



INDIAN COUNTRY BUDGET REQUEST

*Honoring the Promises:
The Federal Trust Responsibility in the 21st Century*

FY2012



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EXECUTIVE SUMMARY



Congress and the Obama Administration will begin deliberations on the FY2012 federal budget following one of the most significant years of bipartisan accomplishments for Indian Country in recent memory. In 2010, the U.S. government took historic steps to address numerous long-standing challenges facing Indian Country. Last year, Congress made permanent the Indian Health Care Improvement Act (IHCA) and President Obama signed into law the Tribal Law & Order Act (TLOA). But, like other laws, TLOA and IHCA will not mean much if they are not implemented, and effective implementation is contingent upon adequate federal funding for the recently authorized programs. The U.S. Department of Agriculture settled the long-standing Keepseagle case and the president signed into law the Cobell Settlement, closing the chapter on more than a century of government mismanagement of Indian assets. This moment presents the federal government with an extraordinary opportunity to further tribal self-determination and honor the promises of the federal trust responsibility.

Tribal leaders look to the upcoming fiscal year with great anticipation for honorable fulfillment of federal trust, treaty, moral, and statutory obligations to tribes in the 21st century. *The FY2012 federal budget presents a fresh opportunity for the U.S. government to live up to the promises made to tribes in the treaties signed, statutes enacted, and contracts agreed to between the tribes and federal government over the centuries.*

See page 100 of this report for a Summary Table of NCAI FY2012 Budget Requests.

Public Safety and Justice MORE INFORMATION ON PAGE 24

In recent years, tribal leaders from across the nation have highlighted the shortcomings in the current justice system in numerous formal consultations, informal dialogues, conference calls, meetings, and congressional hearings surrounding issues of public safety and justice in Indian Country. They have emphasized that the current lack of resources for law enforcement on Indian lands poses a direct threat to Native citizens and the future of Indian Country.

The recent passage of the Tribal Law & Order Act (TLOA) is proof that their words have not fallen on deaf ears. TLOA will not meet its intended goals if the Act is not fully implemented. This requires adequate federal funding for TLOA-authorized programs, as well as full funding of other critical tribal justice programs that will support the overarching TLOA vision of comprehensive law enforcement reform.

- Fully fund all of the provisions of the Tribal Law & Order Act of 2010 that authorize additional funding for law and order programs that affect Indian tribes, both for FY2012 and for the future.
- Increase funding for Bureau of Indian Affairs (BIA) law enforcement by at least \$30 million over FY2010 funding levels, including an increase in funds for officer recruitment and training, and for tribal detention facilities operations and maintenance.



- Increase funding for the Federal Bureau of Investigation (FBI) Indian Country activities by at least \$20 million to provide at least 50 new FBI agents tasked with investigating violent crimes within Indian Country, as well as the forensic support for those investigations.
- Continue to fully fund the 33 new Indian Country Assistant United States Attorney positions created in FY2010.
- Create a 7 percent tribal set-aside from all discretionary Office of Justice Programs (OJP), while at the same time ensuring that those funds are allocated in an equitable manner and that each formerly separate program area receives funding at or above FY2010 funding levels, including tribal courts and jails construction, legal assistance, juvenile delinquency prevention, and substance abuse prevention.
- Increase funding of tribal law enforcement programs under the Department of Justice's Community Oriented Policing Services (COPS) Grants program by at least 50 percent over the level proposed in the president's FY2011 budget request.
- Maintain the authorized level of funding for the tribal programs under the Violence Against Women Act (VAWA), including the Grants to Indian Tribal Governments program, which funds initiatives to combat domestic violence and sexual assault in Indian Country.
- Provide \$500,000 for a new Indian Country Sexual Assault Clearinghouse and \$500,000 for regional summits in Indian Country that would provide training on the prosecution of cases involving violence against Native women.
- Increase the amount of money set aside for Analysis and Research on Violence Against Indian Women from \$1 million to \$3 million.

Homeland Security MORE INFORMATION ON PAGE 30

Tribal governments have broad emergency and first-responder responsibilities, as well as extensive border security responsibilities, including enforcement activities to deal with illegal immigration, terrorism, and smuggling activities. Dozens of tribes have critical national infrastructure on their lands, including national oil pipelines, nuclear facilities, missile sites, and dams.

- Provide \$20 million to enable tribal governments to work cooperatively with Department of Homeland Security (DHS) in developing tribal IDs.
- Provide \$20 million annually in additional funding for tribal direct grants for the next five years.



Education MORE INFORMATION ON PAGE 31

Indian nations have a huge stake in an improved education system. Investments in education prepare Native children for active and equal participation in the global market. Education policy must prepare Native children to be positive, involved members of their communities. Most importantly, an investment in education equips the future leaders of tribal governments. There is no more vital resource to the continued existence and integrity of Indian tribes than Native children.

- Provide \$198.4 million for Title VII funding under the No Child Left Behind Act.
- Provide \$1.329 billion for Impact Aid, Title VIII funding under the No Child Left Behind Act.
- Provide \$10 million to fund Tribal Education Departments (TEDs).
- Provide \$263.4 million for Indian school construction and repair.
- Provide \$72.3 million for Tribal Grant Support Costs.
- Provide \$73 million for student transportation.
- Increase facilities accounts to \$109.8 million in facilities operations and \$76 million in facilities maintenance.
- Provide \$431 million for the Indian School Equalization Formula (ISEF).
- Provide \$24.3 million to fully restore funding to Johnson O'Malley.
- Provide \$36 million for Title III-A grants under the Higher Education Act.
- Provide \$92.4 million for Title I under the Tribally Controlled Colleges and Universities Assistance Act.
- Provide \$10 million for the 1994 Extension Program for Tribal Colleges and Universities.
- Provide \$5 million for the 1994 Institutions' Research Grants.
- Provide \$5 million in Educational Equity Grant Program funding for the 1994 land grant institutions.
- Provide \$130 million in funding for the 1994 Native American Endowment Account.
- Provide \$5 million in Essential Community Facilities Program funding.
- Provide a \$10 million increase in Indian Head Start funding.
- Provide \$57 million to fund the Esther Martinez Language Programs through the Administration for Native Americans, Administration for Children and Families.



Health Care MORE INFORMATION ON PAGE 40

Indian Country won a substantial victory in 2010 with the passage and permanent reauthorization of the Indian Health Care Improvement Act (IHCIA) as part of the Patient Protection and Affordable Care Act (PPACA). Indian Country seeks to ensure that the Indian health care delivery system is strengthened so that Indian people and Indian health programs benefit from reformed systems. In order to achieve these results, fundamental components are necessary to fully implement IHCIA and PPACA in Indian Country. Without them, the Indian health care delivery system will be severely hampered, and the rights of Indian people and our sovereign governments will be undermined. Indian health care providers, who form a crucial system of care in some of the most remote communities in the country, must receive the funding necessary to operate Indian Health Service (IHS) facilities and fund community-based programs on which tribal communities rely.

- Provide a \$735 million increase to Indian Health Service funding.
- Provide \$15 million to fund Substance Abuse and Mental Health Services Administration (SAMHSA).
- Provide a \$6 million tribal set-aside for American Indian suicide prevention programs under the Garrett Lee Smith Act.

Human Services MORE INFORMATION ON PAGE 46

CHILD WELFARE

American Indian and Alaska Native children are disproportionately represented in foster care in the United States at a rate that is two to three times the national average. Given the high incidence of out-of-home placements for American Indian and Alaska Native children and the high risk these children generally have for entering the child welfare system, tribal governments need adequate financial resources to help protect children and programs designed with flexibility. Tribes need to be able to design and implement programs to best meet community needs.

- Provide funding for Children's Bureau foster care demonstration grants at \$20 million, and track tribal awards.
- Increase the tribal allocation of Title IV-B, Subpart 1 by creating a 3 percent set-aside from the total appropriation.
- Provide \$200 million for Title IV-B, Subpart 2, the full amount authorized for the discretionary component of the program, which will benefit tribes and states.



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

- Increase funding for the Indian Child Welfare Act (ICWA) by \$45 million to \$70 million for tribes and tribal consortia.

- Re-establish the Urban Indian Child Welfare Grant Program under ICWA and fund at \$12 million.

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

DISABILITIES

According to the U.S. Census, 24 percent of American Indians and Alaska Natives have a disability. This creates an extraordinary need for funding so that tribes can help their disabled citizens become self-sufficient.

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

ELDERS

In tribal communities, elders are considered the “wisdom-keepers” and are held in the highest regard. Unfortunately, these elders comprise the most economically disadvantaged elderly minority in the nation. American Indian and Alaska Native elders are at a growing risk of financial exploitation and neglect. Sufficient funds must be made available to provide “comparable services” to Native elders.

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

- Provide \$7.2 million for Part C (Native American Caregiver Support Program), and create a line-item for training for tribal recipients.

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

- Provide \$3 million for national minority aging organizations to build the capacity of community-based organizations to better serve minority senior Americans.



Economic Development MORE INFORMATION ON PAGE 53

Native nations continue to work toward self-determination and self-sufficiency, despite the fact that federal resources for entrepreneurial development have been insufficient and targeted elsewhere. With unemployment reaching an average of 50 percent and sometimes as high as 80 percent on reservations, it is critical to invest in economic development opportunities for tribal communities. Economic development programs spur community growth, provide job opportunities, and increase quality of life.

- Increase Minority Business Development Agency funding by \$3.5 million to \$35 million.
- Fund the Office of Native American Affairs at \$3 million as part of the Commerce Departmental Management budget.
- Fund the Small Business Administration's (SBA) Office of Native American Affairs at \$2 million.
- Fund Native American Business Center Grants in SBA at \$10 million.
- Provide at least \$1 million within the SBA's Business Development Program for SBA Consultations on and Implementation of 8(a) Improvements.
- Increase Native Community Development Financial Institutions (CDFI) funding up to 10 percent and at least \$15 million in FY2012.
- Fund the Office of Indian Energy and Economic Development in the Department of the Interior at \$5 million.
- Fund the Indian Loan Guarantee Program in the Department of the Interior at \$15 million.
- Fund the American Indian Procurement Technical Assistance Centers at \$3.6 million within \$31 million.
- Fund the 5 percent Indian Incentive Payment Program in the Department of Defense at \$15 million.



Telecommunications MORE INFORMATION ON PAGE 59

While tribal communities still lag behind the rest of the United States in access to radio, wireless, and broadband services, tribes made remarkable gains in telecommunication policy in 2010: tribal priorities were included in the National Broadband Plan and tribes received priority access to broadcast licensing. These gains are a critical foundation for meaningful participation in future broadband and telecommunications policy. With the current low rate of telephone, radio, and broadband service in tribal communities, the following recommendations will provide funding to increase access to telecommunications services throughout Indian Country.

- Provide \$1.5 million to fund the newly created Office of Native Affairs and Policy in the Federal Communications Commission.
- Appropriate \$4 million for construction of American Indian radio stations through the Public Telecommunications Facilities Program in the Department of Commerce.
- Appropriate \$5 million for funding American Indian radio stations in the Corporation for Public Broadcasting.
- Fully fund the authorized amount of \$25 million for Broadband Access in the Department of Agriculture, with a substantial percentage toward tribal areas.

Agriculture MORE INFORMATION ON PAGE 62

Agriculture is a fast growing sector in Indian Country. It is the second leading employer in Native communities and is the backbone of the economy for about 130 tribes. Tribal governments are recognizing that U.S. Department of Agriculture (USDA) services reach beyond agriculture, as they serve not only farmers and ranchers, but tribal governments, natural resource managers, youth, colleges, water infrastructure providers, energy suppliers, and communities. Indian Country looks forward to greater collaboration with USDA and synergies across their programs best suited to each tribe's circumstances.

- Increase the Federally Recognized Tribal Extension Program (FRTEP) by \$15 million.
- Increase the Risk Management Agency's (RMA) Community Outreach and Assistance Partnership Program by \$6.05 million.
- Provide \$10 million for the Rural Development Business and Industry Loan Program.



Environmental Protection MORE INFORMATION ON PAGE 65

Tribal peoples have close spiritual, cultural, practical, and interdependent relationships with their homelands and natural resources. As such, they also face the direct and often disproportionate impacts of environmental degradation, contamination, and climate change. To preserve and enhance the environmental quality of Indian Country for present and future generations and to sustain tribal cultures, tribes require equitable funding for their environmental programs. As sovereign entities, tribes can set environmental quality standards, make environmental policy decisions, and manage programs consistent with the Environmental Protection Agency's (EPA) Indian Policy.

- Authorize and appropriate \$30 million for the Multimedia Tribal Implementation Grants Program within EPA.
- Provide \$32 million for EPA Tribal Water Pollution Control.
- Provide \$12 million for the EPA Nonpoint Source Pollutant Control program.
- Provide \$5 million for the EPA Wetlands Program.
- Provide a minimum of \$67.2 million or a 3 percent tribal set-aside for the EPA Clean Water and Drinking Water State Revolving Funds (SRFs).
- Provide \$1 million for the EPA Operation and Maintenance (O&M) Funding for Tribal Public Water Systems.
- Provide \$1 million for the Border Environmental Infrastructure Fund.
- Provide \$1 million for the EPA Underground Injection Control tribal set-aside.
- Provide an increase of \$26 million for Alaska Native villages to conduct science/research activities and to address climate change impacts.
- Set aside 10 percent of Information Exchange Network funding for tribes.
- Provide \$75 million for institutional capacity building and environmental management in the EPA Indian Environmental General Assistance Program.
- Provide \$4 million to enable tribes to develop and implement solid and hazardous waste programs under EPA.
- Provide \$5 million for Direct Implementation Tribal Cooperative Agreements for effective and efficient on-the-ground environmental protection.
- Provide \$14 million in Clean Air Act Section 103/105 grants to tribes.



Natural Resources MORE INFORMATION ON PAGE 73

The vitality of natural resources is integral to the health of American Indian and Alaska Native communities, cultures, sustenance, and economies. The ecological practices tribal peoples have cultivated for millennia are inherently time-tested, sustainable, and practical. As such, they are gaining increasing validation by the larger society as valuable tools in efforts to protect natural resources and address climate change. Simultaneously, because tribes rely deeply upon their natural resources, the effects of climate change are disproportionate and profound.

For centuries and to this day, the value of tribal ecological knowledge and natural resources to tribal peoples and the nation have not been matched with tangible support. Now is the time to match that support, as climate impacts proliferate.

- Provide \$15 million in funding for the Climate Change Adaptation Initiative in Department of the Interior (DOI).
- Restore funding to the FY2003 level of \$8.298 million for the BIA Water Management, Planning and Pre-Development Program.
- Restore funding to the FY2003 level of \$10.923 million for the BIA Water Rights Negotiation/Litigation Program.
- Restore funding to the FY2002 level of \$3 million for the BIA Endangered Species Program.
- Provide \$20 million for base and programmatic funding of the BIA Tribal Management and Development (TMD) Programs.
- Increase funding for BIA Fish Hatchery Maintenance by \$2.148 million to \$5 million.
- Increase funding for BIA Fish Hatchery Operations by \$1.5 million.
- Increase the Wildlife and Parks Tribal Priority Allocation to \$20 million.
- Increase funding to \$20 million for BIA Natural Resources Tribal Priority Allocations.
- Increase funding to \$49.5 million for BIA Rights Protection Implementation.
- Provide \$5 million in funding for the BIA Invasive Species Program.
- Provide \$8 million in funding for the Fish and Wildlife Service's Tribal Wildlife Grants Program.
- Provide \$31.2 million in BIA Forestry Tribal Priority Allocations.
- Provide \$23.6 million for BIA Forestry Projects.
- Maintain funding at \$3 million for the Great Lakes Restoration Initiative.



Energy MORE INFORMATION ON PAGE 83

Though tribal lands contain 10 percent of the nation's traditional and clean energy resources, tribal governments face mounting challenges in their efforts to contribute to national priorities related to energy independence, clean energy, economic development, and job creation. The development of tribal energy, and tribal participation in energy efficiency programs, will have significant positive impacts for tribes and surrounding communities. To ensure the economic vitality of Indian Country and the nation as a whole, the federal government must provide Indian Country with opportunities to develop their energy resources by removing barriers and providing equitable access to federal programs.

- Provide \$10 million for Office of Indian Energy Policy and Programs in the Department of Energy (DOE).
- Fund the DOE Tribal Energy Program at \$20 million.
- Provide authority to reduce or waive tribal cost shares in DOE.
- Eliminate the \$6,500 fee for the application for a permit to drill in Indian Country in the Bureau of Land Management.
- Increase the DOE Energy Efficiency and Conservation Block Grant Program tribal set-aside to 3 percent.
- Establish a 5 percent tribal set-aside in the DOE Weatherization Program (Wx).
- Provide \$50 million for the DOE Indian Energy Project Loan Guarantee Program.
- Provide \$5 million in capacity-building assistance to Indian tribes for purposes of negotiating and implementing Tribal Energy Resource Agreements (TERAs) in Department of the Interior (DOI).



Housing MORE INFORMATION ON PAGE 88

While significant strides have been made in recent years, Indian tribes, Alaska Native communities, and Native Hawaiians still face some of the most deplorable housing and socioeconomic conditions in the United States. Despite some improvements and sizable investments in Indian housing as part of the American Recovery and Reinvestment Act, Native households face demonstrable ongoing needs and sustained federal investment to close the gap is essential.

- Fund the Department of Housing and Urban Development (HUD) Indian Housing Block Grant at \$875 million.
- Fund the Indian Community Development Block Grant at \$100 million.
- Fund Title VI at \$2 million.
- Fund the Section 184 Program at \$9 million.
- Fund NAHASDA's Training and Technical Assistance at \$4.8 million.
- Fund Title VIII's Native Hawaiian Housing Block Grant at \$20 million.

Transportation MORE INFORMATION ON PAGE 92

Tribes must have transportation infrastructure that permits safe travel and promotes economic development. Transportation infrastructure is critical to linking people within tribal communities and to other surrounding areas in order to strengthen economic development and improve the delivery of tribal government services.

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



Historic and Cultural Preservation MORE INFORMATION ON PAGE 95

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

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

Support for Tribal Governments MORE INFORMATION ON PAGE 97

Contract Support Costs (CSC) at BIA and IHS and Tribal Grant Support Costs (TGSC) for Tribally Operated Schools directly support the governmental functions of tribes. Failure to fully fund CSC and TGSC penalizes tribes in the exercise of their self-determination rights under the law. Steady funding is necessary for tribes to fulfill their role as governments.

- Increase IHS Contract Support Costs by \$100 million, for a total of \$543 million.
- Increase BIA Contract Support Costs by \$50 million, for a total of \$212 million.
- Provide \$72.3 million for Tribal Grant Support Costs (formerly Administrative Cost Grants).

