf of individuals by governmental units under certain social benefit programs for the promotion of the general welfare are not included in a recipient's gross income. To qualify under the general welfare exclusion, the payments must (1) be made pursuant to a governmental program, (2) be for the promotion of the general welfare (that is, generally based on need), and (3) not represent compensation for services. The general welfare doctrine does not restrict the benefits a tribe may provide its members. As sovereign governments, tribes are free to provide benefits on whatever basis they see fit subject to other provisions of law. But the general welfare doctrine determines whether the benefits provided by tribal governments to their members should be included in the taxable income of the benefit recipient. After extensive consultation with tribal leaders, the Department of the Treasury (Treasury) and the Internal Revenue Service (IRS) have committed publicly to issuing new, published guidance on the general welfare doctrine. In November 2011, the IRS issued Notice 2011-94, inviting comments concerning the application of the general welfare doctrine to Indian tribal government programs that provide benefits to tribal members. Treasury and the IRS are working on further guidance in consideration of these comments.



## Resolving Longstanding Disputes

The Obama Administration has taken extensive efforts to resolve longstanding Native American legal claims against the United States and private entities related to lands, natural resources, and other issues.

### Tribal Trust Case Settlements

On April 11, 2012, the Administration announced the settlement of lawsuits filed by 41 federally-recognized tribes against the United States, in which the tribes alleged that the Department of the Interior and the Department of the Treasury had mismanaged monetary assets and natural resources held in trust by the United States for the benefit of the tribes. The announcement followed a 22-month-long negotiation between the tribes and the United States that has culminated in settlements between the government and tribes totaling more than \$1 billion. Since April 2012, the Administration has reached settlements with 18 additional tribes. Thus, between January 1 and November 19, 2012, the Administration has settled the trust accounting and trust mismanagement claims of 59 individual tribes for about \$1.25 billion.



**Attorney General Eric Holder and Interior Secretary Salazar the settlement of breach-of-trust lawsuits filed by more than 40 federally recognized American Indian tribes against the United States at the White House. (Official White House Photo by Pete Souza)**

The Department of the Interior manages almost 56 million acres of trust lands for federally-recognized tribes and more than 100,000 leases on those lands for various uses, including housing, timber harvesting, farming, grazing, oil and gas extraction, business leasing, rights-of-way and easements. Also, the Interior Department manages about 2,500 tribal trust accounts for more than 250 tribes. The negotiated settlements ended the litigation between the United States and the tribes regarding the Interior

Department's accounting and management of the tribes' trust accounts, trust lands and other natural resources. The settlements resolved claims dating back more than 100 years and brought to an end protracted litigation that had burdened both the tribes and the United States. With monies from the congressionally-appropriated Judgment Fund, which is used to pay settlements or final judgments against the government, the United States agreed to compensate the tribes for their "breach of trust" claims, and the tribes waived, released, and dismissed their claims with prejudice. As part of the settlements, the parties agreed to information-sharing procedures that will help strengthen the management of trust assets and improve communications between tribes and the Department of the Interior, and to dispute resolution provisions that will help reduce or minimize the likelihood of future litigation.

The settlements represent a significant milestone in the improvement of the United States' relationship with Indian tribes. The settlements fairly and honorably resolve historical grievances over the accounting and management of tribal trust funds, trust lands and other non-monetary trust resources, that, for far too long, have been a source of conflict between Indian tribes and the United States. Further, the settlements enable the tribal community to pursue the goals and objectives that the tribes deem to be appropriate, while strengthening the government-to-government relationship with Tribal nations.

### Keepseagle Settlement

In 2010, the Administration reached a \$760 million settlement, in the *Keepseagle v. Vilsack* case, with Native American farmers and ranchers, who alleged discrimination by the USDA in loan programs. Under the agreement, the United States is in the midst of disbursing \$680 million in damages and forgave up to \$80 million of outstanding farm loan debt. Important programmatic relief was also included in the settlement, including: establishment of a Council on Native American Farming and Ranching (the Council); technical assistance to enable greater access to programs; and publishing of a guide to programs.

The Council held its inaugural meeting this summer and will hold a second meeting before the close of the calendar year. Technical assistance in thirteen regional locations is currently underway; the new customer's guide to farm loan programs was published; and, a needs assessment concerning placement of field offices is also currently underway. Successful claimants have received payment in one of two claimant tracks and payment to all successful claimants is on schedule to occur before the end of calendar year 2012.

### Cobell Settlement

President Obama also signed into law the Claims Resolution Act of 2010 in December 2010, which authorized and funded the *Cobell v. Salazar* settlement agreement. The \$3.4 billion *Cobell* Settlement resolved the federal government's historical accounting for trust accounts maintained by the United States on behalf of more than 300,000 individual Indians. Included is a fund of \$1.5 billion to be distributed to class members to compensate them for their historical accounting and potential trust fund and asset mismanagement claims. Additionally, to address the continued proliferation of thousands of new trust accounts caused by the fractionation of land interests through succeeding generations, the settlement established a \$1.9 billion fund for the voluntary buy-back and consolidation of fractionated land interests. The land consolidation program provides individual American Indians with an oppor-

tunity to obtain cash payments for divided land interests and free up the land for the benefit of tribal communities. Furthermore, up to \$60 million is set aside to provide scholarships for higher education for American Indian and Alaska Native students.

The *Cobell* Settlement is a key step forward in the Administration's efforts to resolve the disputes that have clouded the shared history of the United States and Indian tribes enabling all parties to move forward. The *Cobell* Settlement became final November 24, 2012, following action by the Supreme Court and expiration of the appeal period. As a result, the parties are now preparing for the first distribution of payments to class members. Even before final approval, much progress was made. Last year, the DOI engaged in seven government-to-government consultations with Tribal leaders to receive meaningful input on how to best implement the Trust Land Consolidation Program under the *Cobell* Settlement. The consultations led to a draft plan being published in February of this year. The DOI has been reviewing tribal feedback to the draft plan and expects to release an updated draft by the end of 2012.

As part of President Obama's commitment to fulfilling this nation's trust responsibilities to Native Americans, Secretary of the Interior Ken Salazar appointed five prominent American Indians to the Secretarial Commission on Indian Trust Administration and Reform ("the Commission"). The Commission was established by Secretarial Order 3292 to conduct a comprehensive evaluation of the DOI's management and administration of nearly \$4 billion in Indian trust assets over two years and to offer recommendations on improvements in the future. Building on progress made with the historic *Cobell* Settlement, the Commission will help to establish a new era of trust administration, one that stresses responsive, accountable, transparent, and customer-friendly management of these substantial funds and assets. The Commission has hosted several listening sessions across Indian Country seeking input from American Indians and Alaska Natives on the activities and recommendations of the Commission.

### **Water Settlements**

President Obama has signed into law six Indian water settlements that have brought water to nine Indian tribes and water rights certainty to both those tribes and the surrounding communities in a number of western states. These settlements authorized nearly \$2 billion in federal funding for water infrastructure and other water-related facilities and services. Enactment of these settlements is an unprecedented accomplishment that will bring economic stability and development to a number of Indian communities. Construction and implementation of water projects authorized in these settlements has begun and the Administration is working hard to implement both those settlements and another dozen previously-enacted Indian water settlements.

### **Violence Against Women Act**

In July 2011, DOJ proposed legislation that would significantly improve the safety of Native women and allow federal and tribal law enforcement agencies to hold more perpetrators of domestic violence accountable for their crimes. This language was included in the legislation to reauthorize the Violence Against Women Act (VAWA) that was passed by the Senate on April 26, 2012. The tribal provisions in the Act would address three existing legal challenges by: (1) recognizing tribes' inherent authority to exercise concurrent criminal jurisdiction over domestic violence cases, regardless of whether the

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defendant is Indian or non-Indian; (2) clarifying that tribal courts have full civil jurisdiction to issue and enforce protection orders involving any person, Indian or non-Indian; and (3) providing more robust federal sentences for certain acts of domestic violence in Indian Country.





# Promoting Sustainable Economic Development

Getting Americans back to work and restoring economic security to struggling families is the President's top priority. The current recovery continues to present challenges, and we know this has been especially true for American Indians and Alaska Natives. According to the Bureau of Labor Statistics, for example, the average unemployment rate for this group was 14.6 percent higher than the national average. Though the economic challenges of Indian Country are significant, President Obama is committed to building strong, prosperous Native American economies.

The Obama Administration has partnered with tribal leaders and taken decisive action to support infrastructure and workforce development to drive economic growth. These actions include expanding access to broadband under the Recovery Act; providing Federal loan guarantees; investing millions of dollars in businesses in Indian Country; building the capacity of Native Community Development Financial Institutions; and supporting the U.S. Small Business Administration's (SBA) 8(a) Business Development Program for American Indians and Alaska Natives.

## Increasing Access to Capital

Native American entrepreneurs and business-owners continue to struggle to gain access to capital. Regardless of firm size, minority-owned firms are less likely to receive loans than non-minority owned firms.

While credit markets have improved, there remain gaps for underserved communities and for small loans. SBA loans are 3 to 5 times more likely to be made to minority- and women-owned businesses than conventional small business loans made by banks. In Fiscal Year (FY) 2012, SBA supported nearly \$90 million in lending to Native American-owned small businesses.<sup>1</sup>

Included in this figure is SBA's Microloan Intermediary Program. Microloans (loans up to \$50,000) are designed for small businesses needing small scale financing and technical assistance for startup or expansion. They are delivered through intermediary lenders, which are nonprofit community-based organizations with experience in lending and technical assistance. In FY 2012, the Microloan Program provided \$1.2 million in capital to 286 Native American small businesses which represented 7.2 percent of all microloan recipients. This was an increase from the number of borrowers assisted in FY2011 (200 loans representing 5 percent of all microloan recipients).

In addition to small business lending, the Microloan Program provides grants to its lenders which, in turn, provide business-based training and technical assistance to micro borrowers. This assists micro borrowers in strengthening their small businesses, helping them grow, and adds to the rural economies in which they are located. SBA's Microloan Program includes a Native American-focused microloan intermediary in Wisconsin.

1. This information is based on optional, self-reported client information; therefore, the demographic data (i.e. race, gender, ethnicity, and veteran status) may not be complete, and a potential bias for underreporting should be taken into consideration when analyzing this data.

Furthermore, to help encourage more small-dollar lending in Native American and underserved communities, SBA launched a revamped Small Loan Advantage program called SLA 2.0 in June 2012. SLA 2.0 offers lenders and small businesses a streamlined application process on loans up to \$350,000, while also having a regular 7(a) Government guarantee of up to 85%. This creates a win-win situation for lenders and communities- establishing a streamlined process that reduces lender transaction cost and increases access to capital for small businesses and entrepreneurs in underserved communities.

### Tribal Economic Development Bonds

The Treasury Department and the IRS also worked to facilitate Indian Country access to capital through Tribal Economic Development Bonds (TEDBs). The interest on these bonds is exempt from Federal income tax, and this tax exemption effectively lowers the cost of financing tribal investment projects. The Recovery Act, enacted in 2009, included authority for Treasury to allocate \$2 billion in TEDBs for a wide range of projects that previously would not have qualified for tax-exempt status. Due to ongoing weakness in the credit markets, however, only a small amount of the originally-allocated TEDBs were issued before the initial allocations were forfeited, at the end of 2011, or on March 31, 2012, depending on whether the allocation recipient received an extension. Notice 2012-48, 2012-31 I.R.B. 102 (July 30, 2012), now provides guidelines and application forms for the re-allocation of approximately \$1.8 billion in remaining unused national bond volume authority for TEDBs.

Following on a Congressionally-mandated Treasury Department study of the Recovery Act TEDB program, the Department included a Federal tax legislative proposal in the Administration's FY 2013 Budget to provide more flexible tax-exempt bond authority for Indian tribal governments, comparable to the authority available for state and local governments, on a permanent basis.<sup>2</sup> Congressional action will be required before this legislative proposal will become law.

### Indian Loan Guaranty Insurance and Interest Subsidy Program

The DOI Indian Loan Guaranty Insurance and Interest subsidy program (ILGP) was established by the Indian Financing Act of 1974 to stimulate and increase American Indian and Native Alaska entrepreneurship and employment through the establishment, acquisition or expansion of Indian or Native Alaskan owned economic enterprises, to enhance economic development on Indian reservations, former reservations and tribal service areas. This program is administered by DOI's Office of Indian Energy and Economic Development (IEED). In FY 2012, the program made 37 loan guarantees, totaling more than \$72 million. In FY 2013 the IEED will be implementing a new software system that will give us better information about its current guarantees, the concentration of risk by industry, geographical location, lender, and borrower and should improve our ability to issue guarantees. Loan Guarantees during FY 2012 helped many different industries. A sampling shows that:

1. IEED guaranteed four loans in Alaska so that Native fisherman could continue their commercial fishing operations through purchase of replacement engines, vessel refurbishment, and purchase of a vessel and refinancing of the permit.

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2. See The Department of Treasury's December 2011 Report and Recommendations regarding Tribal Economic Development Bond provision under Section 7821 of the Internal Revenue Code, *available at* <http://www.treasury.gov/resource-center/economic-policy/tribal-policy/Documents/Report%20to%20Congress%20-%20Tribal%20Economic%20Development%20Bonds%20-%20FINAL%2012.19.11.pdf>

## PROMOTING SUSTAINABLE ECONOMIC DEVELOPMENT

2. Tribal entrepreneurs opened two restaurants, Tim Horton's Restaurant and Papa John's on the St. Regis Mohawk reservation, New York, by using the Indian Loan Guarantee Program, while K&Z Pizzeria opened on the Standing Rock Indian Reservation.
3. The ILGP facilitated a loan to an advanced ceramics manufacturing company, majority-owned by the Tohono O'odham Nation in Arizona and is a certified aerospace research and development company. The much needed capital will allow the company to continue its growth in the specialized market serving the commercial aviation industry.
4. The ILGP is assisting a federally chartered section 17 corporation, owned by the 19 Indian Pueblos of New Mexico, to secure financing to improve and renovate a culturally significant building located on trust land in Albuquerque, New Mexico. The building will then be leased to the Native American Community Academy, an existing tuition free public charter school which advocates the inclusion of the Native American culture in the education.

The Office of the Assistant Secretary for Indian Affairs prepared an economic report providing estimates of the results of the ILGP in terms of job creation and value added to the economy in 2011. The report also examined the diversity of the industries in Indian Country that have benefitted from the program. Through this economic analysis, we are able to estimate the effectiveness of our FY 2012 guaranteed loan activity in the following ways: (1) approximately 700 initial (temporary) jobs were created through the initial infusion of capital; (2) the communities receiving this capital will experience annual economic growth, in terms of value added, of approximately \$45 million; and (3) approximately 500 new full time equivalent jobs associated with the economic expansion will be created from the infusion of capital to the reservation or tribal service area.

### Community Development Financial Institutions

The CDFI Fund was created for the purpose of promoting economic revitalization and community development through investment in and assistance to Community Development Financial Institutions (CDFIs). The CDFI Fund was established by the Riegle Community Development and Regulatory Improvement Act of 1994, as a bipartisan initiative.

The CDFI Fund achieves its purpose by promoting access to capital and local economic growth. Through its Native Initiatives, the CDFI Fund provides financial assistance, technical assistance, and training to Native CDFIs and other Native entities proposing to become or create Native CDFIs.

There are 72 certified Native CDFIs in operation throughout the country as of July 31, 2012. Certified Native CDFIs have grown by over 80 percent since 2001, when there were just 14 Native CDFIs. In August of this year, the Treasury Department announced the results from our most recent round of funding for the Native American CDFI Assistance (NACA) program. The CDFI Fund received 66 eligible NACA applications requesting \$20.94 million. The CDFI Fund made 33 awards totaling \$11.47 million to organizations located in 16 states. Since the NACA program was launched in 2001, the CDFI Fund has provided over \$80 million in Financial Assistance and Technical Assistance awards under the NACA Program.

## USDA Rural Development

Thirty two Rural Business Enterprise Grants totaling \$3.6million were awarded by USDA Rural Development to support small business development, job creation, and training of Native American workers. For example, three Rural Business Enterprise grants were awarded in Nebraska to assist the Ho Chunk Community Development Corporation to provide technical assistance to the Winnebago Business Development Program; to Little Priest Tribal College to train Tribal members in growing, preserving and marketing agricultural products; and to First Ponca Financial, LLC to provide technical assistance to new entrepreneurs. In Tahlequah, OK, the Cherokee Nation is using a Rural Development grant to increase business opportunities for artists in their communities. And in Arizona, the Northern Arizona Center for Entrepreneurship and Technology will utilize a grant to develop a Native American technology network to provide technical assistance to citizens of two tribes to access a mentor network of business professionals. Additionally 4 Business and Industry (B&I) Loan guarantees totaling \$9.2 million were approved in FY 2012 in support of Native American owned businesses.

Additionally 4 Business and Industry (B&I) Loan guarantees totaling \$9.2 million were approved in FY 2012 in support of Native American owned businesses.

## The Federal Loan Programs for Economic and Community Development throughout Indian Country and Alaska

In response to the Presidential Memorandum on Administrative Flexibility which encouraged greater cross-government collaboration, improved outcomes, more administrative flexibility, and removal of bureaucratic barriers, an Interagency Working Group on Loans and Credit was formed. This group gathered information on the entire federal loan programs that tribal enterprises and for which Native American entrepreneurs might be eligible. The development of a loan matrix, which includes basic information about relevant federal loan programs and a web-based portal are two key outcomes of this group. The matrix and the portal<sup>3</sup> also include loan and credit programs not specific to Native Americans, but broadly available to business, industry, and small business.

## Contracting

### Maximizing Small Business Participation

Each year, the federal government spends about half a trillion dollars on goods and services and works to maximize small business participation in federal contracting, including small businesses owned by women, socially and economically disadvantaged individuals, service-disabled veterans, and those in areas hardest hit by the economic decline. The Administration is committed to meeting the statutory goal of 23% of federal contracting dollars being awarded to small businesses.

For many small businesses, winning a federal government contract is an opportunity to build capacity and grow their business. SBA works with federal agencies to provide increased opportunities for Native American-owned small businesses to compete for and win federal prime contracts. In FY 2011, Native American-owned small businesses have won over \$10.7 billion in federal contracts.

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3. See <http://www.bia.gov/cs/groups/xieed/documents/document/idc-022680.pdf>

SBA realizes that selling to the government requires a very different approach than selling to the commercial sector. Over the last year, SBA has created a series of online contracting courses called GC Classroom to help prospective and existing small businesses, including those in Native American communities, understand the basics about contracting with federal agencies. GC Classroom is also aimed at helping Contracting Officers within the Federal Government learn ways to maximize small business participation in the federal supply chain. In particular, SBA recently published a course on Market Research for Contracting Officers to better enable Contracting Officers to identify small businesses for procurement opportunities. SBA will continue to provide Native American small businesses with additional contracting training tools.

### **Minority Business Development Agency**

The Minority Business Development Agency (MBDA) assisted Native American-owned businesses with gaining access to \$536 million in contracts and capital in FY 2011. This is a 62 percent increase over FY 2010 levels. During the first 3-year period of the Obama Administration, MBDA assisted 1,983 Native American-owned businesses in obtaining \$1.1 billion in contracts and capital—a 94 percent increase over the prior 3-year period.

With an average contract size of \$.09 million for Native American owned businesses, MBDA has worked hard to help these firms grow. Native American-owned businesses are concentrated in the following three industry sectors: (1) construction; (2) professional, scientific, and technical services; and (3) health-care and social assistance. These sectors represent 39 percent of all Native American owned- businesses.

MBDA, through its network of MBDA Business Centers, has also been successful in helping American Indian and Alaska Native-owned firms access capital. During the first three years of the Obama Administration, MBDA assisted American Indian and Alaska Native-owned businesses in obtaining \$587 million in capital; and we anticipate similar results in FY 2012.

### **Office of Indian Energy and Economic Development**

To foster contracting between Native businesses and government and commercial buyers, the IEED has worked with the U.S. Department of Defense Native American Procurement Technical Assistance Centers (PTACs) to host seven one-on-one business “matchmaking” and business development sessions at key Indian Country locations to bring together tribal businesses with potential commercial and government buyers and training tribal businesses to effectively market their products and services. Participation in these events included 530 tribal and Native American businesses and 89 corporate and government buyers. These events focused on the aerospace, machine shop, and manufacturing industries and they build deeper personal relationships between Native businesses and potential government and commercial customers.

At the National Center for American Indian Enterprise Development’s RES 2012’s 26th Annual Reservation Economic Summit, IEED worked with prime contractors including Lockheed Martin, Raytheon, and BAE Systems to provide one-on-one training to help CEOs of tribal businesses develop effective marketing presentations. Outcomes included at least one Native-to-Native teaming arrangement and the formation of a Native joint-venture.

IEED also sponsored management and entrepreneurship workshops to increase the capacity of Native Americans to start and sustain businesses that will create jobs in FY 2012. IEED retained instructors from the top-rated Tuck School of Business at Dartmouth College to conduct executive level retreats at five regional locations for Native business managers, training them how to develop and refine a business strategy, align operations to create customer value, and analyze and refine key business processes, and manage a growing enterprise. In all, 176 Native managers graduated from the training.

## **Administrative Flexibility in Indian Country**

President Obama issued a Presidential Memorandum to federal agencies entitled “Administrative Flexibility, Lower Costs, and Better Results for State, Local, and Tribal Governments” in February of 2011. The Memorandum instructed federal agencies to work with tribal governments—as well as States and localities—to reduce unnecessary administrative burdens and to focus resources to achieve better program outcomes for Indian Country. Federal agencies were tasked with engaging in frank dialogue and seeking input from tribal stakeholders about the administrative, regulatory, and legislative barriers in federal programs that serve Indian Country. The White House Domestic Policy Council (DPC) and the Office of Management and Budget (OMB) convened five interagency working groups, comprised of senior program managers, to focus on areas that Indian Country identified as priorities.

The working groups met regularly to discuss how best to coordinate agency resources and to increase knowledge and access to federal programs available to tribes.

While coordinating agency activities, such as training and the sharing of data the working groups evaluated opportunities to:

1. Accomplish better and more cost-effective results by consolidating, streamlining, or eliminating data and administrative requirements;
2. Improve and better coordinate training and technical assistance for tribes across programs; and
3. Improve application, documentation and approval to clarify and streamline access to federal programs.

## **Tribal Commercial Codes**

In the last decade, significant research has been done to identify the impediments to creating long term sustainable economic development on Indian reservations and to identify success factors. The Harvard Project on American Indian Economic Development has found that a key factor in achieving economic self-determination is to have a legal framework in place that promotes self-governance and provides a secure political environment for investors. An indispensable part of this framework is a secured transactions code with a reliable lien-filing system.

The IEED, SBA and the Federal Reserve System sponsored training workshops for tribal governments, business managers, and tribal attorneys on how adoption of the Model Tribal Secured Transactions Act (MTSTA) can increase creditor and investor confidence in tribal economies and ensure the steady growth of business and consumer credit in Indian Country. These workshops are a result of the efforts of the Interagency Working Group on Federal Loan and Credit Programs that was formed to implement



the President's Memorandum on Administrative Flexibility initiative for Indian Country. The interagency working group focused on improving the deployment of federal loan and credit programs in Indian Country. The need for the workshops emerged from a nationwide series of "Growing Economies in Indian Country" forums conducted by federal partners and the Federal Reserve Banks in 2011 to address the barriers to economic development in Native American communities and the best strategies to overcome them.

Six tribal commercial code workshops were held across Indian country in 2012. Future workshops are planned for Oklahoma City, Oklahoma on November 13, 2012; Coshatta, Louisiana on January 15, 2013; and Albuquerque, New Mexico on February 19, 2013.

Additionally, the Office of Justice Services (OJS), BIA, and the Federal Reserve Banks are co-sponsoring workshops for tribal judges and attorneys titled, "Commercial Law for the Tribal Judiciary: the Model Tribal Secured Transactions Act." These sessions focus on the scope and application of tribal secured transaction codes and issues that arise in secured transaction litigation. Training sessions are scheduled for November 29-30, 2012 in Phoenix, Arizona; January 30-31, 2013 in Seattle, Washington; March 21-22, 2013 in Oklahoma City, Oklahoma; and May 8-9, 2013 in Minneapolis, Minnesota.

## **Workforce Development**

### **Jobs and Innovation Accelerator Challenge**

The Administration is committed to addressing the employment and training needs of Indian Country by making grant solicitations accessible to all populations. One example involved regional innovation clusters whereby federal agencies, including the Departments of Commerce and Labor have worked together to provide funding to 20 clusters across the country. Awarded in September 2011, these Jobs and Innovation Accelerator Challenge grants are reaching communities normally left out of economic development efforts. A grant totaling \$1.7 million was awarded to a coalition of tribal and technical colleges to operate the Upper Missouri Tribal Environmental Risk Mitigation (UM-TERM) project, which is designed to meet the region's needs for qualified environmental technicians, improved natural resource management, and business development.

### **DOL's Trade Adjustment Assistance/Community College and Career Training Grant Competition**

Four tribal colleges, applying together as the Tribal College Consortium for Developing Montana and North Dakota Workforce, won an award of over \$18 million in the DOL's Trade Adjustment Assistance/Community College and Career Training grant competition. The grant project will reach over 65 tribes as well as other residents in Montana and North Dakota. These grants, also awarded in September 2011, support partnerships between community colleges and employers to develop programs that provide pathways to good jobs, including building instructional programs that meet specific industry needs. Additionally, the American Indian Opportunities Industrialization Center, a tribal community-based organization in Minnesota, won an award of \$5 million through DOL's H-1B Technical Skills Training grant to provide training for high-growth occupations and industries.

To further the career pathway effort, DOL awarded the Gila River Indian Community (GRIC) a \$3,000,000 Workforce Innovation Fund (WIF) grant award in 2012. The GRIC Career Pathways project will implement an industry-sector based career pathways system, the first of its kind in a Tribal community. Through enhanced resource alignment and leveraging and collaborative partnerships among the workforce development system, employers, and secondary and post-secondary education, the GRIC project will model systemic innovations that other Indian and Native American communities can adopt and replicate.

### **Veteran Job Training and Promotion**

In an effort to reduce veteran unemployment, the Veterans Opportunity to Work (VOW) to Hire Heroes Act of 2011 was passed and signed into law last November. This Act provides seamless transition for service members, expands education and training opportunities for veterans, and provides tax credits for employers who hire veterans with service-connected disabilities. Included in this new law is the Veterans Retraining Assistance Program (VRAP) for unemployed 35 to 60 year old veterans. VRAP is led by VA in partnership with the Department of Labor (DOL). VA has approved 45,000 applications for VRAP to ensure veterans have the opportunity to achieve their educational goals.

Also in FY 2012, the Department of Labor's Division of Indian and Native American Programs (DINAP) continued offering its technical assistance training to grantees to assist native veterans titled "A Protocol for Implementing Priority of Service for Veterans and Eligible Spouses in Indian Country." This protocol, issued to Indian and Native American, Alaska Native, and Native Hawaiian Workforce Investment Act Section 166 grantees, provides guidance on implementation strategies to provide priority to Native veterans and eligible spouses, as required by the Jobs for Veterans Act and Priority of Service regulations. The approach of the guidance was developed and presented in a culturally sensitive manner specific to this unique population.

In addition to the priority of service for veterans training, DINAP promoted various tools to assist Native veterans offered through DOL's Gold Card Initiative, [www.MyNextMove.org/vets](http://www.MyNextMove.org/vets), and the Department of Veterans Affairs' (VA) "Vow to Hire Heroes Act of 2011" Veterans Retraining Assistance Program. To further address the needs of Native veterans, DINAP also collaborates with the U.S. Department of Veterans Affairs' (VA) Office of Tribal Government Relations.

### **Entrepreneurial Development**

#### **Supporting American Indian and Alaska Native Business Enterprises**

Small and minority-owned businesses play a critical role in communities across the United States—spurring investment, creating jobs, and meeting community needs. According to the most recent Survey of Business Owners—conducted by the U.S. Census Bureau in 2007—there were nearly 237,000 American Indian and Alaska Native-owned firms generating \$34.4 billion in economic activity and employing over 184,000 people. The MBDA funds more than 40 MBDA Business Centers and satellite offices, which assist minority businesses across the Nation with access to capital, contracts, and new markets. Native American businesses are included in the minority client base of MBDA. During the first three years of



the Obama Administration, MBDA assisted American Indian and Alaska Native-owned businesses in obtaining \$473 million in contracts; and we anticipate similar results in FY 2012

In support of the Administration's directive for Federal agencies to engage in tribal consultation on policies and programs impacting Indian Country, MBDA and the Department of Commerce conducted numerous meetings and listening sessions with Native American associations and Alaska Native Corporations in FY 2012. The purpose of these meetings was to elicit input and feedback on the rebranding of MBDA's Native American Business Enterprise Center program and the location of new business centers going forward. As such, in FY 2012, MBDA launched five MBDA Business Centers in states with large American Indian and Alaska Native populations: Alaska, California, New Mexico, North Dakota and Oklahoma. These five new MBDA Business Centers will receive the \$6.6 million in funds over a five year period, 2012-2017. Another \$255,000 in FY 2012 funds was awarded to two existing MBDA Business Centers to conduct outreach to American Indian-owned firms in the Arizona, southern California and the Northeast.

### **Development Programs for Entrepreneurs**

SBA District Offices and resource partners (Small Business Development Centers, Women's Business Centers, SCORE, Veteran Business Outreach Centers) help entrepreneurs and small business owners start and grow businesses by providing free or low-cost training, counseling, coaching and mentoring to over 1 million clients a year. In the first three quarters of 2012 (the latest data available), SBA counseled and trained over 15,500 Native American small business owners.

This was made possible, in part, by SBA's Office of Native American Affairs which launched an outreach funding initiative in 2012 to provide additional support to SBA's field offices throughout the United States. The initiative supported local coordination and collaboration and training and technical assistance to Native American businesses and tribal communities primarily in rural and reservation areas. Outreach efforts included symposiums, business development and financial literacy workshops, roundtable discussions, technical assistance, and participation in Native American conferences to provide one-on-one counseling and present information on SBA programs and services.

### **Emerging Leaders Program**

In addition, SBA promotes entrepreneurial success and job creation through increasing outreach to areas historically challenged by high levels of unemployment and poverty. The Emerging Leaders Program (formerly Emerging 200 or e200) identifies small businesses that show a high potential for growth. Through eight months of specialized training, the Program provides small businesses with the network and resources required to build a sustainable business and promote economic development within communities across the country. The results show nearly 75percent of participating small businesses have maintained all or added new employees, with over 900 new full-time employees added from 2009 to 2011. In addition, 67percent of participants reported increased revenues over the past year and have leveraged over \$26 million in new financing. Businesses also secured over \$330 million in federal, state, local and tribal contracts. The 2011 Emerging Leaders training cycle included approximately 485 small businesses enrolled in 27 markets across the country. In 2012, 10 Native American communities were

selected as e-200 training sites and more than 150 Native American small business owners participated in the program.



Secretary Solis meets with the National Indian Youth Council, a DOL Division of Indian and Native American Programs grantee in Albuquerque, NM. (Dept. of Labor Photo)

### The Native Communities Entrepreneurial Empowerment Outreach Training

Reaching rural reservation communities was also an objective in 2012, through The Native Communities Entrepreneurial Empowerment Outreach training, SBA enhanced the capacity of organizations seeking to serve Native American business communities, the entrepreneurs and the small businesses that reside in Native communities throughout Indian Country. SBA's empowerment outreach was charged with fulfilling four key goals. Increase knowledge, capacity and overall development of hosting organizations, Strengthen existing and new relationships throughout Indian Country, Increase knowledge of entrepreneurship programs and grow the capacity of Native-owned businesses. Over 160 participants received small business development training at eight events that extended across five states: Oklahoma, California, Texas, South Dakota and Washington. Almost 150 hours of training and post technical assistance was provided to Native American communities. These events created a bridge that produced new partnerships and renewed older relationships.

### Supporting Infrastructure Development in Indian Country

#### USDA Substantially Underserved Trust Areas Rule

USDA's Rural Utilities Service (RUS), after concluding tribal consultation, was able to adopt the final regulation implementing the Substantially Underserved Trust Areas ("SUTA") rule. The SUTA rule can

now be invoked by tribes seeking critical infrastructure loan and grant funds in the areas of electricity, broadband, water and environmental, telephone, and other critical infrastructure programs delivered by RUS. Once a project has been determined to be within a Trust Area that is substantially underserved, the rule allows a financially feasible tribal project to request longer repayment periods, lower interest rates, waivers and other enhanced terms in seeking funds to support critical infrastructure needs.

## Housing

The President's FY 2013 Budget Request includes \$650 million for the Indian Housing Block Grant, the largest single source of funds for housing assistance in Indian Country. The Department of Housing and Urban Development (HUD) expects to award these funds to approximately 369 recipients representing more than 550 tribes in 34 states. The amount requested will support a wide range of housing assistance activities, including the construction, acquisition, or substantial rehabilitation of approximately 5,800 affordable homes. In addition, the grants will fund the modernization and maintenance of more than 50,000 housing units that were developed prior to the enactment of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA). In fiscal year 2012, Indian Housing Block Grants provided more than \$653 million to Indian Country, which was the largest single source of funds for housing assistance in Indian Country.

As of November 2012, HUD's grantees had expended over 99 percent of the \$510 million provided under the Recovery Act. This included allocating \$23 million to the Housing Improvement Program, a home repair, renovation and replacement grant program administered by the BIA that seeks to eliminate sub-standard housing and homelessness in Indian communities by helping those who need it most obtain decent, safe and sanitary housing for themselves and their families. In addition to the HUD's efforts, the USDA's Rural Development funded 144 Direct Single Family Housing Loans for American Indians and Alaska Natives totaling \$15 million; 209 Single Family Housing loan guarantees providing homeownership financing totaling \$29 million; 39 Home Repair loans totaling \$237,805; 155 Home Repair grants totaling just over \$1 million and 13 Housing Preservation grants to tribes and tribal organizations to improve 106 housing units totaling \$436,500 throughout FY 2012.

Historically, American Indians, Alaska Natives, and Native Hawaiians had limited or no access to private mortgage capital, primarily because much of their land is held in trust by the government. HUD's loan guarantee programs encourage private lenders to invest in Native America, and in FY 2012, 3,943 American Indian and Alaska Native families obtained mortgage financing with cost-effective assistance from these programs. HUD's Office of Loan Guarantee works closely with lenders to counsel and service borrowers who are delinquent. The foreclosure rate has consistently remained low for these loans; the foreclosure rate was only at 1.85 percent in November 2012, far below foreclosure rates in other market segments.

HUD also funded 76 Indian Community Development Block Grant (ICDBG) single purpose grants to address a variety of community development needs in FY 2012. A total of \$56.4 million in ICDBG funding was allocated to Indian Country to address much needed community development projects. Of the projects funded, 30 percent were community buildings, 20 percent were housing rehabilitation projects, 18 percent were new housing construction projects, 14 percent were infrastructure projects and the remainder was for homebuyer assistance, economic development, and facilities for people with special

needs. Funded projects include building a community facility for low-income residents in Oklahoma, constructing a group home for Alaska Native youth experiencing homelessness, and installing solar panels on low-income homes and apartment units to decrease resident energy costs in Wisconsin. To date, with FY 2012 funds, HUD has also awarded \$3,021,640 for nine ICDBG imminent threat grants. These grants were used to address emergencies faced by tribal communities such as windstorms, floods, fires, and replacement of contaminated water systems.

In 2010 and 2011, and again in 2012, HUD held regional and national outreach meetings with tribal leaders and tribal housing stakeholders to seek tribal input on HUD's National Native American Housing Needs Assessment Study. The study's outreach plan and survey instruments have been refined based on input from these sessions and comments from the expert panel formulated specifically for the study. In November 2012, HUD contacted the first group of tribes to be surveyed by the study. The survey process is planned for an entire year to cover all 40 tribes randomly selected to participate. As of September 2012, HUD was near completion of the secondary data review for the study and was beginning the primary data collection for the Hawaiian portion of the study.<sup>4</sup>

### Home Loans to Native American Veterans

The VA Loan Guaranty Service continues to work with federally-recognized tribes to provide direct home loans to Native American Veterans pursuant to 38 U.S.C. § 3761 et seq. The VA currently has Memoranda of Understanding in place with 83 tribal governments. In fiscal year 2012, the VA has made over 925 loans to Native American Veterans for the purchase, construction, or improvement of homes located on federally recognized trust land. The Loan Guaranty Service routinely communicates with Tribal Governments, including the Pacific Island Territorial Governments, in the course of implementing the Native American Veteran Direct Loan Program (NADL). This routine communication takes the form of letters, emails, and conference calls with tribal representatives. Loan Guaranty personnel participate, on an ad hoc basis, in tribal town hall sessions and conduct routine outreach to tribal representatives to proactively (1) confirm the smooth operation of NADL among participating tribes; (2) resolve any issues before a crisis develops, if necessary; and (3) work with nonparticipating tribes to see if they are amenable to permitting VA to offer this home financing benefit to their eligible tribal veterans.

### Transportation

The Department of Transportation (DOT) continues to support the development of critical transportation infrastructure in Indian Country through various programs and services.

On July 6, 2012, President Obama signed new surface transportation authorization legislation, the Moving Ahead for Progress in the 21st Century Act (MAP-21). Under MAP-21, the Indian Reservation Roads Program is redesigned and renamed the Tribal Transportation Program, authorized at \$450 million for fiscal year 2013 and fiscal year 2014, with a new statutory formula to distribute these funds to Federally-recognized Tribes. DOT will continue to work with Tribes to implement the new formula program during the four year transition period (FY 2013-FY 2016) provided in MAP-21. The legislation also provides a new set-aside for highway safety projects for tribes through the Tribal Transportation

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4. For additional information, please visit [http://www.huduser.org/portal/native\\_american\\_assessment/home.html](http://www.huduser.org/portal/native_american_assessment/home.html).

Program. DOT continues to work through the Tribal Transportation Program Coordinating Committee, (formerly the Indian Reservation Roads Program Coordinating Committee) to develop draft guidance on how make the funding available directly to tribes to address planning, law enforcement, education, and engineering safety issues in Indian Country. DOT is partnering with the Bureau of Indian Affairs to update regulations required by MAP-21, which will include multiple listening sessions with the Tribes across the country

MAP-21 also provides \$25 million in formula funds and \$5 million in discretionary grants annually for Tribal Transit in each of fiscal years 2013 and 2014. Formula factors include vehicle revenue miles and the number of low-income individuals residing on tribal lands. DOT will consult with tribes to determine how to implement this program moving forward. To this end, the Federal Transit Administration (FTA) published a notice in the Federal Register on November 9<sup>th</sup>, 2012, that provides information on our schedule for implementing MAP-21-related changes and seeks comments in three areas: (1) the methodology for the formula allocation and the assumptions made regarding who is eligible for the formula program; (2) the terms and conditions for the program's formula and discretionary components; and (3) how the discretionary program resources should be allocated. Comments are due to docket number FTA-2012-0054 by January 8, 2013.

MAP-21 also continues the Indian Highway Safety Program essentially unchanged and authorizes funding at \$4.7 million. DOT will be working with the Tribes through BIA Indian Highway Safety Program (IHSP) during the implementation process to provide training and technical assistance. DOT continues to support highway safety in Indian Country through the development and implementation of a national tribal safety plan and technical assistance to several tribal governments nationwide. Safety summits have identified tribal safety priorities and strengthened partnerships to address safety challenges. Safety plans were developed in 2011 and 2012 with tribal leadership in places such as the Fort Berthold Indian Reservation in North Dakota where a dramatic increase in truck traffic has impacted the local community.

Finally, in an historic agreement twenty years in the making with the Taos Pueblo, the only Native American community in the United States designated both a living World Heritage Site by the United Nations Environmental Scientific and Cultural Organization and a National Historic Landmark, the Federal Aviation Administration raised the minimum airspace altitude over the heritage site from 2,000 feet to 5,000 feet. The agreement also expanded the minimum altitude over the tribe's sacred Blue Lake Wilderness Area from 2,000 feet to 3,000 feet. This agreement protects the Word Heritage Site while paving the way to building a new crosswind runway at the nearby airport in the Town of Taos. This historic agreement was signed in October 2012.

### **Communications and Broadband Services**

The Administration is also working with tribal leaders to bring their communities into the 21st Century by equipping them with high speed access to the Internet. Both the USDA and the Department of Commerce have programs to do so.

In 2010, USDA awarded \$32 million to bring high speed, affordable broadband to the Navajo Nation. USDA also received Recovery Act funds to expand broadband access, and through those funds provided grants and loans totaling over \$400 million to expand broadband access in tribal communities through



the Broadband Initiatives Program. This included \$182 million to ten infrastructure investments directly to tribes and tribally-owned businesses and eleven technical assistance awards to tribes to assist with regional broadband plans to promote economic development.

USDA also received Recovery Act funds to expand broadband access, and through those funds provided grants and loans totaling over \$300 million to expand broadband access in tribal communities through the Broadband Initiatives Program. This included \$214 million in direct Broadband investments benefiting American Indians and Alaska Natives and twelve technical assistance awards to tribes to assist with regional broadband plans to promote economic development.

With \$5.4 million in USDA Recovery Act broadband funding, Warm Springs Telecommunications Company has constructed a state-of-the-art fiber and fixed wireless network that will eventually serve everyone on the 644,000-acre reservation with telephone and broadband.

The TERRA-Southwest Broadband Initiatives Program project now provides terrestrial broadband service for the first time from Anchorage to 65 remote, rural communities in Bristol Bay and the Yukon-Kuskokwim Delta.

Grants awarded through its Broadband Technology Opportunities Program (BTOP) resulted in the National Telecommunications and Information Administration (NTIA) investing approximately \$4 billion of Recovery Act funding to increase broadband access and adoption in communities not served and underserved communities throughout the country. Approximately 27 percent of the total invested support 56 projects by Indian tribes and recipients that indicated their projects will benefit tribal areas. For instance, the Navajo Tribal Utility Authority received a \$32 million grant to provide high-speed broadband to parts of the Navajo Reservation in Arizona, Utah and, New Mexico. The Authority is completing construction of 570 miles of fiber and 59 towers for a broadband network that will serve over 40 Chapter Houses and offer wireless broadband to homes, some of which do not currently receive telephone service. The Pyramid Lake Paiute Tribe's \$7 million grant is funding a fiber optic network for a project titled, "Natukwena Nagweseno," which in the Paiute language means "to weave information." This project is bringing high-speed broadband connections to key community anchor institutions on the reservation, including educational institutions for children and adults, regional health services, and community centers.

NTIA also awarded \$1.6 million to the Nez Perce Tribe to provide wireless broadband service to homes in three counties. The Ute Tribe, with a \$1.5 million grant, is completing installation of a fiber optic backbone and starting to offer broadband wireless service to social service agencies, police, and homes on the Uintah and Ouray Reservation.

Many other BTOP grantees will serve Indian Country. For example, the Pine Telephone Company received \$9.5 million to provide wireless broadband to the Choctaw Nation in southeastern Oklahoma. The California Broadband Cooperative, Inc. will serve several tribes in California and Nevada with its \$81 million dollar grant. . The State of Oklahoma, with its \$74 million dollar grant, will provide broadband service to 17 tribes throughout the state. Construction is underway to serve the Sac and Fox Tribes of the Mississippi in Iowa through the \$16 million dollar grant to the Iowa Communications Network. The North Central New Mexico Economic Development District is working with the—the Pueblos of Ohkay, Owingeh, Santa Clara, Tesuque, and Pojoaque to deploy a middle-mile fiber optic broadband network

with its \$10 million BTOP grant. The system will enable distance learning and advanced technology applications at schools and community colleges, as well as smart grid applications for regional rural electric cooperatives. In addition, the project will support high-speed Internet access for local businesses and offer more secure and reliable connections for telemedicine and public safety. Seven tribes in West Virginia will receive broadband service through the Executive Office of the State of West Virginia's \$126 million grant. The South Dakota Network's \$20 million dollar grant will connect the Pine Ridge and the Lake Traverse Reservations. Finally, seven tribes will benefit from an \$8 million dollar grant to Island Telephone and Engineering, which is constructing a wireless system in Guam and the Commonwealth of the Northern Mariana Islands

Additionally, the Federal Communications Commission (FCC) adopted numerous Tribal-specific provisions in the Connect America Fund and the Lifeline and Link Up programs as part of its comprehensive universal service reform, and extended the established Tribal Priority rules to enable Tribal Nations to more easily obtain full power commercial FM radio licenses. In the context of the Connect America Fund, FCC engaged Tribal governments and associations, Native institutions, and community leaders throughout the country. FCC established an open and direct dialogue through the Office of Native Affairs and Policy and the various Bureaus and Offices across the agency. As a result, the reforms adopted by FCC recognize the unique circumstances and challenges of providing telecommunications and broadband services on Tribal lands and take numerous steps to directly address these challenges.

One such step is the creation of the Mobility and Tribal Mobility Funds, through which the FCC established a universal service support mechanism dedicated expressly to mobile services. Phase I of the Mobility Fund awarded approximately \$300 million in one-time support to address gaps in mobile service availability by supporting the build-out of current and next-generation mobile networks in areas where these networks are unavailable. Phase I of the Tribal Mobility Fund will provide an additional \$50 million in one-time support targeted exclusively for advanced mobile services on Tribal lands. Phase II of the Mobility Fund will provide \$500 million annually for ongoing support of mobile services, with up to \$100 million of this amount designated annually for support to Tribal lands. Mobile providers serving Tribal lands are eligible for the funds available under both the Mobility and the Tribal Mobility Funds.

In addition, the FCC currently has an ongoing rulemaking proceeding designed to improve Tribal access to spectrum and to promote greater utilization of spectrum over Tribal lands. In its *Spectrum over Tribal Lands Notice of Proposed Rulemaking*, the FCC sought comment on a number of proposals designed to expand and enhance fixed and mobile wireless services on Tribal lands.

## Water Infrastructure

President Obama signed the Claims Resolution Act of 2010 which included, in addition to the *Cobell Settlement*, an unprecedented authorization and funding for four Indian Water Rights Settlements. In addition to resolving long-standing legal disputes and litigation, the settlements, which were negotiated by teams from the DOI and the DOJ, will provide over \$1 billion for new water infrastructure projects to meet drinking water supply needs and rehabilitation of existing, aging infrastructure. DOI is moving forward with implementation of the newly enacted settlements and is also continuing progress on existing settlements. The Navajo-Gallup project is a major component of the Navajo Nation's water rights settlement with the State of New Mexico and was selected by the Administration as one of 14 infrastruc-

ture projects nationwide to be expedited through the permitting and environmental review processes. The project will provide hundreds of jobs and will result in bringing a reliable supply of water to Navajo and non-Indian communities that currently rely on hauling water or diminishing groundwater supplies.



Montana Governor Brian Schweitzer, Secretary Salazar and Crow Tribe Apsáalooke Nation Chairman Cedric Black Eagle sign a Crow Tribe-Montana Water Rights Compact, April 27, 2012. (Dept. of Interior photo)

### Cheyenne River Sioux Tribe

In 2012, the USDA Rural Development's Water and Environmental Programs were able to provide the last remaining funds to complete the Mni Waste Water and Wastewater Project on the Cheyenne River Sioux Tribe reservation. The project will allow the Cheyenne River Sioux Tribe to rebuild its failing system and provide much needed water infrastructure support for Cheyenne River Sioux Tribe and surrounding communities. USDA was able to provide a total of \$76 million over three years (2010-2012) to fully complete this critical project.

Through the USDA's Water and Environmental Loan and Grant program 71 grants and 39 loans serving tribes were approved in 2012. This funded total project costs of \$389.9 million, of which \$84 million directly benefitted American Indians and Alaska Natives.



## Energy Development

### Renewable Energy Development

The Obama Administration is focused on building the infrastructure needed to support a clean energy economy in Indian Country, because the countries that lead in clean energy will be the countries that lead the 21st century global economy. Since 2008, the United States has doubled renewable generation from wind, solar, and geothermal. Tribal lands hold great renewable energy potential, and smart development of these resources has the power to strengthen tribal economies, create jobs and generate clean electricity for communities.

The Department of Energy's (DOE) Office of Indian Energy is principally responsible for directing, coordinating, and implementing energy planning, education, management, and programs that assist tribes with energy development, capacity building, development of energy infrastructure, reduction of energy costs, and the electrification of Indian lands and homes. In Fiscal Year 2012, DOE Office of Indian Energy invested over \$1.8 million in new technical assistance, education and capacity building programs to support tribes in developing their clean energy resources. These programs included the Strategic Technical Assistance Response Teams (START) program, education and training for project development and project finance, tribal leader forums on energy development issues, transmission analysis and support, and other hands-on technical assistance on tribal projects.

DOE's Office of Energy Efficiency and Renewable Energy administers the Tribal Energy Program (TEP). TEP invested \$6.0 million to fund 17 tribal clean energy projects valued at \$11.6 million. Thirteen feasibility study projects received \$3.4 million to assess the technical and economic viability of developing over 4,000 MW of new renewable energy generation on tribal lands across the country. Four projects received \$2.6 million for the development of over 250 MW of new generation, potentially saving 9,600 gallons of diesel fuel for heating an Alaskan village annually and fostering development of 5 MW of clean energy while reducing waste to landfills. Since 2002, the program funded 158 tribal energy projects and invested more than \$35.8 million in clean energy development on tribal lands.

Innovation in energy technology and development is essential and no more so than in Indian Country, where next generation tribal energy programs are making a mark. Through IE and TEP, the Department has built momentum by providing focused education efforts to tribal leaders and staff, as well as next generation energy analysis efforts to Indian Country and Alaska Native villages.

In August, Secretary Chu also had the opportunity to meet directly with tribal government and energy enterprise leaders from Forest County Potawatomi, Ho-Chunk Nation, and Oneida Nation of Wisconsin. The Tribes provided Secretary Chu and IE Director LeBeau a short tour of facilities retrofitted for energy efficiency with help of DOE funding and offered updates on the cutting edge clean energy and energy efficiency initiatives they are undertaking. Leaders in innovative sustainable energy development, Forest County continues to implement several renewable energy projects based on DOE investments. The Oneida Nation also discussed their proposed waste-to-energy project, which is partially funded by \$3 million from DOE.

### Strategic Technical Assistance Response Team Program

The Strategic Technical Assistance Response Team (START) Program was designed by the DOE Office of Indian Energy to help Tribes and Alaska Native villages move from feasibility to real development of clean energy projects. START Alaska takes a community based approach to incorporate energy planning, stakeholder and community member involvement, tribal leader training, community energy efficiency education, and project assessment to help Alaska Native villages take advantage of their local renewable resources to reduce their dependency on high cost diesel and heating oil. In May 2012, five Alaska Native villages—the Native Village of Teller, Native Village of Kwinhagak, Venetie Village Council, Arctic Village Council, and the Organized Village of Kake—were selected for the Alaska START Program. While the project work is still ongoing, the projects have had a significant impact in the first few months. Over the summer of 2012, START completed 4 out of 5 site visits, conducting tribal leader training, community outreach, and energy planning. Each village has appointed an *Energy Champion* from the village who has begun supporting the village in the program. START has already provided some key critical initial assistance for the villages. This assistance includes helping two villages reinstate their Power Cost Equalization programs, which have reduced electricity rates from 60 cents to 25 cents a kwh. In one village, START and the village installed solar panels to provide power to the tribal government building. And, in one village, START provided technical assistance for a grant to build a heat recovery project that will heat the village water and sewer system.

In June 2012, 6 tribes in the Lower 48 were selected for the START program. The Passamaquoddy Tribe, Campo Band of Kumeyaay Indians, Hualapai Tribe, Pueblo of Zuni, Pascua Yaqui Tribe, and Forest County Potawatomi were selected for assistance around specific projects, ranging from community scale solar to commercial scale wind. The START program is helping these tribes with energy planning, market and financial analysis, transmission cost and interconnection analysis, and project development training and assistance as appropriate.

### Moapa Solar Energy Development

As part of the Obama Administration's commitment to promote economic prosperity and improve quality of life in rural communities, in June 2012, Secretary of the Interior Ken Salazar approved a 350-megawatt solar energy project on tribal trust land of the Moapa Band of Paiute Indians in Clark County, Nevada. The project, proposed by the tribe and its development partner, marks a milestone as the first-ever, utility-scale solar project approved for development on tribal lands, and is one of the many steps the Administration has taken to help strengthen tribal communities. In a significant step towards development and financing of this project, on November 20, 2012, the Los Angeles City Council approved a 25-year power purchase agreement with K Road Moapa Solar, LLC for up to 250 megawatts of power, enough energy to power 118,000 Los Angeles households. Under the agreement, the Los Angeles Department of Water and Power's Board of Water and Power Commissioners will be the sole recipient of solar power from the K Road project located on the Moapa Band of Paiute Indians land.

### RES Americas Moapa Solar Energy Center Project

The Moapa Band, working with RES Americas, has proposed a second project called the Moapa Solar Energy Project located on tribal land of the Moapa Band of Paiute Indians in Clark County, Nevada

located 30 miles north of Las Vegas. DOI issued a Notice of Intent to prepare an Environmental Impact Statement for the project on August 6, 2012. The proposed action involves constructing and operating a solar energy generation center that would generate 230,000-290,000 Megawatt Hours per year, depending on the technology used.

The Moapa Solar Energy Center Project would be located on tribal lands held in trust for the Moapa Band. The proposed transmission line interconnection and access road corridor connected with the project would be located on federal lands managed by the BLM.

## Conventional Energy Development

### Fort Berthold Energy Development

As part of the Administration's all-of-the-above energy strategy to expand domestic energy production, on October 10, 2012 Secretary of the Interior Ken Salazar announced approval of a fee-to-trust application from the Three Affiliated Tribes of the Fort Berthold Reservation. The tribes requested that Interior accept 469-acres into trust, with a refinery proposed to be constructed on about 190 acres and the remaining acreage to be used for the production of feed for the tribes' buffalo herd. The approval is one in a series of necessary approvals that will enable the tribes to build the first U.S. refinery in decades, supporting American made energy—including domestic resources from the Bakken Formation—while also creating jobs. In addition to creating jobs and supporting energy production, the acquisition for the benefit of the tribes also furthers the Administration's policy of promoting tribal self-determination and economic development in Indian country,

If all required approvals are granted, the proposed Mandan Hidatsa Arikara Nation Clean Fuels Refinery would be the first new refinery built in the U.S. in more than 30 years. Project developers estimate the refinery could create 800 to 1,000 construction jobs, up to 140 operations jobs, and millions in annual revenue streams to benefit the tribes and surrounding rural communities. As proposed, the 13,000 barrel-per-day facility would refine Bakken Formation crude oil into diesel fuel, propane and naphtha products for the U.S. market.

This recent announcement is the latest in a series of Administration initiatives to facilitate safe and responsible development of domestic energy resources on U.S. public lands and Indian trust lands across the country. DOI manages nearly 2 million subsurface acres of mineral estate in active areas of the Bakken play in North Dakota.

### Oil and Gas Energy Resources

The Office of Indian Energy and Economic Development helps spur job creation and economic activity on reservations by assisting tribes to develop their energy and mineral resources. This economic activity can be significant, according to DOI's Economic Contributions Report (2011), energy and mineral development on Indian lands in 2010 supported 120,934 jobs and \$12.3 billion in economic activity. In 2011, alone the Office of Natural Resource Revenue reported that energy and mineral resources generated over \$545 million in royalty revenue paid to Indian mineral owners.

This year, IEED assisted Indian mineral owners in the negotiation of seven Indian Mineral Development Act (IMDA) agreements for oil and natural gas development. These leases have the potential to additionally produce over \$20 billion in revenue to the Indian mineral owner over the life of the lease through royalties and working interests. IEED staff offers a unique, hands-on approach to assisting tribes in leasing their oil and gas resources. By keeping tribes well informed, IEED is able to adjust transaction terms such as royalty rates, lease bonuses, and term of lease, to ensure that both the tribe and its potential partner operate from the same base of information. This kind of technical assistance during negotiations between tribes and potential partners has resulted in tribes achieving a nationwide average Indian oil royalty rate of 17.23 percent, far in excess of the nationwide federal lands (BLM lands) oil royalty rate of 11.29 percent.

IEED provided technical services and financial support to DOI's efforts at the Fort Berthold Indian Reservation to address the enormous oil and gas boom that is occurring in western North Dakota in 2012. The number of wells drilled and associated workload in this area is expected to double in 2013. IEED has provided staff support to an Indian Energy Development Office in New Town, North Dakota to expedite processes within DOI related to oil and gas development on Indian lands, and to provide technical and management expertise, and to bridge management lines of authority through the office of the Assistant Secretary—Indian Affairs. IEED has provided a team of technical staff at the reservation to provide on-site services. Staff functions included realty specialists, environmental specialists and petroleum engineers. The Geographical Information System and data management support are also provided by the Division of Energy and Minerals Development through the implementation of the National Indian Oil and Gas Management System at tribal offices, BIA Agency, BLM Field Office, and the Office of Natural Resources Revenue to ensure proper communication and coordination occurs between the various Departmental agencies, Three Affiliated Tribes, and individual Indian mineral owners.

At the Fort Berthold Indian Reservation, oil and gas development has been the largest driver of economic development. DOI processed 1,564 oil and gas leases on the Fort Berthold Reservation as of June 2008. There are currently 2,884 approved oil and gas leases on the Fort Berthold Reservation. From 2007 to August 2012, the oil and gas leases approved at the Fort Berthold Reservation have generated more than \$389 million in royalty payments for Indian mineral owners, and more than \$190 million in bonus bids.

Over that same timeframe, BLM, in coordination with the BIA, has processed 412 applications for permits to drill on the Fort Berthold Reservation. There were 28 approved permits to drill in January 2009, which has increased to the current status of 412. In January of 2009, there were 6 wells being drilled and 14 wells in production. As of August 2012, there currently 26 wells being drilled, 118 wells waiting on completions and 331 wells in production.



# Healthcare

The Obama Administration has made great strides in giving American Indians and Alaska Natives—and all Americans—greater access to and control over their healthcare through the Affordable Care Act. The Administration's efforts to improve the health and wellbeing of Tribal communities include providing greater access to health care, addressing health disparities, reducing chronic diseases, focusing on childhood obesity, and focusing on behavioral health issues, including collaborative activities toward suicide prevention.

The Department of Health and Human Services' (HHS) Secretary Kathleen Sebelius established the first HHS Secretary's Tribal Advisory Committee (STAC) to improve services, outreach, and consultation efforts with tribes. The STAC's work has resulted in important policy changes across HHS, including increasing access to information about grant opportunities for Tribes, ongoing collaborative work to understand how to expand self-governance in HHS programs beyond the Indian Health Service (IHS), and increased implementation of Tribal consultation activities throughout the Department. Secretary Sebelius sent a letter to all State Governors encouraging consultation with tribes on programs run with federal dollars and, along with requirements for Tribal consultation in funding announcements to States, these efforts have resulted in increased accountability and consultation activities with States.

## **The Affordable Care Act and Implementation of the Indian Health Care Improvement Act**

President Obama achieved historic gains in health security for every American family through the passage of the Affordable Care Act. The health care law takes specific steps to improve the health of those in Indian Country. The law includes the permanent reauthorization of the Indian Health Care Improvement Act (IHCIA), a critical piece of legislation for the health care system used by many American Indians and Alaska Natives. The law makes sure the IHS is here to stay and makes improvements for its future. With the Affordable Care Act, American Indians and Alaska Natives can continue to use IHS as their health care system. The law also offers American Indians and Alaska Natives more options for health insurance.

While there is no penalty if an American Indian or Alaska Native decides to not purchase insurance coverage, the Affordable Care Act provides important benefits for those AI/AN who are interested in accessing health insurance coverage. Beginning in 2014, there will be better access to Medicaid for Americans. In the states that choose to expand their Medicaid program, American Indians may be able to enroll in Medicaid if their income is at or below about \$30,000 for a family of four or \$37,000 in Alaska. In addition, important Medicaid income protections for income eligibility will continue to be in place for American Indians and Alaska Natives. In addition to Medicaid, the Affordable Care Act also includes special protections and cost saving measures for Indians related to implementation of the Affordable Insurance Exchanges that will allow Americans to purchase affordable private health insurance. Another coverage option for tribal employees made possible by the health care law is the Federal Employees Health Benefits Program. The program gives Indian Country access to a robust group of health insurance plans that today cover 8 million Americans. Tribes now have the choice to purchase health insurance

with potentially better coverage for their employees. The Office of Personnel Management (OPM) began enrolling Tribal employers in Spring of 2012.

Many provisions of the permanent authorization of IHClA are already in place. For example, health care professionals in tribal facilities are now allowed to work under a license from any state, and outside providers cannot hold patients responsible for charges if the referral is authorized for payment by the CHS program. In addition, third-party reimbursements must remain at the Service Unit where the services were received. The IHS is also partnering with national and Area Indian organizations on education and outreach activities.

American Indians and Alaska Native individuals, tribes and health facilities will also benefit from this new law through several new sources of funding for health care programs. For example, the Maternal, Infant, and Early Childhood Home Visiting Programs for states, Tribes (through a 3 percent set-aside), and territories makes new funding available to deliver services for early childhood home visitation programs that provide comprehensive services and improve outcomes for families living in at-risk communities.

### **Providing Greater Access to Care**

The Obama Administration is committed to improving access to health services for American Indians and Alaska Natives. The IHS within HHS continues to strengthen federal efforts to improve the quality of and access to Indian health care through strengthening its business practices and enhancing the quality of care it provides as well as developing key collaborations with other federal entities. For example, the IHS and the Health Resources and Services Administration (HRSA) collaborated to designate all Indian health sites as eligible sites for the National Health Service Corps (NHSC) program, a partnership which improves the recruitment and retention of healthcare providers in the Indian health care system. There are now 583 Indian health program sites that are NHSC sites, compared to just 60 in FY 2010. As of September 2012, 277 NHSC clinicians, a 34 percent increase from FY 2011, provided over 1.1 million patient visits.

The Community health centers supported by HHS served over 240,000 American Indian and Alaska Natives in calendar year 2011. A total of approximately \$47.5 million was awarded to dually funded health centers in FY 2011 and approximately \$45.2 million has been awarded in FY 2012.

The IHS Electronic Health Record (EHR) is certified for Meaningful Use, allowing eligible IHS, Tribal, and Urban (I/T/U) providers and hospitals to qualify to receive incentive payments for implementing the Centers for Medicare & Medicaid Services (CMS) requirements for Meaningful Use. After tribal consultation, CMS modified the eligibility rule for Medicaid MU incentives to allow all tribally-operated clinics to be treated as Federally Qualified Health Centers so they can more easily qualify for these incentives. IHS also collaborated closely with the National Indian Health Board (NIHB) Regional Extension Center. All these efforts resulted in IHS, Tribal, and Urban Indian health programs receiving over \$29 million in MU incentive payments in 2012.

In 2010, IHS and the Department of Veterans Affairs (VA) continued implementation of their updated Memorandum of Understanding, which was signed in 2010, to better coordinate care for American Indian and Alaska Native veterans eligible for both IHS and VA services. The IHS and VA Memorandum of Understanding sets forth 5 mutual goals for serving American Indian and Alaska Native veterans. These goals include (1) increasing access to and improving the quality of health care and services offered to



Native veterans by both agencies; (2) promoting patient-centered collaboration and facilitating communication among the VA, IHS, American Indian and Alaska Native veterans, Tribal and Urban Indian Health Programs; (3) establishing in consultation with Tribes, effective partnerships and sharing agreements in support of American Indian and Alaska Native veterans; (4) ensuring appropriate resources are identified and available to support programs for American Indian and Alaska Native veterans; and (5) improving health promotion and disease prevention services to American Indian and Alaska Native veterans to address community-based wellness. The VA and IHS staffs are working together to continue progress on these goals, increase Tribal input and involvement in these activities, and have established action items and target dates for accomplishments.

### **Addressing Health Disparities**

While the overall health of the nation has improved over time, striking health disparities continue to exist between American Indians and Alaska Natives and other racial and ethnic groups. A 2009 report by the Institute of Medicine emphasized the role that inadequate data on race, ethnicity, and language barriers can have in addressing health disparities.

The Affordable Care Act puts a renewed focus on efforts to eliminate disparities that American Indian and Alaska Natives currently face in health and health care, including investments in data collection and research about health disparities. The law ensures that data collection standards for race, ethnicity, sex, primary language, and disability status are established and once in place that to the extent practicable, they be used in national population health surveys.

The Affordable Care Act also codifies into law the Office of Minority Health within HHS, and a network of minority health offices within the Department, to monitor health, healthcare trends and quality of care among minority patients at the state and federal levels and evaluate the success of minority health programs and initiatives. And finally, the Affordable Care Act elevated the National Center for Minority Health and Health Disparities at the National Institutes of Health from a Center to a full Institute, adding to the nation's capacity to address health disparities for minorities.

### **Office of Minority Health**

The HHS Office of Minority Health's (OMH) American Indian and Alaska Native Health Disparities Program is designed to strengthen the capacity of Tribal Epidemiology Centers (TECs) and Urban Indian Health Programs (UIHPs) to collect and manage data more effectively; better understand and develop the link between public health problems and behavior, socioeconomic conditions, and geography; and create a pipeline program for students to increase racial and ethnic diversity in the public health and biomedical sciences professions. OMH awarded competitive funding for FY 2012 to six of the 12 TEC to carry out disease surveillance, including the interpretation and dissemination of surveillance data; address vital statistics needs; conduct epidemiologic analysis; investigate disease outbreaks; develop disease control and prevention strategies and programs; and/or coordinate with other health agencies in the region. In addition to building their data capacity, TECs and UIHPs are required to form collaborative partnerships and alliances to improve access to quality health and human services and design programs to increase the number of American Indian and Alaska Natives serving as health professionals, para-professionals, and researchers.

## Reducing Diabetes and Heart Disease

The Administration supported the extension of the Special Diabetes Program for Indians (SDPI) through 2013 to continue the achievement of important goals in the fight to prevent and treat diabetes and its complications. In partnership with tribal communities, IHS continues to demonstrate successful efforts to reduce diabetes and cardiovascular disease risk factors in Indian Country with innovative and culturally appropriate activities. The SDPI Diabetes Prevention Demonstration Project grant programs adapted and implemented the curriculum from the National Institutes of Health (NIH) Diabetes Prevention Program (DPP) and achieved a low diabetes incidence rate similar to that published in the original NIH study. The SDPI Healthy Heart Project demonstrated reduction of cardiovascular disease risk factors through implementation of evidence-based clinical care. Grantees will be disseminating toolkits with materials and recommendations so that other American Indian and Alaska Native communities will be able to implement programs modeled after their successful interventions.

## Combating Childhood Obesity in Indian Country

In February 2010, the First Lady unveiled a nationwide initiative—*Let's Move!*—to fight the epidemic of childhood obesity and improve the health of children. An integral part of this initiative includes addressing the needs of populations where childhood obesity rates are particularly high, including American Indian and Alaska Native communities. The White House, the Department of Interior, Department of Education, USDA, and HHS, and the Corporation for National and Community Service came together in May 2011 to launch the *Let's Move! in Indian Country* (LMIC) initiative on the Menominee Reservation. As a part of the *Let's Move!* initiative, *Let's Move! in Indian Country* brings together federal agencies, communities, nonprofits, corporate partners and tribes to end the epidemic of childhood obesity in Indian Country within a generation. *Let's Move! in Indian Country* continues to work in local tribal communities to advance healthy eating and increased exercise as critical means to improve the health of children throughout Indian Country. To celebrate the initiative's one year anniversary, the White House hosted a panel on June 1, 2012 to facilitate a discussion with leaders from different tribal communities who have contributed to the progress of *Let's Move! in Indian Country* and whose stories provided inspiration and guidance to help mobilize others on this important issue across Indian Country.

Based on the work of the Childhood Obesity Task Force and the feedback received through over 50 meetings with tribal leaders, native organizations, urban Indian centers, among others, the *Let's Move! in Indian Country* interagency partners continue to work towards a specific set of goals:

1. Creating a Healthy Start on Life
2. Creating Healthy Learning Communities
3. Fostering Healthy, Comprehensive Food Systems Policies
4. Increasing Opportunities for Physical Activity

Creating a Healthy Start on Life includes efforts by IHS to implement activities to reduce childhood overweight and obesity through promotion of breastfeeding in IHS hospitals with obstetric services. The IHS Rosebud Service Unit was the first IHS hospital to achieve the Baby Friendly Hospital designation,



## HEALTHCARE

and other hospitals are implementing activities to achieve for official designation. This initiative also fits within IHS' Healthy Weight for Life Initiative.

In 2011, BIE launched the Presidential Active Lifestyle Award (PALA) Challenge with a goal of engaging 25,000 people. In November 2011, BIE worked with the President's Council on Sports, Fitness and Nutrition to roll out their new PALA + program to include healthy nutrition. Within Indian Country, there have been over 11,500 PALA+ completions.



**The White House Rural Council hosted a Native American Food and Agriculture Roundtable Discussion, bringing together tribal leaders and experts on Native American agricultural economic development with Administration officials, April 4, 2012. (Official White House Photo by Pete Souza)**

BIE has made several key partnerships to increase opportunities for physical activity within Indian Country. In 2011, BIE partnered with Nike's N7 Program to encourage American Indian and Alaska Native youth to take part in PALA through athlete ambassadors including Sam Bradford (St. Louis Rams), among others. N7 has committed to funding four VISTA positions across Indian Country, working closely with schools and communities to increase access to sports. In addition, BIE has partnered with Coach-Across-America, with matching funds from the Corporation for National and Community Service, to fund three coach positions during school year 2012-2013 in targeted Indian Country communities. These coaches will act as physical education teachers and support before-and-after-school physical activity programming where it otherwise would not exist. The Fish and Wildlife Service (FWS) partnered with the BIE,

the Arizona Fish & Game Department, and the National Archery in School Program on a pilot project to provide archery training and equipment for ten BIE schools in Arizona, expanding the program to ten additional schools in New Mexico for the school year 2012-2013. FWS is planning to implement a similar Fishing in Schools Program. Lastly, BIE and World Fit signed a Cooperative Agreement, which allows for Olympians and Paralympians to adopt BIE-funded schools to mentor and teach students the importance of lifelong fitness and the Olympic values of perseverance, respect, and fair play while attaining PALA completions.

### **Improving Subsistence and Food Access Programs**

The USDA's Food and Nutrition Service received \$102 million in FY 2012 in support of the Food Distribution Program on Indian Reservations (FDPIR), which provided a monthly package of nutritious food to an average of about 78,000 individuals each month. In FY 2012, the USDA increased the variety of fresh fruits and vegetables available to FDPIR participants by 50%. FDPIR also began a regional vendor distribution model pilot program which will enhance fresher product delivery to participants, allow for greater opportunity to buy traditional and/or local foods from Native American producers, and reduce overall storage and transportation costs to deliver food to participating tribes. FNS also published a new proposed rule that when implemented in 2013 will expand access to FDPIR, including low-income elderly and disabled households, and more closely align FDPIR and SNAP regulations. The new rule expands current income deductions to include other allowable monthly medical expenses, establishes an income deduction for shelter and utility expenses, and eliminates the requirement for considering household resources in eligibility determinations.

### **Addressing Behavioral Health Issues: Mental Health, Substance Abuse, and Suicide**

Substance abuse and mental health issues have mental, social, physical and spiritual consequences that can weigh on tribal communities, and require a coordinated effort bringing together a variety of resources to help tribal communities.

The Tribal Law and Order Act (TLOA), signed into law on July 29, 2010, created within the Substance Abuse and Mental Health Services Administration (SAMHSA) an Office of Indian Alcohol and Substance Abuse to improve coordination among the Departments of Health and Human Services, Interior and Justice. The work of the new Office of Indian Alcohol and Substance Abuse will help inform the Administration's National Drug Control Strategy.

The Administration recognizes that the implementation of solutions to behavioral health issues in Indian Country ultimately take place in tribal communities. SAMHSA has several ongoing grant programs that provide tribal communities with direct resources and support to develop their own culturally relevant services that are driven by community members. This year SAMHSA funded seven new Circles of Care grantees through a three-year planning and infrastructure/capacity development grant. These grants are specifically for tribal and urban Indian communities to improve the services for American Indian and Alaska Native youth with behavioral health issues and their families. The Child Mental Health Initiative (Systems of Care Program) provides multi-year funding to eight tribal communities; five tribal commu-

nities were awarded one-year planning grants to develop a system of care for children and youth with serious mental health challenges and their families. These grants allow tribal members to implement collaborative solutions to improve services and supports for American Indian and Alaska Native youth and their families. Seventy percent of tribal communities currently receiving grants through the Child Mental Health Initiative were former Circles of Care grantees.

## Confronting Suicide in Indian Country

Administration officials announced in 2010 the creation of the National Action Alliance for Suicide Prevention. The Action Alliance was charged with advancing the National Strategy for Suicide Prevention and includes on its executive committee American Indian membership from the public and private sectors. In December 2010 the Action Alliance announced several new task forces to address suicide prevention within high-risk populations, including American Indians and Alaska Natives. BIA and IHS along with a representative from the private sector co-lead the American Indian and Alaska Native Task Force. The Task Force work plan focuses on identifying best practices and promoting research on suicide prevention and increasing protective factors through positive youth development programs.

On September 10, 2012, the U.S. Surgeon General and the National Action Alliance for Suicide Prevention released an ambitious National Strategy for Suicide Prevention for reducing suicides over the next 10 years. The update of the National Strategy considered the impact of all affected by suicide, loved ones, teachers, first responders, entire tribal communities and drew on suicide prevention experts from all sectors including the armed forces, business, governments (tribal, state, territorial, and federal), the media and entertainment fields, public health, and education. The update includes appendices on various topics. The update includes a section dedicated to American Indian and Alaska Native information and resources.

In addition, in FY 2012, SAMHSA awarded \$15.3 million to 33 tribes, tribal colleges and tribal organizations specifically for suicide prevention projects.

The IHS administers the Methamphetamine and Suicide Prevention Initiative (MSPI), which is a nationally-coordinated demonstration/pilot program that focuses on providing targeted methamphetamine and suicide prevention and intervention resources in Tribal communities. The \$16.3 million appropriation supports 125 community-based projects that have implemented a range of culturally tailored suicide prevention initiatives. To date, MSPI accomplishments include:

- Over 100,000 youth participated in methamphetamine and suicide prevention and intervention activities;
- Over 4,500 professionals and community members were trained in suicide crisis response; and,
- More than 2,800 behavioral health encounters (patient visits) occurred via tele-health.
- IHS and the VA also collaborate to coordinate suicide prevention services for American Indian and Alaska Native veterans. To date accomplishments include:
- Ongoing tribal outreach activities

- Development of the VA suicide prevention campaign materials tailored to American Indian and Alaska Native veterans completed in September 2011; and,
- Focus groups to obtain input from Tribal communities in the cultural adaptation of the VA's Operation SAVE suicide prevention gatekeeper training program for American Indian and Alaska Native communities.

## Combating Prescription Drug Abuse in Indian Country

Abuse of prescription medications remains a significant public health problem among American Indians and Alaska Natives. The Obama Administration has taken significant steps to address the country's prescription drug abuse epidemic, starting with the release of a Prescription Drug Abuse Prevention Plan in April 2011. This plan outlines focuses on four key pillars: education, proper disposal of unneeded or expired prescription drugs, effective enforcement measures to crack down on those who illegally distribute prescription drugs, and effective prescription monitoring through state prescription drug monitoring programs (PDMPs). These state-wide databases monitor the prescribing and dispensing of controlled substances, and serve as a tool for patient care, a drug epidemic early warning system, and a drug diversion and insurance fraud investigative tool. Information contained in the PDMP can be used by prescribers and pharmacists to detect drug-drug interactions and identify patients who may be doctor shopping or in need of substance abuse treatment.

In partnership with the Justice Department's Bureau of Justice Assistance (BJA), the Indian Health Service (IHS) has actively pursued integration with existing state PDMPs since October 2008. IHS has worked diligently with state program administrators and leadership to fully implement Memoranda of Understanding (MOUs) to enable proper IHS data sharing with these programs, and has overcome barriers resulting from lack of funding, privacy act provisions, and differences among state PDMPs. BJA and IHS continue to address ongoing challenges around data privacy and reporting requirements to ensure that PDMPs and prescribing data can be used to address prescription drug abuse and improve quality of care among tribal communities.

The Administration has also made significant efforts to bolster substance abuse prevention through outreach to tribal youth. ONDCP's National Anti-Drug Media Campaign, *Above the Influence*, is one of the most widely recognized youth brands in the country and has been proven to strengthen teen anti-drug beliefs. In 2012, ONDCP facilitated *Above the Influence* activities with teens attending the National Tribal Youth Summit, encouraging the young leaders to take the activity back to their tribal communities. ONDCP also led two workshops on *Above The Influence* at the National Indian Education Association Convention where they reached nearly 100 adults who work with tribal youth on a regular basis.



# Public Safety

This year marks the two-year anniversary of the enactment of the Tribal Law and Order Act of 2010 (TLOA), and as implementation of the law continues, the TLOA is already improving the Federal Government's ability to work with Indian tribes in the investigation and prosecution of crime impacting tribal communities. This important law gives tribes greater sentencing authority, improves defendants' rights, establishes new guidelines and training for officers handling domestic violence and sexual assault, helps combat alcohol and drug abuse, expands the recruitment and retention of BIA and tribal officers, and gives those officers better access to criminal databases. The Obama Administration will keep striving to improve the effectiveness and efficiency of tribal justice systems and continue to assist tribal and federal prosecutors in addressing crime and domestic violence in Indian Country.

## Tribal Law and Order Act Implementation

### Coordination of Alcohol and Substance Abuse Efforts

DOJ, DOI, and HHS entered into a Memorandum of Agreement (MOA) that the agencies would collectively, among other things: determine the scope of the alcohol and substance abuse problems faced by American Indians and Alaska Natives, identify the resources each agency can bring to bear on the problem, and set minimum standards for applying those resources. In addition to the establishment of the Office of Indian Alcohol and Substance Abuse established within SAMHSA, the Indian Alcohol and Substance Abuse Interdepartmental Coordinating Committee (IASA Committee), an interdepartmental coordinating council, has formed to guide the overall direction of the new federal effort to improve its work with tribal communities on alcohol and substance abuse issues. The TLOA requires that the MOA partnering agencies cooperate with federally recognized tribes in the development of tribal specific Tribal Action Plan (TAP), to coordinate resources and programs to assist tribes in achieving their goals in the prevention, intervention and treatment of substance abuse. The TAP workgroup, a sub-workgroup of the IASA Committee, recently released TAP Guidelines, an operating framework for TAP development. This multi-agency collaboration has produced quarterly "Prevention and Recovery" newsletters with information about grant programs, tribal programs, and policy initiatives designed to address alcohol and substance abuse in American Indian and Alaska Native communities. Finally, SAMHSA's Office of Indian Alcohol and Substance Abuse launched on August 5, 2011 a new website to improve and strengthen the communication between the federal government and Indian Country relative to alcohol and drug abuse

### Assumption of Concurrent Federal Criminal Jurisdiction

DOJ published its final rule in December 2011 to implement Section 221 of the TLOA, which authorizes the Attorney General to assume concurrent jurisdiction over crimes committed on certain tribal lands. Through this rule, an Indian tribe that is subject to Public Law 280 may request that the federal government accept concurrent jurisdiction within the tribe's territory and, if the Attorney General consents, federal authorities can investigate and prosecute criminal offenses. Several tribes have submitted



requests for assumption by the Attorney General of concurrent federal criminal jurisdiction, which the Department currently is reviewing.

### **Developing Alternatives to Incarceration**

The DOJ's Access to Justice Initiative (ATJ) and the BIA's OJS are co-sponsoring an expert group meeting in 2013 on the use of traditional Native American justice practices to respond to criminal and delinquent behavior. The one-day roundtable meeting will bring together leaders and experts on the use of traditional justice practices to discuss the benefits and challenges of these programs and processes and develop recommendations to Tribal, State, and Federal Governments on the use or support of them. Following the meeting, ATJ and OJS will prepare a report summarizing the meeting and the expert group's recommendations, which will be disseminated to tribal criminal justice stakeholders in furtherance of the TLOA's mandate that both Departments help tribes develop alternatives to incarceration.

### **Tribal Justice Plan (Long Term Plan to Build and Enhance Tribal Justice Systems)**

On August 5, 2011, the Tribal Justice Plan (TJP) was released to Congress. The TJP addresses incarceration in Indian Country, alternatives to incarceration and treatment, and the reentry of tribal members from prison back to their community. Key themes emerged from the consultations and public comments:

- Establishing alternatives to incarceration should be the major focus.
- The TJP should be implemented in consultation and collaboration with tribal leaders and should be flexible enough to allow tribes to develop strategies tailored to their specific public safety needs and tribal history and culture.
- The TJP should coordinate federal, tribal, state, and local government resources to support operations, programming in tribal justice systems, and critical infrastructure issues with tribal correctional facilities, fully mindful of the sovereign status of tribes in these coordination efforts.

The Office of Justice Programs Bureau of Justice Assistance, Bureau of Indian Affairs, Department of Health and Human Services, and a number of other federal agencies are working with tribal representatives to implement the recommendations of the TJP. The Plan may be accessed at DOJ's Tribal Justice and Safety web page.<sup>5</sup>

### **Supporting Tribal Law Enforcement to Reduce Drug Trafficking**

The High Intensity Drug Trafficking Area (HIDTA) Program, a grant program funded through the Office of National Drug Control Policy (ONDCP) has been working with tribal authorities to respond to the unique threats faced by Indian Country on drug use and trafficking. HIDTAs are uniquely positioned to work with local and tribal communities to promote and participate in community-based drug prevention programs. The HIDTA Program continues to provide discretionary funds for projects on Tribal Lands, including funding task forces, investigations, training, and prevention efforts in the California Central Valley, New York/New Jersey, North Texas, Northwest, Oregon, Southwest Border-Arizona, and Southwest Border-New Mexico HIDTAs.

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5. See [www.justice.gov/tribal/docs/tloa-tsp-aug2011.pdf](http://www.justice.gov/tribal/docs/tloa-tsp-aug2011.pdf).

ONDCP and the HIDTA Program continue to work with tribal authorities to provide funding, training, and equipment to assist tribal law enforcement as they provide for the public safety within their communities.

The Administration has also focused on integrating Tribal Law Enforcement into the development and implementation of its biennial Northern and Southwest Border Counternarcotics Strategies. In January 2012, the Administration released the first National Northern Border Counternarcotics Strategy, a document that articulates the framework for the ongoing efforts to reduce the threat on both sides of the border and is guided by the goal to substantially reduce the flow of illicit drugs and drug proceeds along the U.S.-Canada border. In developing this Strategy, ONDCP met with representatives of various tribal law enforcement entities, including a visit to the Blackfeet Nation in Montana and the St. Regis Mohawk Reservation in New York. Based on those consultations, Chapter Four of the National Northern Border Counternarcotics Strategy focuses on Tribal Lands. Currently, ONDCP, in coordination with its interagency partners, is implementing the Strategy.

### **Enhancing Prosecution, Training and Outreach Efforts to Keep Tribal Communities Safe**

In an effort to comply with the Tribal Law and Order Act's mandates on the federal government, in 2011 the Bureau of Indian Affairs, Office of Justice Services, Tribal Justice Support Division successfully launched the Tribal Court Trial Advocacy Training with the assistance of the Department of Justice's Access to Justice Initiative. To date, over 200 tribal court personnel have been trained on trial court advocacy skills at seven different locations situated either in or near Indian Country. Each training has focused on one of three separate and distinct fact patterns: sexual assault, domestic violence, and illegal trafficking of narcotics and gangs. This three-day trial advocacy course is designed to improve the trial skills of judges, public defenders, and prosecutors who work in tribal courts. All trainings are free and are staffed by attorneys including tribal prosecutors, specifically the former Attorney General for the Rosebud Sioux Tribe and the former Chief Prosecutor for the Rosebud Sioux Tribe, tribal public defenders from courts such as the Tulalip Tribal Court, Assistant United States Attorneys who practice in Indian Country, Assistant Federal Public Defenders, and tribal and state judges. The program is focused on training tribal court personnel on trial advocacy skills using violent crime case scenarios that often occur in Indian Country.

While these trainings are focused on improving trial techniques of tribal court personnel, both lay and law-trained, they fulfill another important need of educating the greater tribal community on the value of an effective and stable tribal court and its importance to tribal sovereignty through outreach to the tribal judiciary and education committees. To that end, all tribal judiciary committee members, education committee members and any other tribal legislative personnel are welcome and many have participated in the trainings. This dual purpose has enhanced BIA's work with tribes as they strengthen their own courts. The training is constantly evolving based on the feedback and request of the participants; five more trainings are scheduled for 2013.

## Supporting Victims of Crime

The Attorney General, through the Office for Victims of Crime (OVC), Office of Justice Programs, announced the first meeting of the Attorney General's Federal Advisory Committee, The National Coordination Committee (Committee) on the American Indian and Alaska Native Sexual Assault Nurse Examiner-Sexual Assault Response Team (AI/AN SANE-SART) Initiative. The Committee will provide advice to OVC and other DOJ components on addressing the training and technical assistance needs and coordination issues involved in establishing and enhancing a victim-centered response to child and adult victims of sexual assault in Indian Country.

## Supporting Native Youth Leadership

Over 160 American Indian and Alaska Native youth, ages 14-17, gathered in Washington, DC, for the 2012 National Intertribal Youth Summit (NIYS). Small teams of tribal youth joined their peers from 53 different tribes from Maine to Alaska—Penobscot to Qagan Tayagungin—to engage in a weeklong program under a theme inspired by Native youth from previous summits—*Young Leaders Shaping Their Communities*. The Summit, hosted by the DOJ's Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the Office of Justice Programs (OJP), was planned by a team of federal partners, including more than 25 offices from within 11 federal agencies, including the Executive Office of the President, the USDA, ED, HHS, DOI, DOJ, U.S. Census Bureau, ONDCP, SBA, and the CNCS. Two non-federal partners, the Casey Family Programs and the Center for Native American Youth at the Aspen Institute also participated. Summit goals and activities included leadership skill-building, Capitol Hill visits to meet with Native American staffers from the Senate Indian Affairs Committee and the House Subcommittee on Indian and Alaska Native Affairs, meetings with Native American staff.

## Tribal and Federal Training on Wildlife and Pollution Enforcement Issues Affecting Tribal Lands

In October 2012, the DOJ's Environment and Natural Resources Division and National Indian Country Training Initiative held a ground-breaking training program for tribal and federal law enforcement officials and prosecutors on enforcement of wildlife and pollution control laws affecting Indian country. The DOJ worked closely with the DOI and the Environmental Protection Agency (EPA) to develop this training program. The program, which included representatives from more than 40 federally-recognized tribes across the country, was aimed at developing tribal capacity to assume a greater role in enforcing wildlife and pollution laws that affect tribal lands and at promoting federal-tribal partnerships to direct law enforcement resources in an effective and efficient manner to protect tribal lands and associated natural resources.

## Reducing Violent Crime through the High Priority Performance Goal Initiative

The OJS witnessed great success during the first Safe Indian Communities—High Priority Performance Goal (HPPG) initiative which was implemented at four reservations with elevated violent crime rates. To expound the success to other areas of Indian Country, the OJS selected two additional reservations to



implement the HPPG initiative. The Rosebud Sioux Tribe in South Dakota and San Carlos Apache Tribe in Arizona were selected based upon violent crime rates above the national average. The goal of the HPPG initiative is to achieve significant reduction in [violent] criminal offenses of at least 5% within 24 months by implementing a comprehensive strategy involving community policing, tactical deployment, and critical interagency and intergovernmental partnerships.

Using the information obtained during a community assessment, an action plan was developed that is comprised of best practices to implement sustained crime reduction in each community. The plan includes customized community policing programs suitable to the community to ensure the best level of success; strategic operation practices tailored to the community for stronger patrol and enforcement within current staffing levels; enhancement of tribal court procedures and operations; and establishment and mediation of any necessary partnerships with various federal, state and local programs such as the Drug Enforcement Administration (DEA) or drug task forces, social services, and rehabilitation programs.

The San Carlos Public Safety program has focused on several areas such as; lowering crime involving Youth and Juveniles, issuing specific orders for targeted areas to patrol, security checks on locations generated by "crime data" for the month, co-hosting a family night put on by the HPPG stakeholders, holding community meetings at local churches, ensuring a larger police presence in the schools, and targeting October as the official "alcohol related crimes" reduction month for 2012 (through aggressive seatbelt and DUI checkpoint enforcement).

The Rosebud Sioux Public Safety program continues to work on filling their vacant sworn law enforcement positions. In the interim, the Tribe requested detail officers to assist with this HPPG initiative until staffing levels can reach an adequate level. BIA-OJS has coordinated detail officers from other BIA and Tribal law enforcement programs to assist the Tribe. The detail officers will assist the Rosebud officers with initiatives such as "operation: safe neighbors and safe streets". The Rosebud Tribe has identified one of the most common crimes that effects people on the Rosebud Reservation as "crimes on persons" such as assaults and domestic violence. With a majority of these crimes involving alcohol, the Tribe's law enforcement program began implementing initiatives; such as saturation patrols targeting the larger housing areas and highways for the purpose of reducing crime and alcohol related incidents.

After the first 11 months of the new HPPG initiative at San Carlos and Rosebud Reservations, the BIA's OJS has shown an 8 percent decrease in violent crime at San Carlos and a 41 percent increase in violent crime at Rosebud. The increase at Rosebud is consistent with what was seen at some of the four previous HPPG locations. The increase at Rosebud may be related to an increase in public trust (increased reporting) after the law enforcement program began implementing successful HPPG strategies. As seen in the first HPPG initiative, the increase in public trust can have a direct impact on the number of violent crimes reported to law enforcement, showing an increase in the violent crime rates during the first year

BIA-OJS created a 124 page "HPPG Best Practices Handbook" that serves as a compilation of the strategies that were instrumental in achieving and surpassing the 5% reduction of violent crime goal during the first HPPG initiative. The findings were drawn from several sources: (1) individual interviews conducted with the police chiefs and command staff of each HPPG reservation; (2) a focus group session involving all interview participants; (3) demographic data that profiled each HPPG reservation and its citizens; and (4) documentation submitted by the four reservations.

The ‘best practices’ identified in the handbook are intended as guidelines for law enforcement entities operating throughout Indian Country. The handbook contains the successful strategies and those that did not work as well as expected. The information ranges from general approaches to specific details necessary to implement strategies.

## Combating Violence Against Native Women

A disproportionately high number of Native American women experience sexual or domestic violence during their lifetimes. President Obama made clear that this “shocking and contemptible fact” is an “assault on our national conscience” that cannot be ignored any longer.

In July 2011, the DOJ proposed legislation that would significantly improve the safety of Native women and allow federal and tribal law enforcement agencies to hold more perpetrators of domestic violence accountable for their crimes. The proposed legislation would address three legal gaps by: (1) recognizing tribes’ power to exercise concurrent criminal jurisdiction over domestic violence cases, regardless of whether the defendant is Indian or non-Indian; (2) clarifying that tribal courts have full civil jurisdiction to issue and enforce protection orders involving any persons, Indian or non-Indian; and (3) providing more robust federal sentences for certain acts of domestic violence in Indian Country

In addition, implementation of the TLOA has resulted in partnerships between federal departments to address the needs of sexual assault victims in Indian Country to restore dignity, respect, and mental and physical health to victims of sexual assault. Culturally appropriate victim-centered services, such as medical forensic examinations, victim assistance programs, effective investigations, and prosecutions, are top priorities. An example of the TLOA in action is the federal coordination among the DOJ’s Office for Victims of Crime (OVC), IHS’s Division of Behavioral Health (DBH), and FBI’s Office of Victim Assistance (OVA) to establish the American Indian and Alaska Native Sexual Assault Nurse Examiner-Sexual Assault Response Team (SANE-SART) Initiative. These partnerships were established to address the comprehensive needs of victims of sexual violence in American Indian and Alaska Native communities. Implementation of Sexual Assault Response Teams (SARTs) has already begun on the six Montana Reservations under Federal jurisdiction. These SARTs meet regularly to provide for the appropriate staffing of cases involving sexual assaults of adults. While the SART is primarily a prosecutorial tool, on some of the Montana Reservations auxiliary groups focusing on outreach, community trainings, and other educational aspects of sexual assault are being developed.

In accordance with Section 265 of the TLOA, the IHS Director established a comprehensive sexual assault policy on March 23, 2011, which is based on DOJ’s national protocol to provide standardized clinical care guidelines in IHS facilities. To provide clarification to IHS facilities, IHS is drafting a separate subpoena policy to comply with Section 263 of the TLOA

In October of this year, the BIE announced a new policy aimed at preventing domestic violence and sexual assaults at the two post-secondary institutions operated by BIE: Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute. The new policy was announced at a two-day kickoff event at Haskell for “Restoring the Circle: Ending Violence and Abuse on Tribal College and University Campuses,” an initiative to address gender-based violence among college students and help increase awareness about reducing violence against American Indian women ages 16-24.

Finally, the Office of Violence Against Women, in partnership with the Executive Office of U.S. Attorneys, has implemented a Tribal Special Assistant U.S. Attorney (SAUSA) Pilot Project. The goal of the program is to train eligible tribal prosecutors in Federal law, procedure, and investigative techniques to increase the likelihood that every viable criminal offense is prosecuted in Tribal court, Federal court, or both. The program enables Tribal prosecutors to bring violence against women cases in federal court and to serve as co-counsel with federal prosecutors on felony investigations and prosecutions of offenses arising out of their respective tribal communities. This program is currently being implemented in Montana, Nebraska, New Mexico, North Dakota, and South Dakota.

### **U.S. Attorney's Offices' Tribal Engagement**

U.S. Attorneys from 30 of 48 districts with Indian Country serve on the Attorney General's Advisory Council (AGAC) Native American Issues Subcommittee (NAIS). The NAIS focuses exclusively on Indian Country issues, both criminal and civil, and is responsible for making policy recommendations to the Attorney General regarding public safety and legal issues. At a September 2012 meeting of the NAIS in Bismarck, North Dakota, 16 U.S. Attorneys whose respective districts contain Indian Country or one or more federally recognized tribes were joined by Acting Assistant Attorney General Mary Lou Leary of the OJP and members of her staff. The OJP provides innovative leadership to federal, state, local, and tribal justice systems, by disseminating state-of-the art knowledge and practices across America, and providing grants for the implementation of these crime fighting strategies. Other participants included officials from FBI and the BIA. The NAIS also met with tribal leaders at the United Tribes Tribal Leaders Summit, heard from tribal members about public safety issues in North Dakota, and participated in the United Tribes International Powwow at the United Tribes Technical College.





# Education

Building strong, prosperous Native American communities is a priority for President Obama and his Administration and education is key to unlocking economic growth on reservations. The President has a goal that by 2020, the U.S. will once again lead the world in college completion. We cannot reach this goal without improving graduation rates for all students, including American Indian and Alaska Native (AI/AN) students.

In response to tribal leaders continued desire for greater tribal control over the education of AI/AN students, the Obama Administration has proposed changes to enhance the role of tribes in the education of their youth. The Obama Administration has also provided greater flexibility in the use of federal funds to meet the unique needs of AI/AN students. Additionally, the Administration continues to work to improve the programs available at tribal colleges so that AI/AN students are well prepared to compete for the high-skilled, quality jobs of today and tomorrow.

This President remains committed to working with tribes to achieve a brighter future for American Indian and Alaska Native students by identifying and developing efforts that will help break the generational history of unemployment across tribal nations and promote economic growth on reservations.

## **Improving American Indian and Alaska Native Educational Opportunities**

In December 2011, the President signed Executive Order 13592, directing every federal agency to support activities that expand educational opportunities and improve educational outcomes for all American Indian and Alaska Native students, including students attending public schools in cities and in rural areas, students attending schools operated and funded by the DOI's BIE, and students attending Tribal Colleges and Universities (TCUs).

As co-chairs of the White House Initiative on American Indian and Alaska Native Education, Secretary of the Interior Ken Salazar and Secretary of Education Arne Duncan created an agreement in consultation with tribes that frames a new partnership with tribal leaders to increase student opportunity and achievement for all American Indian and Alaska Native students. This new partnership is designed to provide greater opportunities for students to learn native languages, cultures, and histories, and to receive a complete and competitive education that prepares them for college, careers, and productive and satisfying lives.

## **Education Department Grants for Elementary and Secondary Education**

The Department of Education (ED) provides support for Native American students through formula and competitive grants to school districts, BIE and BIE-funded schools, Indian tribes; Indian, Native Hawaiian, and Alaska Native educational and community-based organizations; and nonprofit organizations, agencies, and institutions.

Under Title VII of the Elementary and Secondary Education Act (ESEA), ED's Office of Indian Education (OIE) provided \$105,850,931 in FY 2012 formula funding to school districts and tribes for comprehensive programs to meet the educational needs of Indian children. In addition, for OIE awarded \$10,978,442 in

FY 2012 in discretionary grants for demonstration projects that serve preschool children and college-readiness programs; \$7,817,746 in professional development grants to institutions of higher education, including TCUs; and \$1,933,510 for State-Tribal Education Partnership (STEP) grants to tribal educational agencies, described below. ED's Impact Aid Office also provides formula funds to school districts. More than 600 school districts received funding for students who reside on Indian lands.

### **State-Tribal Education Partnership (STEP) Program**

In October 2012, ED announced nearly \$2 million in funding to tribal education agencies (TEAs) under the State-Tribal Education Partnership (STEP) program. Under the STEP program, for the first time ED is awarding competitive grants to foster greater involvement of TEAs in the education of American Indian and Alaska Native students attending public schools on reservations. ED awarded the grants to four TEAs that had entered into agreements with State Educational Agencies.

### **Investing in Innovation Fund**

Through the Investing in Innovation (i3) Fund, ED awarded a \$14 million grant to the Parents as Teachers National Center to replicate a program called BabyFACE, the evidence-supported, home-based service of the successful Family and Child Education (FACE) program. The program will serve approximately 1,000 children in 22 BIE-funded schools annually over the five years of the grant.

In 2011, ED awarded a \$3 million grant to the Metropolitan Education Commission to support the Wisdom Project—a high school completion and college readiness initiative that will serve the Indian Oasis-Baboquivari Unified School District located on the Tohono O'odham Nation in southern Arizona. The Wisdom Project involves the implementation of a rigorous college preparation curriculum designed to increase high school graduation rates and the percentages of students prepared for and entering postsecondary education. Over four years, the project will serve a total of 1,170 students.

### **Promise Neighborhoods Program**

ED has awarded \$100 million over the past three years to develop Promise Neighborhoods, which is inspired by the Harlem Children's Zone to provide communities with the continuum of services—from cradle to career—to meet educational challenges. In 2011, ED added a priority for tribal communities to the program and awarded the Campo Band of Mission Indians a \$500,000 Promise Neighborhoods planning grant.

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

ED provided approximately \$150 million to TCUs in FY 2011. This funding was dedicated to improving and strengthening the academic quality, institutional management, and fiscal stability of TCUs. In FY 2011, ED's Office of Vocational and Adult Education (OVAE) awarded approximately \$8 million to two tribally controlled universities under the Carl D. Perkins Career and Technical Education Act's Tribally Controlled Career and Technical Institutions Program to carry out career and technical education programs for Indian students and for the institutional support costs of these grants. Additionally, in FY 2011, OVAE made continuation awards to twelve TCUs under authority of the Perkins Act's Native American



## EDUCATION

Career and Technical Education Program, to provide career and technical education for American Indian and Alaska Native students, consistent with the purposes of the Perkins Act.



**On May 19, 2012, Secretary of Education Arne Duncan delivered the commencement address at Navajo Technical College (NTC) on the Navajo reservation in New Mexico. (Dept. of Education Photo)**

BIE has initiated a series of significant steps for strengthening the role of federally funded institutions of higher education (Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, or SIPI) and TCUs, funded through BIE. Using existing authorities and federal appropriations, these efforts provide critical professional development opportunities for BIE K-12 teachers and administrators to improve student learning aligned with the Common Core State Standards. Progress is also being made toward creating new and expanded partnerships between federal agencies such as the National Park Service and BIA-OJS with Haskell and SIPI and other tribal colleges and universities for the purpose of creating workforce opportunities for American Indian and Alaska Native graduates.

The EPA piloted the Tribal ecoAmbassadors Program in 2012, which provided grants averaging \$40,000 to professors from eight different TCUs across the country. These professors partnered with EPA scientists to develop year-long research initiatives that address an environmental or public health challenge for their students or larger tribal community. A total of 63 tribal students were engaged on projects ranging from decreasing fish biotoxins using traditional methods to creating a local business using recycled, carbon-negative building materials. Each project culminated in a published report that outlined the community engagement and research process, conclusions, and proposed solutions to the chosen chal-

lenge. With the success of the pilot program, EPA will continue the program for a second year, engaging even more professors and students in Indian country.

The USDA's National Institute for Food and Agriculture (NIFA) has provided support to TCUs that have received land grant status, through the 1994 Research Grants, Educational Equity Grants, and Extension and Institutional Endowment programs. Thirty-two TCUs with land grant status received approximately \$14.2 million in funds in FY 2012. NIFA also provided support to the Federally Recognized Tribal Extension Program, funding 36 awards in the amount of \$2.9 million to provide essential youth development and agriculture development services at the tribal level. These programs served 37,000 youth, 16,414 farmers/ranchers and 88,000 community members with important Extension community services.

Utilizing FY 2012 funding, USDA Rural Development provided 23 grants to 1994 Tribal Land Grant institutions to help the schools improve their facilities and equipment. These grants totaled \$3.7 million in Tribal College infrastructure improvement. For example, in Brimley, Mich., Bay Mills Community College was selected to receive a grant to help construct an Early Childhood Education Learning lab building. In Mission, S.D., Sinte Gleska University was selected to receive a grant to renovate the North Campus college science center, classroom and a computer lab. Nebraska's Little Priest Tribal College will receive funds to help construct an educational facility with classrooms for science, math, writing, speech and other courses.

### **Increased Technical Assistance and Capacity Building**

In response to the President's call to improve educational outcomes for Indian youth, and as a response to tribal consultation, ED's Office of Indian Education (OIE) provided approximately \$993,000 in FY 2012 to three of ED's Regional Comprehensive Centers to provide technical assistance and other support that can help improve outcomes for American Indian and Alaska Native students. Over the course of the centers' grant cycle this support will amount to nearly \$5 million for technical assistance services, including working with States and school districts to help them gain a better understanding of the issues and challenges facing AI/AN students; building the cultural competency of their staff; and improving delivery of instruction and support that are culturally appropriate for AI/AN students.

### **Head Start and Tribal Early Learning Initiative**

The Administration for Children and Families (ACF), the Office of Head Start, and the Office of Child Care—all at the U.S. Department of Health and Human Services (HHS)—began a new effort in September 2012 called the Tribal Early Learning Initiative (TELI). Working with tribes that receive grants from the Tribal Child Care, American Indian and Alaska Head Start/Early Head Start, and Tribal Maternal, Infant, and Early Childhood Home Visiting (MIECHV) grant programs, the Tribal Early Learning Initiative (TELI) supports tribes in fully and effectively coordinating Tribal early learning programs to meet the needs of individual tribal communities and to create and support seamless, high-quality early childhood systems across the various programs serving young children and families. The goal is for tribes and local tribal communities to continue to grow, enhance, and sustain critical early childhood systems to meet the needs of young children, their families, and tribal communities more effectively and efficiently, and to raise the quality of services to children and families across the prenatal to age 5 continuum. Four tribes

are participating in TELI: Choctaw Nation of Oklahoma (OK), White Earth Band of Chippewa (MN), Pueblo of San Felipe (NM), and Confederated Salish and Kootenai Tribes (MT).

In 2012, the Office of Head Start at HHS has awarded over \$224 million to 154 tribal governments and organizations serving 24,405 infants, toddlers, and preschool-age children in American Indian and Alaska Native Head Start and Early Head Start programs across 26 states. In addition, another 20,000 American Indian and Alaska Native children are served in Head Start and Early Head Start programs administered by non-tribal agencies and organizations.

### **National Advisory Council on Indian Education**

President Obama's National Advisory Council on Indian Education (NACIE) met four times this year and released its 2011-2012 report to Congress in June 2012. The fifteen-member Council advises the Secretary of Education concerning the funding and administration of any program under the Secretary's jurisdiction, makes recommendations to the Secretary on filling the position of Director of Indian Education, and reports to Congress on any recommendations that the Council considers appropriate for the improvement of federal education programs that include or may benefit Native Americans. In the 2011-2012 report, the overarching recommendation was that "the federal government must take all possible steps to increase the visibility of Native children" in the public schools on Indian reservations, in urban schools, and in rural schools.

### **American Indian Research and Education Initiative (AIREI)**

A partnership between DOE, the American Indian Higher Education Consortium and the American Indian Science and Engineering Society to bring science, technology, engineering and mathematics (STEM) research and education funding to our nation's Tribal colleges and universities and other U.S. universities around the country.

This program is funding student/faculty teams at six schools—three pairs of tribal colleges and mainstream universities—to bring energy projects to tribal land. Mainstream universities have been funded for a year at \$35,000 each, and the Tribal Colleges and Universities have been funded for a year at \$45,000 each, which includes \$10,000 per school for faculty program managers.

- The research team from Navajo Technical College and Arizona State University will assess the effectiveness of solar photovoltaic system designs in meeting the electricity demands of Navajo homes and public buildings and develop solar technology curriculum that incorporates the outcomes of this study, helping to advance solar system design and installation on local Tribal lands.
- The research team from Little Big Horn College and Montana State University—Bozeman will develop fast growing strains of nitrogen-fixing cyanobacteria to help advance carbon capture and sequestration (CCS) technologies. The research will support the Crow Nation reservation as it evaluates opportunities for coal-to-liquid fuel and CCS projects.
- The research team from Sinte Gleska University and South Dakota School of Mines and Technology will use computer modeling and simulation technologies to evaluate the feasibility of oil and gas development from the Niobrara Formation on Rosebud Sioux reservation.

Through this project, the students will build skills in applied energy-related research involving computer simulations, chemistry, geology and petroleum engineering.

### **American Indian Science and Engineering Society Inter-tribal Middle School Science Bowl**

The DOE American Indian Science and Engineering Society Inter-tribal Middle School Science Bowl is a regional science bowl which brings together 10 teams of students from different Native communities across the country. It is a regional affiliate of the National Science Bowl and follows the same rules—students are quizzed Jeopardy-style on science, and team members are held to high academic standards. Each year, it's held in Albuquerque alongside the American Indian Science and Engineering Fair. In 2012, 32 different tribes were represented, and applications increased by 50% from 2011. The winners of this regional competition go on to compete in the National Science Bowl, which will be held in April 2013.



# Protection of Native American Lands and the Environment, and Respect for Cultural Rights

The United States has taken many steps to ensure the protection of Native American lands and natural resources and recognizes the importance of provisions of the Declaration of the Rights of Indigenous Peoples that call on all states to recognize the rights of indigenous peoples to their lands, territories, and natural resources.

## Land into Trust

Taking land into trust is one of the most important functions that DOI undertakes on behalf of Indian tribes. Homelands are essential to the health, safety, and social and economic welfare of the tribal governments. Lands held in trust for tribes are used for housing, economic development, government services, cultural and natural resource protection, and other critical purposes. Recovering and protecting tribes' land base is a hallmark priority of this Administration. To date, the Obama Administration has acquired over 195,000 acres of land in trust on behalf of Indian tribes and individuals and processed more than 1,000 separate applications.

Unfortunately, the efforts of this Administration to restore tribal homelands have been hampered by two recent U.S. Supreme Court decisions in *Carcieri v. Salazar* and *Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians v. Patchak*. The *Carcieri* decision was wholly inconsistent with the longstanding policies of the United States under the Indian Reorganization Act of 1934 of assisting federally recognized tribes in establishing and protecting a land base sufficient to allow them to provide for the health, welfare, and safety of tribal members, and of treating tribes alike regardless of their date the federal government acknowledged the tribe as a political entity. The *Patchak* decision was inconsistent with the widely-held understanding that once land was held in trust by the United States for the benefit of a tribe, the Quiet Title Act prevented a litigant from seeking to divest the United States of such trust title.

Legislation has been introduced to fix the *Carcieri* decision to reaffirm the authority of the United States to take land into trust on behalf of all federally recognized Indian Tribes. The Administration is on record as supporting a legislative solution to fix the *Carcieri* decision and, to underscore that effort, the Administration included language to fix the decision in the last two Budgets sent to Congress. Because it is a more recent decision, legislation to fix the *Patchak* decision has not been introduced, nonetheless, the Administration is on record as supporting a legislative solution to the negative impacts and increased burdens on the Department and on Indian Country as a whole resulting from both decisions.

In addition, the DOI, with the assistance of the DOJ, continues to evaluate applications to take land into trust under a framework that is consistent with the Supreme Court's decision in *Carcieri*. The DOJ (ENRD) is defending Interior's decision to take land into trust for a tribe under this framework.



## Protecting Tribal Lands

DOJ (ENRD) and DOI have defended reservation boundaries and the status of tribal land holdings in various cases. Such cases help define the scope of tribal, state, and federal authority, providing the requisite certainty for regulation, provision of services, and criminal jurisdiction. The United States filed a brief in the Supreme Court recommending that the Court not review the Eighth Circuit's decision that the Yankton Sioux reservation had not been disestablished in 2011. The Supreme Court denied certiorari, thus preserving the existence of a reservation for the tribe. Also in 2011, the United States also participated in negotiations that led to an historic settlement between the Saginaw Chippewa Indian Tribe, the State of Michigan, and local governments recognizing that the Tribe's Isabella Reservation remains intact. The settlement also encompasses various intergovernmental memoranda of agreement that resolve important issues of how the tribal, state, and local governments will work together on issues ranging from criminal jurisdiction, to taxation, to child welfare. The United States filed an amicus brief in the Omaha Tribal Court defending the DOI's position with respect to reservation boundary questions in September 2012.

## Protecting the Environment

The Obama Administration is committed to protecting the environment, consulting with tribes on environmental issues, and recognizes that many indigenous peoples depend upon a healthy environment for subsistence fishing, hunting and gathering. The EPA Consultation Policy establishes a broader standard regarding the type of EPA actions and activities that may warrant consultation. This broader standard is drawn from the EPA's 1984 Indian Policy, which states that "tribal concerns and interests are considered whenever EPA's actions and/or decisions may affect" tribes. During the first year implementing the EPA Consultation Policy, more than 150 consultation opportunities were offered to federally recognized tribes. In addition, to assist federally recognized tribes, EPA created a website that lists all the EPA and tribal consultation opportunities along with supplementation information on each opportunity.

EPA is increasing administrative flexibility in Indian country by working with tribal representatives to assess how it can streamline processes for tribal applicants under its grant programs. In January 2012, EPA formalized a partnership with AmeriCorps to allow grants from the Indian General Assistance Program (GAP) to be used as match funding for tribally-sponsored AmeriCorps programs. More than \$3 million of AmeriCorps funding is dedicated to support tribal communities every year, but often, tribal governments face financial challenges that prevent them from providing the required matched funding. This partnership will reduce those barriers for many tribes and will lead to projects that help tribes expand services, build capacity, and create sustainable programs. The EPA's senior leadership has made a commitment to developing more of these kinds of partnerships, and has developed an intra-Agency workgroup to determine how to allow maximum efficiency in providing environmental protection in Indian country through grants.

Over the past 3 years (FY 2010-2012) the DOI's Tribal Wildlife Grants Program has provided partnership support totaling more than \$18 million to 102 Indian tribal governments to conserve protect and enhance fish, wildlife, plants and their habitats. In FY 2012, the DOI's Fish and Wildlife Service (FWS), in partnership with tribes, tribal colleges and universities, and tribal organizations implemented seven



Native American youth programs to introduce Native American students to careers in conservation. FWS is a leader in implementing the DOI Policy on Consultation with Indian Tribes and will continue to partner with tribes to emphasize tribal fish and wildlife resource management capacity into the future.



President Barack Obama presents the 2011 Presidential Citizens Medal ceremony to Clarence Lee Alexander of Fort Yukon, Ala., in the East Room of the White House, Oct. 20, 2011. *(Official White House Photo by Chuck Kennedy)*

EPA took an important step in FY 2012, finalizing a rule that provides tribal governments with more opportunities to fully participate in the Toxic Release Inventory (TRI) Program. Under this rule, facilities meeting TRI reporting requirements and located in Indian country are required to submit TRI reports to EPA and the appropriate tribe, rather than to the state in which the facility is geographically located. The final rule also clarifies that a tribal chairperson (or equivalent elected official) has equivalent opportunities to a state governor to petition the EPA to request: (1) that individual facilities located within their Indian country be added to TRI; and (2) that a particular chemical(s) be added to or deleted from the TRI chemical list. EPA's TRI Program ultimately determines whether to add a facility or add/delete a chemical. The final rule is part of the EPA's ongoing efforts to increase tribal participation in the TRI Program and improve tribal access to information on toxic chemical releases that affect tribal communities.

## CONTINUING THE PROGRESS IN TRIBAL COMMUNITIES

EPA awarded targeted grants to tribes to address environmental degradation, including \$12.5 million in grants to 94 tribes through the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) section 128(a) program to establish Tribal Environmental Response Programs to address contamination on tribal lands. EPA also provided \$2 million in grants to tribes to develop capacity to help owners and operators prevent leaks from underground storage tanks and oversee the cleanup of those that have leaked.

On November 18, 2011, EPA proposed in the Federal Register changes to the Underground Storage Tank (UST) regulations which among other things, would provide equal protection in Indian country to the requirements on USTs in states. EPA is considering the public comments received and working to produce the final regulations.

This year, EPA and five other federal agencies (Centers for Disease Control and Prevention, IHS, DOE, Nuclear Regulatory Commission, and BIA) worked with the Navajo Nation to complete work under the first coordinated 5-year plan to assess and clean up cold war-era abandoned uranium mines on the Navajo Reservation. During the 5-year period EPA and other agencies assessed more than 520 mines, 700 homes, and 240 drinking water wells, and provided more than \$60 million for cleanup of mines and replacement of homes and water supplies, using funding from Superfund, Safe Drinking Water Act, and responsible parties. All agencies have agreed to work together to develop a plan for continuing this work in 2013-2018, which will be developed in consultation with the Navajo Nation.

The USDA Natural Resources Conservation Service provided \$12,843,143 in 191 Environmental Quality Incentive Program contracts to tribes; 2 Agricultural Water Enhancement Program contracts for \$40,353; and 38 Conservation Stewardship Program contracts totaling \$2,629,247.

Each of the Forest Service's (FS) five Research Stations partnered with Tribes in 2012 to conduct investigations into the effects of and responses to changes in climate, wildfire, fish genetics, sustainable forest management, and native plant seed programs.

The Forest Service provided \$1,397,047 in 2012 to Tribes, intertribal organizations and the BIA through grants, interagency transfers, and cooperative agreements. These funds supported conservation goals around large landscape collaborations, land acquisition, sharing traditional ecological knowledge, protecting tribal resources, and improving forest health.

In FY2012, USDA's Natural Resources Conservation Service provided approximately \$12.8 million in 191 EQIP (Environmental Quality Incentive Programs) contracts to tribes; 2 Agricultural Water Enhancement Program contracts up to \$40,000.00; and 38 Conservation Stewardship Program contracts totaling over \$2.6 million. For example, through EQIP, the Alabama-Coushatta Tribe of Texas plans to plant 400 acres with more than 240,100 longleaf pine seedlings on its reservation this winter. The planting is part of the tribe's effort to create and restore native longleaf pine forests, an ecosystem that used to cover most of the South, but has nearly disappeared over the past two centuries. The longleaf pine tree is tightly woven into the history and culture of the tribe; the tree's treasured needles have been used for generations to craft intricate handmade baskets. But, because of a lack of nearby longleaf pine forests and their needles, the tribe has been forced to purchase needles from other states.

## Implementing the National Ocean Policy

On July 19, 2010, President Obama established the National Ocean Policy through Executive Order 13547—*Stewardship of the Ocean, Our Coasts, and the Great Lakes*. The Policy seeks “to achieve an America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations.” The Executive Order established the National Ocean Council, composed of senior officials from 26 Federal agencies, to work together to implement the National Ocean Policy.

The National Ocean Policy recognizes the importance of supporting States, Tribes, and other partners to find common solutions to key challenges, and ensures the Nation’s valuable ocean, coastal, and Great Lakes resources continue to provide us with the wealth of benefits that ensure our well-being. To improve coordination and collaboration, and to ensure the participation of Tribal, State, and local officials in National Ocean Policy activities, the Executive Order also established a Governance Coordinating Committee (GCC) consisting of 18 members, three of whom are Tribal representatives. The National Ocean Policy calls for the inclusion of Tribal authorities, among others, in collaborative, regional marine planning activities, and on November 19<sup>th</sup> and 20<sup>th</sup> of this year, four Tribes participated as official members of the Northeast Regional Planning Body—the first such meeting of its kind in the country.

## Respect for Cultural Rights

As President Obama has recognized, the indigenous peoples of North America have invaluable cultural knowledge and rich traditions, which continue to thrive in Native American communities across our country. The activities of many U.S. agencies impact these cultures and traditions, and several agencies have taken formal steps to institutionalize respect for the rights of Native American communities and their traditions.

## Indian Arts and Crafts Amendments Act

President Obama signed into law the Indian Arts and Crafts Amendments Act to strengthen the Indian Arts and Crafts Act, which makes it illegal to sell, offer, or display for sale any art or craft product in a manner that falsely suggests it is Indian-produced, an Indian product, or the product of a particular Indian tribe in July, 2010. The new law empowers all federal law enforcement officers to enforce this prohibition and differentiates among penalties based on the price of the goods involved in the offense. The total market for American Indian and Alaska Native arts and crafts in the United States is estimated at a billion dollars, with an unknown but substantial amount of those sales going to misrepresented, non-authentic works.

## Protection of Sacred Sites and Repatriation of Human Remains and Cultural Items

DOI supports amending the definition of “Native American” in the Native American Graves Protection and Repatriation Act (NAGPRA). The DOI believes that “Native American,” for purposes of NAGPRA, means of, or relating to, tribes, peoples, or cultures that are indigenous to the United States regardless

of whether some or all of these groups are, or are not, culturally affiliated or biologically related to present day Indian tribes, and regardless of when a particular group may have begun to reside in the area.

USDA and the FS began a comprehensive effort across Indian Country focused on improving federal approaches to sacred site issues in July, 2010. Over 50 national and local forest listening sessions with tribal governments were conducted to inform recommendations for improvement. USDA released a draft report and recommendations, and conducted consultation sessions at the local, regional and national levels in FY 2011 and 2012. The final report will be released by the end of 2012, with implementation across a wide variety of policy areas to begin immediately thereafter.

The FS is supporting reburial of approximately 5,000 sets of repatriated remains on National Forest System lands. In 2012, the FS invested \$205,000 toward completing a subset of these reburials.

### **Chimney Rock National Monument**

President Obama established the Chimney Rock National Monument on September 21, 2012. The Monument, managed by the Forest Service, totals 4,726 acres and incorporates spiritual, historic, and scientific resources of great value and significance.

### **Eagle Feathers: Adoption of Department of Justice Policy**

After an extensive period of detailed tribal consultation and input, the Attorney General adopted a DOJ policy addressing the ability of tribal members to use eagle feathers for religious and cultural purposes in October 2012. The policy, which clarifies and expands upon longstanding DOI policy in response to tribal concerns, provides that the DOJ will enforce federal wildlife laws in a manner that respects the ability of members of federally recognized tribes to use eagle feathers and other bird parts. The DOJ's Environment and Natural Resources Division and U.S. Attorney's Offices, together with DOI, have been working closely with tribes to facilitate tribal members' access to eagle feathers for religious and cultural purposes and to address tribal concerns about the effects of enforcement of federal laws protecting eagles on tribal religious and cultural practices. For example, DOI recently concluded formal consultation with tribes on ways to improve the FWS Eagle Repository to facilitate tribal members' ability to obtain eagle feathers.

In addition, the DOI, through the FWS, is working with tribal officials to promote coordination in wildlife investigations and enforcement efforts to protect golden and bald eagles. DOJ-sponsored training for tribal and federal law enforcement officers on the enforcement of wildlife laws will also promote tribal-federal partnerships and coordination in this area.

### **Support the Preservation of Native Languages**

The Administration for Children and Families, Office of Head Start within HHS issued the *Tribal Language Report* providing a snapshot of the successes, progress, and challenges faced by programs and tribes in January 2012. The Tribal Language Report found the 154 American Indian and Alaska Native Head Start and Early Head Start programs have taken a variety of steps to address challenges and opportunities for integrating language and culture, including development of innovative ways to support teachers, including providing tools to help teachers integrate words, greetings, and phrases into everyday

classroom activities. Over the past year, the OHS has emphasized the Head Start Program Performance Standards as a foundation for providing for the full integration of tribal language and culture in Head Start classrooms, in the curricula, and in program systems and services.

While leadership in American Indian and Alaska Native Head Start and Early Head Start programs report that preserving or restoring native tribal languages are important, many parents of enrolled children report wanting their children to learn only English. In response, OHS supported American Indian and Alaska Native program efforts to engage parents in tribal language learning activities while also making progress in English proficiency and literacy.







