



FISCAL YEAR 2019 INDIAN COUNTRY BUDGET REQUESTS

HONORING THE PROMISES, BUILDING STRONG AND PROSPEROUS NATIONS

INTRODUCTION

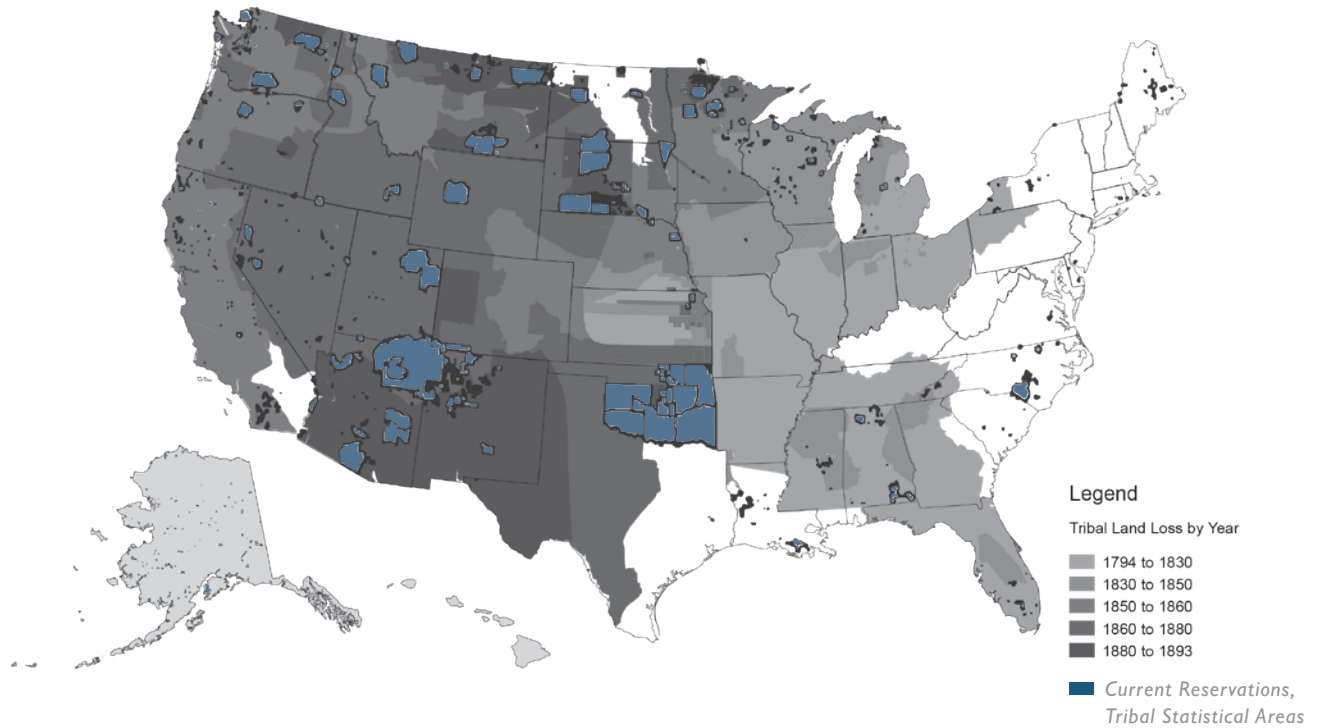
This FY 2019 Indian Country Budget Request benefits rural America, prioritizes federal programs and services that honor the federal trust responsibility, as well as many programs that are critical components of strong tribal economies and public safety systems. The programs highlighted in this document meet the federal treaty and trust obligations as identified by experts at national and regional tribal organizations and through FY 2019 budget formulation consultations between tribal leaders and federal agencies.

OUR NATIONS, OUR PROMISES

For a nation that bases its greatness to a significant degree on its rule of law, treaties and intergovernmental agreements carry paramount importance. In 1884, Supreme Court Justice Samuel Miller remarked:

“A treaty is primarily a compact between independent nations. It depends for the enforcement of its provisions on the interest and the honor of the governments which are parties of it.”

Over the last two centuries, the United States, a nation founded on Indian land, has become the richest economy in the world. Legal scholars note that Chief Justice Marshall described the trust responsibility in terms of the responsibility that sprang from “a landed people to those from whom the land had been taken.”¹¹

Figure 1: Tribal Land Cessions, 1794 to 1893

Credits: U.S. Forest Service Enterprise Map Services Program, Tribal Lands Ceded to the United States

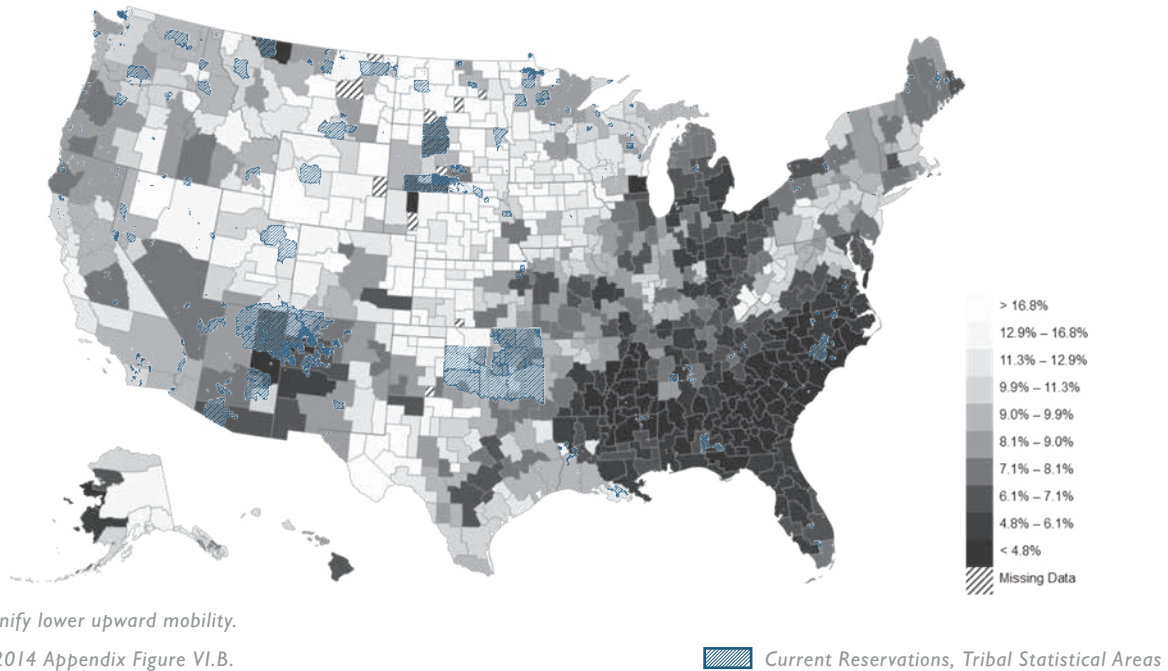
Figure 1 shows Indian land cessions from the post-colonial period to 1893. As America expanded from “sea to shining sea,” federal Indian policy in the age of Manifest Destiny led to the loss of billions of acres of Indian land, and the related promises the United States made in exchange for this land too often remain unfulfilled. Yet, despite the expropriation of land, relocation, and attempted tribal termination and assimilation, tribes in the era of self-determination and self-governance have begun rebuilding their nations, rooted in their values, quite successfully.

STRONG, PROSPEROUS NATIONS

While the United States has yet to fully live up to the promises it has made to tribal nations,¹² tribal leaders are pursuing goals for their citizens similar to those of US national policy makers: building strong and prosperous nations, including economic growth and the efficient provision of necessary public services. Economic diversity characterizes modern Indian Country, but a common factor cited by tribal leaders as hindering tribal economic development is the need for adequate federal funds for essential governmental services, such as public safety, housing, education, and workforce development.¹³ Economic development also faces hurdles in Indian Country due to insufficient infrastructure, including roads, housing, water, sewer systems, and broadband.

While prosperity to many Americans draws on a version of the American Dream based on wage, income, and commercial success, prosperity to Native people includes preservation of culture, family, and homelands as well. For a number of reasons, American Indian populations, especially on reservations, have faced lower intergenerational upward mobility, which simply is a measure of doing better than one’s parents.^{14, 15} Exacerbating the lack of upward mobility are barriers to economic development, including inadequate fulfillment of treaty and trust obligations, insufficient infrastructure, and lack of access to capital.

Figure 2: Probability to Reaching the Top Income Quintile from the Bottom Quintile



Some tribes however are the economic engine of their region, especially in rural areas. In Washington state, 29 tribes collectively contribute more than \$3.5 billion to the state’s economy while employing nearly 30,000 Native and non-Native workers. The Fond du Lac Band poured more than \$300 million into the regional economy in 2011 and created 3,600 jobs in its region, for Natives and non-Natives alike. Tribes across the United States are making similar contributions to their regions, drawing on a mix of intergovernmental transfers, fees, enterprises, sales, and leases that make up their governmental revenue. Honorable fulfillment of the trust and treaty promises to tribes would positively impact not only required public services to tribal citizens but also the surrounding regional, often rural, economies. Given the low historical bases of funding for tribal governments, opportunities for economic improvement and government success are needed.

FISCAL TRUST RESPONSIBILITY

Solutions for facilitating broad-based economic growth in Indian Country must be multi-faceted. For instance, tribes are working to create a positive business environment via good governance and legal infrastructure, such as commercial codes and courts.¹⁶ However, some pieces of the growth puzzle still rely on improving basic physical infrastructure and fulfillment of other fundamental aspects of the trust responsibility, such as public safety and education.

PUBLIC SAFETY: The underfunding of tribal law enforcement and justice systems is well-documented. Most recently, the BIA submitted a report to Congress in 2016 estimating that to provide a minimum base level of service to all federally-recognized tribes: \$1 billion is needed for tribal law enforcement, \$1 billion is needed for tribal courts, and \$222.8 million is needed to adequately fund existing detention centers.¹⁷ Based on recent appropriation levels, BIA is generally funding tribal law enforcement at about 20% of estimated need, tribal detention at about 40% of estimated need, and tribal courts at a dismal 3% of estimated need.

See NCAI's section on Public Safety and Justice programs in Indian Country for detailed funding recommendations, including for the Bureau of Indian Affairs in the Department of the Interior as well as tribal programs in the Department of Justice.

EDUCATION: Fulfilling other fundamental aspects of the trust responsibility such as education would go far in improving tribal economic opportunity, especially in terms of intergenerational mobility. Recent research suggests that education and school quality are factors affecting tribal upward mobility. See NCAI's section on Education funding recommendations, which covers Head Start, Bureau of Indian Education, Head Start, scholarships, as well as tribal colleges.

INFRASTRUCTURE NEEDS: Tribal governments and people face even more pronounced infrastructure challenges and economic obstacles than are evident in many rural communities. In Indian Country, unsafe and unreliable roads contribute to the alarmingly high rates of unintentional injury (including motor vehicle crashes), the leading cause of death among people aged 1-44.¹⁸ Addressing the large backlog of deferred road maintenance in Indian Country is not only essential from a public health perspective, but also to the economic vitality of tribes and their surrounding regions. Deferred infrastructure maintenance represents a burden to future generations just as public debt does. Transportation infrastructure continues to be problematic and programs for road improvement are chronically under-funded by the federal government.

LOCAL CONTROL: Federal budget decisions impacting Indian Country should build on the success of local tribal control, whether through tribal self-governance and self-determination, or through improved budget consultation with tribes. Federal funding of certain tribal programs upholds the federal treaty and trust obligations to tribes, but it also meets specific economic policy objectives of public budgeting.

A decentralized provision of public goods that can be tailored to the preferences of communities, improves the efficiency of the allocation function for some public goods.¹⁹ Self-determination contracts and self-governance compacts comprise an important component to this decentralized system and leads to innovation as well as better sensitivity to varying needs in Indian Country. Tribal leaders are most aware of and responsive to public service needs at the local level.

CONCLUSION

Although Indian Country continues to face immense economic challenges, upholding Indian trust and treaty obligations also holds the promise of tremendous economic success. Congress and the Administration have expressed support for Indian self-determination and honoring the trust responsibility. Indeed many tribes have made tremendous gains in the social and economic wellbeing of their communities when Congress has respected the responsibility of tribes as governments and invested in self-determination. The FY 2019 tribal budget program requests have been compiled in collaboration with tribal leaders, Native organizations, and tribal budget consultation bodies. Tribes respectfully request that these recommendations be included in the appropriations process.

Figure 3: Tribal Public Safety Funding Need

