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Native American - general

PRESIDENT CLINTON FIGHTING FOR NATIVE AMERICANS IN HIS FY2000 BUDGET

February 1, 1999

The President's FY2000 budget represents a significant step forward for America, protecting Social Security and Medicare, and putting in place critical investments in education and training, from smaller class sizes to after-school care. The President also has made a significant commitment to helping Native Americans, particularly in the areas of education, health care, and law enforcement.

Budget Initiatives for Native Americans:

Investing in Education and Training.

- ✔ **Hiring 100,000 well-prepared teachers to reduce class size in the early grades.** President Clinton requests $1.4 billion in his FY 2000 budget, a $200 million increase over FY 1999 funding, for his initiative to hire 100,000 teachers to reduce class size in grades 1-3 to a national average of 18. This increase will enable local schools to recruit, hire, and train an additional 8,000 teachers, while continuing to pay for the 30,000 teachers hired with FY 1999 funds. To ensure that this initiative supports high-quality teaching, school districts may spend up to 15 percent of these funds for teacher training and other related activities. Studies show that smaller classes enable teachers to give personal attention to students, which leads to their getting a stronger foundation in the basic skills. The studies also show that minority and disadvantaged students show the greatest achievement gains as a result of reducing class size in the early grades.
  - ✔ **$6 Million of the $1.4 Billion is for BIA-funded schools**. The funds can used to recruit, hire and train teachers in order to reduce class size in the early grades.

- ✔ **Training and Recruiting New Native American Teachers**. Only two-thirds of Native American students successfully complete high school --far fewer than other students. To address this challenge, the President is proposing $10 million to begin training and recruiting of 1000 new teachers for areas with high concentrations of American Indian and Alaska Native students.

- ✔ **New Native American School Modernization Bonds.** In addition to the $22 billion of School Modernization Bonds authorized in his budget for the construction and renovation of public schools, the President's budget includes a new component for Native American schools. The Secretary of Interior would be authorized to allocate $400 million in School Modernization Bonds ($200 million in 2000 and $200 million in 2001) to tribes or tribal organizations for the construction and renovation of BIA funded schools.

- ✔ **BIA School Construction and Repair.** The President has proposed $108 million, an 80 percent increase over the FY99 enacted level, to replace and repair some of the 185 BIA-funded schools on reservations. Of these funds, $78 million will be used to assist in replacing older, unsafe, and dilapidated schools on reservations in accordance with a Congressionally-approved priority list of

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replacement schools and would provide for much-needed health and safety-related repairs and improvements that together comprise a roughly $700 million backlog. The remaining $30 million will be used to assist tribes or tribal organizations in issuing the bonds described above by using these funds to assure principal repayment.

- ✔ **Strengthening BIA-Funded Schools and Colleges Serving Tribes.** The budget provides $542 million for the operation of elementary and secondary schools, tribally controlled community colleges, and assistance to Indian children attending public schools. This represents an increase of $35 million from FY99.

- ✔ **Education Technology.** A $103 million increase over FY99 to ensure that every child has access to computers, the Internet, high-quality educational software, and teachers that can use technology in the classroom.

- ✔ **Child Care Quality.** $173 million to improve the quality of child care for America's working families and $600 million for a new Early Learning Fund to improve early childhood education and the quality of care for children under age five.

- ✔ **Teacher Recruitment.** The President will propose $35 million --up from $7.5 million last year --to provide scholarships to 7,000 outstanding students who commit to teaching in high-poverty public schools.

- ✔ **Head Start.** A $607 million increase to fund the President's request of up to an additional 42,000 slots for children and keeping on track towards one million children served by 2002.

- ✔ **Indian Head Start.** The budget provides $147 million for Indian Head Start -- a $17 million increase over FY99.

Fighting Crime in Indian Country. The President's budget included key increases for law enforcement:

- ✔ **Improves Law Enforcement in Indian Country.** The budget includes $164 million, a 50 percent increase over FY99, for the Departments of Justice and Interior for the second year of the President's Indian Country Law Enforcement Initiative. The initiative will improve public safety for the 1.4 million residents on the approximately 56 million acres of Indian lands. This funding will increase the number of law enforcement officers on Indian lands, provide more equipment, expand detention facilities, enhance juvenile crime prevention, and improve the effectiveness of tribal courts. Although violent crime has been declining nationally for several years, it has been on the rise in Indian country. At the same time, police service on Indian lands has been steadily shrinking. Recognizing these facts, the President made a major commitment to improve law enforcement in Indian country

Providing Health Care. President Clinton and Vice President Gore are committed to providing health care to the Native American population. This budget moves forward on their vision to help realize this goal.

- ✔ **Indian Health Service.** The President's budget proposes $2.4 billion, an increase for the Indian Health Service (IHS) of $170 million or 8 percent over the FY 1999 level. This increase would

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enable IHS to continue expanding accessible and high-quality health care to its 1.4 million Native American service users. The budget enables IHS to further enhance current levels of direct health care services, including providing 34,000 breast cancer screening mammographies to Native American women between ages 50-69; creating 44 new dental unit teams to provide an additional 25,000 dental visits; reducing the incidence of complications related to chronic diseases such as diabetes through clinical monitoring and health promotion on life style changes; and enabling approximately 100 new community-based public health nurses to provide outreach activities, including home visitations, well-child examinations, immunizations, prenatal care, health fairs, follow-up visits, and missed clinical appointments.

✔ **IHS Medicaid and Medicare Reimbursements.** In addition, from FY98 to FY2000, IHS expects to collect an additional $82 million in reimbursements due to Medicaid collections rate increases. Based on IHS' hospital-based cost data, IHS' Medicaid inpatient rates will rise by 40 percent between 1997 and 1999 and Medicaid outpatient rates will increase by 13 percent. IHS will collect a total of $335 million in Medicaid and Medicare reimbursements in FY2000, helping to bring the total IHS program level to $2.8 billion.

✔ **Indian Health Service (IHS) Contract Support Costs**. Within the overall IHS increase, the budget continues to support Tribal self-determination by proposing a $35 million (+17%) increase for contract support costs, to cover the costs of existing tribal contracts and compacts.

✔ **Helping to Reduce Racial Disparities in Health Status.** Despite improvements in the Nation's overall health, continuing disparities remain in the burden of death and illness that certain minority groups experience. American Indian and Alaska Natives are about three times as likely to dies from diabetes as other Americans. To address this need, the budget includes $145 million for health education, prevention, and treatment services for minority populations. Working with minority public health providers, advocates, and other consumer representatives, CDC will continue a $35 million demonstration program to enable selected communities to develop innovative and effective approaches to address these disparities.

✔ **Elevating the Position of the Director of IHS.** The President will also continue his efforts to elevate the Director of IHS to the position of Assistant Secretary.

Moving People from Welfare to Work and Empowering Communities. President Clinton and Vice President Gore are committed to tapping the potential of America's urban and rural communities. This budget moves forward on their vision to help revitalize America's communities.

✔ **Transportation and Housing for Families Moving From Welfare to Work.** The President's budget contains $580 million for welfare to work housing vouchers and transportation assistance to help those on welfare get to work and stay employed. The President's budget provides $430 million for 75,000 welfare-to-work housing vouchers, including $144 million in new funds for 25,000 additional vouchers. This is a 50 percent increase over the 50,000 vouchers the President secured last year. The vouchers will help families move closer to a new job, reduce a long commute, or secure more stable housing so they can perform better on the job. The President's budget also increases Access to Jobs transportation funding from $75 million to $150 million, doubling the number of individuals and communities that can receive transportation assistance. This competitive grant program supports innovative state and local transportation solutions such as

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shuttles, van pools, new bus routes, and connector services to mass transit to help welfare recipients and other low income workers get to work.

- ✔ **Community Development Financial Institution (CDFI) Expansion.** The Administration requested a major expansion of the CDFI program to continue building a national network of community development banks. The final budget increases CDFI funding from $95 million in FY99 to $125 million in FY2000 -- a $30 million increase.

- ✔ **Flexible Funding for Empowerment Zones.** In January 1999, the Administration announced 20 new Empowerment Zones from the more than 268 communities that applied. The 2000 Budget proposes legislation to authorize mandatory funding for 20 new Empowerment Zones designated in January 1999: 15 Urban Empowerment Zones for 10 years for a total funding commitment of $1.5 billion; $10 million for 10 years for 5 new Rural Empowerment Zones. The Budget also proposes authorization for $3 million grants in FY 2000 to 15 Strategic Planning Communities also named in January 1999. In addition, the Administration proposes $5 million per year in mandatory funding for the 20 new Rural Enterprise Communities designated in 1999. The budget for HUD proposes discretionary funding of $10 million to assist non-designated urban communities in planning and implementing portions of their strategic plans; and technical assistance funding of $15 million to assist all communities in the implementation of their strategic plans.

- ✔ **Indian Housing.** The budget provides $620 million in block grants for Indian housing, which will serve 552 tribes.

Protecting Sovereignty and Promoting Self-Determination.

- ✔ **Tribal Contracting and Self-Governance.** BIA and IHS will continue to promote Tribal self-determination through local decision-making. Tribal contracting and self-governance compact agreements now represent half of BIA's operations budget, and over forty percent of IHS' budget. The self-governance agreements, which give Tribes greater flexibility to administer Federal programs on reservations.

- ✔ **Indian Trust Fund Balances.** The Administration is committed to resolving disputed Indian trust fund account balances through informal dispute resolution and supports the unique government-to-government relationship that exists in Indian trust land management issues. After Tribal consultations, BIA submitted its "Recommendations of the Secretary of the Interior for Settlement of Disputed Tribal Accounts" to Congress in November 1997. Legislation reflecting these recommendations was proposed in 1998, but not enacted. It will be reproposed in the 106th Congress.

- ✔ **Trust Land Management.** As part of BIA's commitment to resolving trust land management issues, BIA introduced legislation in 1998 to establish an Indian Land Consolidation Pilot program to address the fractionation of Indian land. In FY99, BIA will devote $5 million to three pilot projects in Wisconsin, in cooperation with Tribes, to purchase small ownership interests in highly fractionated tracts of land from willing sellers. The FY2000 budget proposes to double funding for this program.

- ✔ **Trust Management Improvement Project.** The Administration supports DOI's Office of Special Trustee's trust management improvement project. Current activities include verifying individual

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Indian's account data and converting these data to a commercial-grade accounting system. Ownership, lease, and royalty information related to the underlying trust assets will also be verified and converted to a recently acquired commercial asset management system.

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Native American — general

cc EK

THE WHITE HOUSE

WASHINGTON

November 5, 1998

Maria — Please copy to Bruce Reed and Gene Sperling. Mickey 11/7/98

File: Indian

MEMORANDUM FOR MARIA ECHAVESTE
JACK LEW
SYLVIA MATHEWS

CC: MICKEY IBARRA
DANIEL MENDELSON

FROM: LYNN CUTLER

SUBJECT: FY2000 BUDGET PRIORITIES FOR NATIVE AMERICANS

The President has long been committed to the Native American community. Most recently, he made several policy announcements at the conference "Building Economic Self-Determination in Indian Communities"on August 6. His announcements centered on health care, education, and economic development -- areas that have been the hallmarks of this Administration.

In addition, for the last two years, I have worked on a daily basis with the tribes. There is no more serious concern than health care and education. We simply have not met adequately our trust responsibility to these people. This is the President's last opportunity to really institutionalize positive change -- something I know he wants to do.

Following up on the President's announcements, below are listed three priorities for the American Indian and Alaskan Native population for the FY 2000 budget.

Health Care

Native Americans have particularly poor health status -- they suffer from diabetes at five times the rate of the non-Native population and are three to four times more likely to have a child die from Sudden Infant Death Syndrome (SIDS). It is widely recognized that the Indian Health Service (IHS), the main resource for Indian tribes who deliver health programs to their communities, is not sufficiently funded. As the Native American population increases (by 2050, the Native American population will more than double to 4.6 million) there is increased demand for services from a system that is not sufficiently funded to meet current needs.

In the last few years, the Indian Health Service, along with Secretary Shalala and Deputy Secretary Thurm, have engaged in an ongoing consultation with the tribes on health care needs. From the tribes' standpoint, the following request is the minimum that is needed to meet basic health care needs. The resulting proposal follows from a process the President set in motion and begins to redress years of underfunding and neglect.

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This initiative focuses on providing a basic level of care to the Indian community in order to prevent an even steeper decline in the health of the population. It also builds on the President's efforts to elevate the Director of IHS to the position of Assistant Secretary and would complement the President's Race and Health initiative:

- **Ensuring Access to Care in Indian Communities and Improving Health Care for Women, Seniors, and Children.** There is a high degree of unmet health care needs in the Native American community. The government currently spends approximately $1300 per capita to provide health services to Native Americans, compared to approximately $3400 per capita for those in the Veterans Administration system, Medicare, or federal prison. Because of inflation and the fact that the Native American population is one of the fasting growing, a major emphasis of the IHS FY2000 budget is on increased funding to restore access to basic health care services such as immunizations, emergency care, primary care visits, well-child visits, and needed improvements in basic facilities. This proposal also includes program enhancements in health care for women, children, and the elderly. (Cost: $504 million -- $318 of which is for ensuring for access to basic care).

Education

At the Native American Economic Development Conference, the President signed an executive order designed to improve the academic performance of American Indian and Alaska Native students in grades K-12. As part of this executive order, an interagency plan is to be developed with recommendations identifying initiatives, strategies, and ideas for future action to support the goals of the order.

American Indian children have the highest drop-out rate and the lowest high school completion rate of any racial or ethnic group in the country. Despite this tremendous need, American Indian school children have few role models to guide them. Of the Nation's more than 2 million elementary and secondary teachers, less than 1 percent -- only 18,000 teachers, are American Indian/Alaska Native. Recognizing these needs and challenges, the centerpiece of the interagency plan will be to train 1000 new Native American teachers. Our goal is to both increase the number of American Indians entering the teaching field and to enhance the skills of those already in the pipeline.

- **1000 New Teachers for Native American Students.** This initiative creates an American Indian Corps of Teachers (ACT). As there are only 18,000 Native American teachers in the country, an additional 1000 is a significant increase. This proposal has three parts: (1) funding for 25 grants to educational institutions, in partnership with tribal colleges, to create teacher training programs in Native American communities; (2) creating five professional development centers to provide continuing education for in-service teachers to improve the quality of teaching in Native American communities; and (3) a fellowship program that will support the training of 1000 new American Indian and Alaska Native teachers over 4 years by providing for their expenses while attending school, including child care. (Cost: $37.5 million in the first year).

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Economic Development

When I presented my report to the President last December on the status of government-wide activities in Indian country, he specifically requested that we focus on economic development initiatives. As the result of the President's suggestion, the Domestic Policy Council's (DPC) Working Group on American Indians and Alaska Natives started planning the Economic Development Conference, which was held on August 6.

At the conference, the President directed the Department of the Interior, the Department of Commerce, and the Small Business Administration to develop, within 90 days, a strategic plan for coordinating economic development initiatives for Native American and Alaska Native communities. The plan will build upon current efforts in the agencies and detail future efforts on matters such as providing technical assistance, enhancing infrastructure, and developing software.

Recently, I attended the National Congress of American Indian Conference in Mrytle Beach, SC. The agencies held an outreach session for tribes on economic development. One of the tribes' main concerns is that they do not have access to information regarding economic development. Accordingly, the centerpiece of the strategic plan is the creation of a central toll-free number to provide technical assistance to Indian Country:

- **Providing Comprehensive Technical Assistance on Economic Development to Indian Country.** This proposal would provide a toll-free number, located at the Bureau of Indian Affairs, in which tribes could access information about how the federal government can assist in economic development efforts. This number would provide one point-of-contact for tribes across all government agencies and would eliminate the need for tribes to be familiar with the intricacies of specific government programs. Calls will be answered in a problem-solving manner by staff people trained on the specific economic development programs offered by each agency. In addition, the BIA will organize business seminars throughout Indian country (staffed by various agency representatives) which will consist of both general sessions and individualized technical assistance. (Cost: $1,043,640).

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Native American - generally

Julie A. Fernandes
04/20/98 09:18:34 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc: Laura Emmett/WHO/EOP, Mary L. Smith/OPD/EOP
Subject: Native Americans

Bruce/Elena:
As you know, the President has expressed interest in doing an event in Indian country. Last Friday, Mary and I attended a meeting w/ Sylvia and Lynn to discuss how this should be done. Sylvia's idea was to have the President, the First Lady, maybe the VP and various Cabinet members go to different reservations (or areas of high Indian population) on the same day, and link it to a PIR national day of dialogue. The President would participate in a roundtable discussion with tribal leaders. Sylvia asked that we (DPC) work with NEC to develop some ideas for economic development in Indian country that could be announced on that day. Mary has also mentioned to Mike that we would likely want to have our executive order on Native American education completed by then. Richard Socarides is working with Jen Palmieri to get a date sometime in late summer (likely August).

Julie

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Native American - general

TALKING POINTS:
INCLUSION AND STRATEGIC OUTREACH TO INDIAN COUNTRY
April 3, 1998 (9:53am)

A. The U.S. Government has a special relationship with American Indians that is based on their status as sovereign entities. This relationship is based on the Constitution, treaties, statutes and court decisions. Therefore, the Federal government relates to American Indians on a Government-to-Government basis.

To help explain the concept of sovereignty, here is an excerpt from the Hualapai Indian Tribe written statement delivered to the Initiative during the March 23, 1998, Tribal leaders meeting in Denver:

The United States Army waged a war against my Tribe and marched us on our own "trail of tears." The President and Congress established the Hualapai Indian Reservation by the Executive Order of January 4, 1883, the Executive Order of June 2, 1911 and Public Law 93-560 (December 30, 1974). The United States government then took the rest of our historic homeland and gave it away to white settlers or declared it public land. Today the Hualapai Reservation encompasses approximately one million acres in Arizona, across the Colorado River from the Grand Canyon National Park. The United States holds the land in trust for the Hualapai Indian Tribe - a sovereign nation existing within the State of Arizona. As a sovereign, we are not subject to the laws of the State of Arizona, but as a dependent sovereign, we are subject to the Congress of the United States and the federal government.

B. In April 1994, President Clinton reaffirmed this special relationship in a Washington, DC, meeting with hundreds of Tribal leaders. The Administration is committed to defending against any efforts to undermine tribal sovereignty. The President's Executive Memorandum to all Executive Departments and Agencies directs them to engage in continuing Government-to-Government relations with federally recognized tribal governments. One other major outcome of this historic 1994 meeting and Executive Memorandum was the creation of the White House (Domestic Policy Council) Working Group on Indian Affairs.

C. In addition to the Working Group on Indian Affairs, the White House created the one-year President's Initiative on Race, whose mission is to begin a dialogue on race in America. The purpose of the Initiative, ***"One America in the 21st Century: The President's Initiative on Race,"*** is to help us respect each others' differences and yet be a united America. Through dialogue, study and action, Advisory Board Members and staff are working to increase the understanding of race, and propose and promote policies and solutions that can make a difference. Issues and concerns of American Indians are included within the scope of this Presidential Initiative.

To give you an idea of how racism affects American Indians, here is an excerpt from the Hualapai Indian Tribe's written statement delivered to the Initiative during the March 23, 1998, Tribal leaders meeting in Denver:

I wanted to touch on a few key points for an understanding of how racism manifests itself against Indian tribes ... As Indian people, we have survived years of persecution -- in what can only be understood today as a combination of racism and greed -- because we have survived as a Tribe. Our sovereign status is, therefore, not only a political status, recognized from the earliest days of European settlement in the United States, it is also key to our existence as Indians. Accordingly, the most virulent and destructive form of racism faced by Indian people today is the attack on our tribal sovereignty. Racism may manifest itself differently depending on who is being attacked. Blacks are attacked on the basis of their skin color, Latinos on the basis of the language they speak, and tribes on the basis of their sovereign status.

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D. Rather than waiting until the end of the Initiative, Advisory Board Members, Cabinet Members and White House staff are making policy recommendations related to the work of the Initiative that are a direct result of hearing from Indian country. For example, as a result of the Phoenix Tribal Leaders Meeting in January 1998, the Advisory Board recommended to President Clinton that:

1. The Federal government make every effort to address **barriers to economic opportunities** in Indian country by facilitating meetings between Tribal government representatives and major lenders and investors.
2. A major **independent assessment** be funded of the fairness and effectiveness of all federal program resources intended to assist Tribes with their economic future.

E. In the area of special outreach to American Indians and Alaska Natives based on their special sovereign status, the Advisory Board has engaged, and will continue to be engaged, in several meetings to hear directly from tribal leaders. As part of the Advisory Board's monthly meetings being held around the country, there have been a number of different forums that have offered an opportunity for the Board to hear from local community participants on racial issues in their areas. American Indians have been included in these meetings, either as expert panelists or as participants.

F. Past and future special projects sponsored by the Initiative have included American Indians and Alaska Natives whenever possible. For example, several tribal colleges are participating in the Initiative's special project, "Campus Week of Dialogue," to be held April 6-9, 1998.

G. A senior White House official, Deputy Director of Intergovernmental Affairs Lynn G. Cutler, has the responsibility of working with American Indian Tribes and Alaska Native Villages, as well as Indian associations and organizations.

H. The Clinton Administration has appointed American Indians and Alaska Natives to several high ranking positions within the Federal agencies. **Carrie Billy** works at the Department of Education and is working to implement the mandates outlined in the Executive Order on Tribal Colleges; **Jackie Johnson** was recently hired in the Office of Public and Indian Housing at the Department of Housing and Urban Development; **Mary McNeil** works at the Department of Agriculture; and **Karen Atkinson** works in the Department of the Interior.

NOTE: Also attached to these Talking Points are four (4) pages of health and other socio-economic statistics of American Indians and Alaska Natives that depict and describe the poor and dire conditions in Indian country.

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Native American Statistics

In 1990, through the Census Bureau's system of self-identifying, there were 1,959,234 individuals identified as Indians, which includes Alaska natives. The Native American population is one of the most disadvantaged and disenfranchised in American society. On virtually every indicator available, they rank at or near the bottom compared to other ethnic/racial groups.

Native Americans have the highest unemployment rates (80% on some reservations), the lowest family incomes and highest percentages of people living below the poverty level. Almost half of young Native American children live in poverty.

Indian women do not receive adequate screening for breast cancer. They have the worst survival statistics than any ethnic group because of late detection and difficulties in obtaining adequate care. In addition, Indian women die of cervical cancer at twice the rate of non-Indian women.

Up to 85 cents of every dollar generated on-reservation is spent off-reservation. In spite of recent growth in Native American-owned businesses, one quarter of all jobs on reservations are staffed by non-Natives, and up to half of full-time reservation jobs are federally funded.

Key Facts Concerning the Status of American Indians and Alaska Natives

- 31% of Indians live below the poverty level, compared to 13% of the total population.
- Oglala Sioux men of the Pine Ridge Reservation live an average of 56.5 years, the shortest life expectancy of any group in the country, similar to ones seen in sub-Saharan Africa.
- On the Pine Ridge Reservation, fatal car crashes are four more times more likely than anywhere else. Infants are twice as likely to die from sickness or injury.
- Diabetes is virtually an epidemic in Indian Country and is the sixth leading cause of death for Native Americans.
- Car accidents are the third leading cause of death on Indian reservations.
- On the Pine Ridge Reservation, nearly half the population has a problem with alcohol, fueling the reservation's soaring rates of Sudden Infant Death Syndrome, suicides, and accidents. Alcoholism is the 5th leading cause of death among Native Americans.
- According to the 1990 Census, only 65.3 percent of Indians age 25 and older residing in the current Reservation States are high school graduates or higher. For bachelor's degree

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or higher, this percentage is 8.9.

- In 1990, 16.2 percent of Indian males age 16 and older residing in the current Reservation States were unemployed, compared with 6.4 percent for the U.S. All Races male population. For females, these percentages were 13.4 and 6.2, respectively.

- According to the 1990 Census, the median household income in 1989 for Indians residing in the current Reservation States was $19,897, compared with $30,056 for the U.S. All Races population.

- The American Indian and Alaska Native birth rate for 1991 - 1993 of 26.6 births per 1,000 population was 67 percent greater than the U.S. All Races birth rate for 1992 of 15.9, and 77 percent greater than the rate for the U.S. White population (15.0).

- The two leading causes of death for American Indians and Alaska Natives (1991-1994) and the U.S. All Races and White populations (1992) were diseases of the heart and malignant neoplasms. This is a change for the Indian population; accidents had been the second leading cause of death.

- Of all American Indian and Alaska Native people who died during 1992-1994, 30 percent were under 45 years of age. This compared to 11 percent for the U.S. All Races population (1992).

- The age-adjusted death rate for American Indians and Alaska Natives dropped from 188.0 in 1972-1974 to 83.4 in 1992-1994, a decrease of 56 percent. However, the rate is nearly triple the U.S. All Races of 29.4 for 1992.

- The age-adjusted suicide death rate for American Indians and Alaska Natives for 1992-1994 was 16.2 deaths per 100,000 population compared with the U.S. All Races rate of 11.1 for 1992, a ratio of 1.5 to 1.

- The age-adjusted homicide death rate for American Indians and Alaska Natives in 1992-1994, was 14.6 deaths per 100,000 population compared with 10.5 for the U.S. All Races population in 1992, a ratio of 1.4 to 1.

- The age-adjusted alcoholism death rate for American Indians and Alaska Natives in 1992-1994, was 38.4 deaths per 100,000 population or 5.6 times the U.S. All Races rate of 6.8 in 1992.

- The age-adjusted diabetes mellitus death rate for American Indians and Alaska Natives in 1992-1994 of 31.7 was 2.7 times the U.S. All Races rate of 11.9 in 1992.

- The age-adjusted tuberculosis death rate for American Indians and Alaska Natives is 2.1 deaths per 100,000 population in 1992-1994. The Indian rate is still 5.3 times the U.S. All Races rate of 0.4 for 1992.

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Key Facts Concerning the Status of American Indians and Alaska Native Youth

- Of the 1.43 million Indians living on or near reservations, nearly 500,000 (29 percent) are under the age of 15.
- Native American students have the highest dropout rate of any racial/ethnic group (36%) and lowest high school completion and college attendance rates of any minority group.
- Indian infants die from sudden infant death syndrome (SIDS) at a rate 1.8 times the rate for U.S. All Races infants, 2.1 compared to 1.2.
- 13% of Indian deaths pertain to ages under 25 compared to 4% for U.S. All Races.
- 45 percent of Indian mothers having their first child are under age 20, compared to 24 percent for U.S. All Races mothers.
- 33 percent of the Indian population is younger than 15 years in contrast to 22 percent for the U.S. All Races population.
- 38 percent of Indians aged 6 to 11 years live below the poverty level, more than twice the number for the U.S. All Races age group (18 percent).
- 61 percent of juvenile delinquents confined by the Federal Bureau of Prisons in 1994 were Indians.
- The death rate for Native American youth (142.0/100,000) was 59% higher than the rate for white youth.
- The alcoholism death rate for Indians 15 to 24 years of age is over 17 times the comparable rate for U.S. All Races, i.e., 5.2 versus 0.3.
- The accident death rate for Indians aged 5 to 14 years is nearly double the corresponding U.S. All Races rate, 17.1 to 9.3.
- The suicide death rate for 15 to 24 year old Indians is 2.4 times the corresponding rate for U.S. All Races, 31.7 to 13.0.
- Homicide is the second leading cause of death among Indians from 1-14 years of age and third for 15-24 year-olds.
- More than 180 gangs have been identified in Indian Country.

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CAUSES OF DEATH

Native Americans are more likely than Americans in general to die of alcoholism or car accidents. Leading causes of death:

American Indians/Alaska natives	U.S. total
1. Heart disease	1. Heart disease
2. Cancer	2. Cancer
3. Car accidents	3. Stroke
4. Other accidents	4. Emphysema/bronchitis
5. Alcoholism	5. Accidents
6. Diabetes	6. Pneumonia/influenza
7. Stroke	7. Diabetes
8. Pneumonia/influenza	8. HIV infection
9. Suicide	9. Suicide
10. Emphysema/bronchitis	10. Homicide

NOTE: American Indian data are from 1992-94; total U.S. data from 1993.
SOURCE: National Center for Health Statistics

THE WASHINGTON POST

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ACTIVITIES & ACCOMPLISHMENTS IN INDIAN COUNTRY
President's Initiative on Race
April 3, 1998 (9:54am)

"One America in the 21st Century: The President's Initiative on Race," is engaging people to help us respect each others' differences and yet be a united America. Through dialogue, study and action, Advisory Board Members and staff are working to increase the understanding of race, and propose and promote policies and solutions that can make a difference.

Creating a Dialogue in Indian Country

Two Indian meetings with Tribal Leaders have been held to hear specifically from Tribal governments. In addition, Advisory Board Members and staff are conducting outreach around the country and starting the dialogue on race in Indian country by attending, presenting and gathering information from various regions of the country.

- In Denver on March 23, 1998, a special meeting was held for Tribal leaders in the region, along with the leaders of several national Indian organizations. Participants were asked to present their views on **Race and Stereotypes**, and any other topics of concern to their communities. Written testimony was submitted by the Hualapi Indian Tribe and the Jicarilla Apache Tribe that describes how racial attitudes have affected their tribal rights and responsibilities, which is directly related to their land base and sovereign status.

- In Phoenix in January 13-14, 1998, the full Advisory Board heard concerns from over a dozen Tribal leaders from the southwest, primarily on the topics of economic opportunities and any barriers American Indians may experience. Secretary of Labor Alexis Herman joined the Advisory Board Chairman Franklin, Board members Linda Chavez-Thompson, Angela Oh and Governor William Winter, and Initiative Executive Director Judith Winston in this meeting. Specific positive results of this meeting included several recommendations made by Chairman Franklin to President Clinton:
  1. That a major, independent assessment be funded of the fairness and effectiveness of all Federal program resources intended to assist Tribes with their economic future.
  2. That the Federal government make every effort to address barriers to economic opportunity by facilitating meetings between Tribal government representatives and major lenders and investors.

- Advisory Board member Linda Chavez-Thompson gave an address to the United South and Eastern Tribes (USET) during its annual Impact Week that was held in Arlington, Virginia in February 1998. USET is comprised of over 23 Tribes in the northeast and southeast of the United States. Board Member Chavez-Thompson provided general information about the Initiative, shared information on how American Indian tribes are included in their work, and encouraged USET tribal members to participate in the dialogue.

- During the National Congress of American Indians Annual Conference that was held in Santa Fe in November 1997, Advisory Board members Governor William Winter and Angela Oh and Executive Director Judith Winston met with approximately 45 Tribal leaders. The participants discussed how to maximize American Indian participation in the Initiative. Key themes emphasized during this meeting were tribal sovereignty and the need to educate other Americans about Tribal governments and Native values. The group also suggested regional meetings with other Indian communities, which led directly to the Phoenix meeting above.

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Participation of Indian Experts in the Study of Race in America

As part of the Advisory Board's monthly meetings being held around the country, there have been a number of different forums that have provided an opportunity for the Board to hear from community participants on racial issues in their areas.

Indians who have participated in this sharing of research and knowledge at the Advisory Board meetings include:

1. Bill Gollnick (Oneida Nation of Wisconsin), who was an expert panelist to address the topic of ***Race and Stereotypes*** (Denver, Colorado, March 1998).
2. C. Matthew Snipp, Professor of Sociology at Stanford University presented a statement about the unique problems of ***Race and Poverty*** in Indian country (San Jose, California, February 1998).
3. Lorenda T. Sanchez, executive director of the California Indian Manpower Consortium, who was a panelist to address ***Race in the Workplace***.(Phoenix, Arizona, January 1998).
4. Dr. Joe McDonald, president of the Salish Kootenai College, who provided the Advisory Board with information on his tribal college at the College Park, Maryland meeting (Nov. 1997) that focused on ***Race in Higher Education***.

- As part of an overall research effort by the Initiative, the National Academy of Sciences will be commissioning a paper on American Indian issues.

National and Community Action

- President Clinton met with various civil rights leaders in Washington, DC, in January 1998 to obtain their input on race in America. John Echohawk, executive director of the Native American Rights Fund participated in this event. He talked about the concerns of the American Indian community, including issues of the legal and political status of American Indians and Alaska Natives.

- Promising Practices: The Initiative is identifying promising programs and activities from around the country that are helping to improve race relations or reduce racial disparities. Several Promising Practices focus on America Indian issues: (1) Phoenix Indian Center, Phoenix, Arizona; (2) Wind River Initiative, Laramie, Wyoming; (3) Cradleboard Teaching Project, Kapaa, Hawaii; (4) United National Indian Tribal Youth, Inc., Oklahoma City, Oklahoma. Several Advisory Board members visited the Phoenix Indian Center.

- Past and future special projects sponsored by the Initiative have included American Indians and Alaska Natives whenever possible. The Initiative is sponsoring a nationwide ***Campus Week of Dialogue on Race***. Several Tribal Colleges are participating in this event, as well as over 500 other colleges and universities. The Initiative is sponsoring a ***Religious Forum*** that will include Native traditional leaders, who will be invited to participate.

The Initiative has hired one full time Indian staff person in Washington, DC, and has retained the services of another as a senior consultant to the Initiative.

D. Bambi Kraus is a Tlingit Indian who recently joined the Initiative staff as Senior Outreach Advisor. Her family is from Kake, Alaska. Just prior to joining the Initiative, she was the executive director of Keepers of the Treasures, a national Indian non-profit organization devoted to the preservation, affirmative and celebration of Native cultures. She has over 14 years of experience in national Indian affairs since graduating from Stanford University in 1982.

Laura Harris is an enrolled member of the Comanche Nation and serves as a Senior Consultant to the Initiative who is responsible for advising the Advisory Board and staff on American Indian issues. She currently serves as the executive vice president of Americans for Indian Opportunity in New Mexico and has a long history of working in politics and issues concerning American Indians.

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Native American - general

S — Copy Larry and Janet. Return. Mickey

C. Bruce ELENA

Feb. 5, 1998

To: Erskine Bowles
From: Lynn Cutler
cc: Mickey Ibarra, Sylvia Mathews
Re: Status of Report on Indian Programs, Policies in U.S. Government

Last June, along with Bruce Reed, you sent a memo to all of the agencies in the government asking them to report on programs and policies currently underway that affect Indian Country. This was couched in terms of a follow-up to the April, 1994, Government to Government memorandum issued by the President.

The intent of this information gathering was to give us as full a picture as possible of what the Federal government is doing for and with Native Americans. The additional intent was to make recommendations about different issues. My feeling about the report was that it could help us to know exactly where we are, in order to be responsive to the Hill, and to give us guideposts as we deal with policy initiatives that affect Indian Country.

We are finally ready to brief you and Bruce on the findings in the report. My hope is that we will subsequently be able to brief the President, who cares so much about this segment of America.

What we will go through with you is a summary, along with the recommendations. We have also obtained the current proposed budget numbers for these programs--happily, there are increases proposed for many of them. Most of the issues that are currently very high on the Native American agenda involve consultation, regulations, and responsiveness of some of our agencies.

I've been working very hard on the myriad of issues that affect Indian Country since I started last March, and I think we've made some progress. But with 555 federally recognized tribes, many of whom have been in to meet with me and others, we cannot claim to have really met the needs of the poorest tribes.

We need about 45 minutes of your time to go through this report and answer questions. Elena Kagan has reviewed the summary, and we've refined it further. I hope to be able to meet with you next week. Many thanks.

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Native American - general

REPORT ON EXECUTIVE BRANCH GOVERNMENT-TO-GOVERNMENT RELATIONS WITH NATIVE AMERICAN TRIBAL GOVERNMENTS

I. Executive Summary -- The Status of Government-to-Government Relations between the United States and Tribal Governments

On April 24, 1994, President Clinton issued the Executive Memorandum on Government-to-Government Relations with Native American Tribal Governments, which recognized the unique status of Indian tribes as governments reflected in the United States Constitution, treaties, statutes, executive orders, and judicial decisions.[1] The Executive Memorandum directs all departments and agencies, to the greatest extent practicable and permitted by law, to work with tribal governments within a framework of government-to-government relations concerning tribal government, treaty rights and trust resources.

The Executive Memorandum has fostered improved working relationships, coordination and communication between agencies and tribal governments. Several agencies have established offices, or designated staff within existing offices, to ensure that work on Native American issues proceeds within a government-to-government framework. Agency personnel receive training on the unique governmental status and rights of Indian tribes and frequently meet with tribal leaders, both in Washington and in tribal communities. Also, Cabinet officers now appear at national meetings of tribal governments to consult face-to-face with tribal leaders.

The Administration also has secured important legislation supporting Indian tribes and has successfully opposed legislative proposals that would undercut tribal self-government. For example, the White House Offices of Intergovernmental Affairs successfully coordinated Administration opposition to a recent effort to eliminate tribal sovereign immunity, and last year the President signed the Native American Housing Assistance and Self-Determination Act into law. Under the President's government-to-government relations policy, the Federal Government works with tribal governments on a basis of mutual respect.

On May 23, 1997, the White House Chief of Staff requested agency reports on the implementation of the Executive Memorandum. This report summarizes agency responses and includes recommendations to improve government-to-government relations and enhance tribal self-government.

II. Background of U.S. Relations with Indian Tribes

Before Europeans landed on America's shores, Indian nations were self-governing societies with remarkable scientific, artistic, and cultural achievements. In order the acquire land and establish peace, European nations entered into treaties with Indian nations, thereby

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[1] Executive Memorandum on Government-to-Government Relations with Native American Tribal Governments, 59 Fed. Reg. 22951 (1994).

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recognizing their sovereignty. Since the founding of our nation, the United States has recognized many Indian tribes as domestic dependent nations with sovereign powers over their members and territory and has entered into numerous treaties with various tribes pledging protection and guaranteeing tribal self-government.

However, throughout our history, Indian peoples have suffered when the United States has failed to recognize tribal self-governance. From 1887 to 1934 alone, Indian tribes lost almost 100 million acres of Indian lands, leaving their people destitute. Then, in 1934, President Roosevelt announced the Indian New Deal -- the Indian Reorganization Act ("IRA"). The IRA's goal was to revitalize tribal governments to help ensure that Native Americans can maintain Native languages and cultures and determine their own future. In the 1950s, Congress, under its Termination Policy, again turned away from its support for tribal self-government and removed federal recognition from so-called "advanced tribes," effectively ending their governmental functions.

In the 1960s, the Kennedy and Johnson Administrations returned to a policy of support for tribal governments by including tribes in the War on Poverty programs. By 1968, the Johnson Administration secured passage of the Indian Civil Rights Act which recognized the right of Indian tribes to self-government while securing Bill of Rights protections for people within tribal jurisdictions. In the 1970s, the Nixon Administration built on progress made in the 1960s by declaring the Indian Self-Determination Policy. Implementing legislation authorized Indian tribes to contract to perform governmental functions (such as education, health care, public safety, and transportation), that the Departments of Interior and Health and Human Services had traditionally performed. The Carter, Reagan, and Bush Administrations continued to follow the Indian Self-Determination Policy without major departure.

Yet even after these years of federal government attention to the issues of tribal self-government, many Native Americans continue to be among the poorest people in the nation. The 1990 Census reported that 43% of Native American children under five years old fall below the poverty line.

III. The Executive Memorandum on Government-to-Government Relations with Native American Tribal Governments

The 1994 Executive Memorandum on Government-to-Government Relations with Native American Tribal Governments was a milestone in the field of Indian affairs. By directing *all* departments and agencies to work on a government-to-government basis with Indian tribes on issues of tribal self-government, treaty rights, and trust resources, the Executive Memorandum transformed the way that the Federal Government works with Indian tribes.

In the past, American Indian issues were overlooked by some agencies because they were considered only relevant to the Department of Interior. However, as a result of the

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Executive Memorandum, several departments and agencies established American Indian offices and hired coordinators in component agencies. For example, the Department of Justice created an Office of Tribal Justice to perform department-wide coordination of Indian affairs policy, set-up an American Indian and Alaska Native desk in the Office of Justice Programs, established an Indian Country Investigations Office at the FBI, and designated Assistant U.S. Attorneys to serve as tribal government liaisons in Indian country jurisdictions.

From Agriculture to Veterans' Affairs, departments and agencies are working actively and effectively with tribal governments. Some highlights of their work include:

- The Small Business Administration's Natural Resource Conservation Service (NRCS) has established 33 full-time and 73 part-time offices at tribal headquarters to facilitate tribal access to NRCS programs.

- The Department of Energy allocated $15 million in FY97 to support Indian initiatives, including fish habitat restoration in the Pacific Northwest, cultural resource protection programs, and renewable energy projects.

- The EPA established an American Indian Environmental Office, adopted a Nine Point Plan to strengthen EPA tribal operations, and increased resources for Indian country environmental protection from $36 million in FY94 to $137 million in FY98.

- In FY95, the Department of Health and Human Services ("HHS") provided over 75 Tribal JOBS grantees a total of $8,521,220. In FY96, Tribal JOBS grantees assisted 1,250 AFDC recipients get jobs at an average hourly wage of $6.36.

- HHS's Indian Health Service transferred over $730 million in FY95 to Indian tribes and tribal organizations to support tribal health delivery programs.

- The Administration and the Department of Housing and Urban Development ("HUD") secured passage of the Native American Housing Assistance and Self-Determination Act of 1996, which promotes tribal self-government by authorizing direct block grants for Indian housing.

- The Department of Interior has instituted formal written policies requiring every bureau and office to incorporate trust protection procedures into all planning and operations.

- Since 1995, DOJ's Community Oriented Policing Services (COPS) office has made over $43 million in grants to 143 tribal law enforcement agencies to fund over 570 police officers in Indian communities.

- DOJ's Violence Against Women Office made $5.7 million in grants to Indian tribes in FY97.

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- SBA's loan dollar volume for Native American firms increased by over 50% from FY94 to FY96, rising from $52 million to $81 million.

- The Department of Transportation ("DOT") is seeking passage of the National Economic Crossroads Transportation Efficiency Act, which would require states to consult with tribal governments in developing transportation improvement plans, and would provide a modest increase to $200 million annually for Indian reservation roads.

- The VA has opened three American Indian "Vet Centers" on Indian reservations to provide counseling and other services.

As these programs demonstrate, the Executive Memorandum has revitalized the nation's respect for Indian tribes as "domestic dependent nations" and renewed its commitment to honor the treaty pledges that guarantee tribal self-government.

IV. Recommendations

A. General

Based on information supplied by the Agencies, we suggest several recommendations to improve government-to-government relations and enhance tribal self-government:

1. Department Policies on Government-to-Government Relations.

All departments and agencies (including GSA, SBA, State, and Treasury), that have not adopted a formal policy to implement the Executive Memorandum should consider adopting such a policy.

2. Regulations and Operating Manuals.

Departments and agencies should consider whether to incorporate their specific policies on government-to-government relations into their regulations and operating manuals.

3. Staff Assignments and Coordination.

Departments and agencies should designate intergovernmental affairs or other central office staff with the responsibility for coordinating agency implementation of the government-to-government relations policy. Departments and agencies should coordinate Internet websites on Indian issues and scheduling of major tribal meetings. The White House Office of Intergovernmental Affairs should host periodic interagency meetings of designated agency staff to coordinate tribal government issues that affect several agencies. For example, drug and alcohol abuse in Indian country is of concern to the Office of National Drug Control Policy, HHS, HUD, Interior, Justice, and Treasury.

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4. Existing Authority.

Departments and agencies should periodically review their programs and operations to ensure that they are effectively exercising existing authority to promote government-to-government relations and support tribal self-government. For example, DOD might review its Indian business development incentives programs and its surplus property programs to ensure optimal assistance to Indian tribes under existing statutory authority; Interior might consider applying its Buy Indian Act authority to all component agencies; and all agencies should implement the Indian employment and training requirements of § 7(b) of the Indian Self-Determination Act.

5. Authorizing Legislation

Departments and agencies should review authorizing legislation, and where appropriate, should seek amendments to ensure treatment of Indian tribes as governments and to remove impediments to working directly and effectively with Indian tribes. For example, DOT might review its authorizing legislation to ensure that its scenic by-ways program comports with government-to-government relations; Labor might review FLSA and OSHA to ensure that Indian tribes are treated as governments; and FEMA might review its authorizing legislation to consider whether an amendment would enable it to work more directly and effectively with tribal governments.

6. Confidential Tribal Communications

The Administration might consider whether to seek an amendment to the Freedom of Information Act (FOIA) to ensure that when Indian tribes communicate confidential information to the United States within the framework of government-to-government relations, the confidential tribal government information is exempt from disclosure under FOIA.

B. Initiatives to Support Tribal Governments

1. Education.

Given the Administration's emphasis on education in general and the unique Federal responsibilities to promote Indian education, the Administration and the Department of Education should consider efforts to restore funding to Indian education programs that have been cut and to enhance educational programs on Native American languages and cultures. Working with GSA, the Department of Education might consider avenues to enhance the transfer of computer technology to elementary and secondary schools on Indian reservations.

2. Economic Development.

An important goal of the longstanding Federal Indian Self-Determination Policy is

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economic self-sufficiency for Indian tribes, yet despite recent gains made by a small number of tribes, many reservation Indians continue to suffer in conditions of economic deprivation. BIA labor statistics indicate that unemployment rate on some of the large, remote Indian reservations in the West exceeds 50%. The Departments of Agriculture, Commerce, Defense, HHS, HUD, Interior, Justice, and Treasury and the Small Business Administration should consider holding an interagency summit to plan an economic development initiative for depressed areas of Indian country.

3. Indian Children and Youth

Early child care and intervention programs present the greatest opportunity for assisting Indian tribes in promoting healthy tribal communities. This is a critical area of work because, as noted above, the 1990 Census reported that 43% of Native American children under age five fall below the poverty line and there is a growing disparity in the health status of Indian children and youth compared to other American youth. HHS is developing an interagency initiative for Indian children and youth to promote the physical, mental, social, economic and environmental well-being of Indian children and youth.

4. Indian Country Law Enforcement.

Given the significant concerns about rising crime rates on reservations, the Department of Justice, in cooperation with the Department of Interior, is considering steps to enhance law enforcement in Indian country. The Administration should continue to support these efforts.

5. Tribal Courts

As a complement to efforts to enhance law enforcement in Indian country, the Departments of Interior and Justice are considering steps to enhance tribal courts, which are central institutions of tribal government that have been historically under-funded. The Administration should support these efforts.

6. Indigenous Rights

The United Nations ("U.N.") has declared 1994-2004 at the Decade of Indigenous Peoples. Currently, the U.N. and the Organization of American States ("OAS") are considering declarations on the rights of indigenous peoples. These efforts represent important standard setting exercises, reflecting many of the positive principles of federal Indian law, and offer the Administration a historic opportunity to promote understanding and respect for the rights of Native Americans, indigenous peoples in the Americas and indigenous peoples throughout the world. The Administration should consider focusing attention on these initiatives to bring them to fruition.

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V. Department and Agency Reports on Government-to Government Relations with Tribal Governments

A. Department of Agriculture (USDA)

1. Policy on Government-to-Government Relations.

USDA policy recognizes that Indian tribes possess the right of self-government and the right to manage American Indian resources. USDA pledges to consult with tribal governments, share technical skills and information, and coordinate with other agencies.

2. Native American Programs Director, Office of Intergovernmental Affairs

The Director serves as USDA's principal adviser on American Indian policy and programs and the primary liaison with tribal governments; chairs USDA's Native American Working Group; and assists the Under Secretary for Rural Development with the work of the Domestic Policy Council Working Group on American Indians and Alaska Natives.

3. Improved Working Relations with Indian Tribes

The Farm Service Agency (FSA), Foreign Agricultural Service (FAS), Forest Service (FS), Natural Resources Conservation Service (NRCS), Food and Consumer Service (FCS), Rural Development (RD), Marketing and Regulatory Programs, and Office of Civil Rights have designated American Indian coordinators who serve as liaisons with tribal governments.

The FY 1996 USDA funding level American Indians and Alaska Natives programs was $146 million, the estimated FY 1997 program level is $189 million, and the anticipated FY 1998 program level is $212 million. These funds support USDA initiatives for food and nutrition assistance, rural development loans and grants, extension, and conservation practices.

USDA is conducting outreach efforts to tribal governments and communities to ensure that they have access to its programs. USDA is publishing a *Guide to USDA Programs for American Indians and Alaska Natives*. For the first time, the *Agriculture Fact Book 1997* includes a summary of highlights of recent activities and programs in USDA mission areas which serve Indian tribes and their members. FS recently published the *Forest Service National Resource Book on American Indian and Alaska Native Relations* to promote cooperative relations with Indian tribes. FSA, FAS, NCRS, the Animal and Plant Health Inspection Service (APHIS) and the Risk Management Agency (RMA) are implementing a 5-year joint outreach effort with the Intertribal Agriculture Council to increase awareness of USDA services available to tribal communities.

NRCS has established 33 full-time and 73 part-time offices at tribal headquarters and

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plans to locate an additional 47 full-time offices at tribal headquarters during the next 2 years. NRCS has conducted 20 "Working Effectively with American Indians" workshops in 10 states; these sessions focus on historical, legal, and cultural issues that are significant for effective program delivery to American Indians and Alaska Natives.

USDA has increased emphasis on economic development and programs in tribal communities. RD, working at the national, State, and local level to provide financial and technical assistance directly to tribal governments, has increased investments in tribal water and waste programs, housing, community facilities, and business projects. RD also adopted a policy acknowledging tribal government authority to apply Tribal Employment Rights Ordinances in certain contracts and grants on Indian reservations.

FCS administers the Food Distribution Program on Indian Reservations (FDPIR) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and, in many instances, Indian Tribal Organizations deliver services to program participants. In consultation with tribal leaders and tribally appointed FDIPR Directors, USDA modified the FDPIR food package to improve its nutritional value and increase its appeal, without increasing its costs, and initiated and expanded the FDPIR Fresh Fruit and Vegetable Pilot Project (FFV), under which fresh produce is available to tribes. FCS worked with American Indian WIC advisers to develop an award winning fetal alcohol syndrome prevention video.

The Cooperative State Research, Education, and Extension Service (CSREES) works with the 29 designated Land-Grant Tribal Colleges to provide an annual award to strengthen instruction programs in the food and agricultural sciences and to disburse the interest from an endowment fund to each of these institutions. USDA's new Tribal Colleges Extension Program, established in October 1997, will support training and education in production agriculture, business management, community and family development, 4-H and youth leadership, natural resources and conservation, nutrition, diet, and health.

APHIS has founded its Native American Working Group to improve communication and delivery of services to Indian tribes, and enters into Memoranda of Understanding or cooperative agreements with Indian tribes to provide a wide variety of services to protect resources and human health and safety.

The Office of Civil Rights sponsored education programs for USDA staff and tribal representatives on building partnerships with tribal governments and on tribal realty and land management. USDA recently published the *Civil Rights at the United States Department of Agriculture, A Report by the Civil Rights Action Team*, which contains recommended actions, including Indian-specific recommendations, which USDA will implement to remedy its long-standing civil rights problems.

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4. Coordination with other Executive Departments and Agencies

USDA works in partnership with DOD to implement the FDPIR Fresh Fruit and Vegetable Pilot Project. DOD serves as USDA's project procurement agent and delivery service. FCS and Health and Human Services' Indian Health Service entered into a Memorandum of Understanding to coordinate issues of mutual interest, share resources and information, and resolve concerns and problems. USDA works with Justice on tribal self-government and tribal lands issues and with Interior to maximize the delivery of USDA programs and services to American Indians and Alaska Natives.

5. Current Initiatives to Support Tribal Self-Government

a. Rural Housing Native American Pilot Loan Program

RD's Rural Housing Service has a pilot program with Fannie Mae and several Indian tribes under its Section 502 Guaranteed Rural Housing loan program to improve home financing on Indian reservations.

b. Tribal Conservation Districts

Indian tribes have the option of establishing Tribal Conservation Districts under tribal law. A Tribal Conservation District provides guidance to American Indian farmers and ranchers regarding USDA program assistance to Indian tribes and assists NRCS in implementing USDA conservation programs. NRCS has established relationships with 15 Tribal Conservation Districts; two additional agreements are in the development phase.

B. Department of Commerce

1. Policy on Government-to-Government Relations

The Commerce Department's policy recognizes the inherent sovereignty of Indian tribes and their right to self-government. It also acknowledges the trust responsibility, commits to a government-to-government relationship, and directs Commerce agencies to remove impediments to working with Indian tribes and to promote the tribes' economic economic development and self-sufficiency.

2. Office of the Secretary

A senior policy advisor in the Office of the Secretary serves as the primary liason between Commerce and tribal governments. This advisor also coordiantes the activities of several tribal liasons designated by component agencies.

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3. **Improved Working Relationships with Indian Tribes**

The Census Bureau is working with Indian tribes to increase the participation of Native Americans in the 2000 Census. They are asking tribes to designate tribal officials to work directly with Census personnel and are planning a Census 2000 rehearsal at the Menominee Reservation.

Though the Economic Development Administration ("EDA") grant programs have been substantially reduced, within its resources, the EDA has established the Indian Planning Program (IPP) to support tribal formulation and implementation of economic development programs. IPP is intended to help create and sustain full-time permanent jobs for Native Americans, with a focus on those who are unemployed or underemployed. Currently, sixty tribes receive IPP funding.

The Minority Business Administration at Commerce has established an Office of Native American Programs, with eight Native American Business Development Centers and a business consultant, that provides management and technical assistance to Native American businesses.

The National Oceonographic and Atmospheric Administration has a Memorandum of Understanding with the American Indian Science and Engineering Society that promotes educational, internship and employment opportunities for Native American students and professionals. The Patent and Trademark office also has several programs to improve educational opportunities for students at tribal community colleges.

Finally, the National Telecommunication and Information Administration ("NTIA") is working with Indian tribes to extend the benefits of the Internet to tribal communities. Since 1994, the NTIA has funded over a dozen model projects within Indian country. NITA is also working with over forty tribal communities to modernize public broadcasting under its Public Telecommunications Facilities Program.

4. **Coordination with Other Agencies**

On June 5, 1997, Secretary Daley and Secretary Babbitt signed a secretarial order that clarifies Commerce's responsibilities when the implementation of the Endangered Species Act affects tribal rights, trust resources or lands.

C. <u>Department of Defense (DOD)</u>

1. **Policy on Government-to-Government Relations**

DOD has initiated a consultation process with Indian tribes to develop a department-wide American Indian and Alaska Native policy by the close of the year. The DOD policy

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will emphasize: 1) government-to-government relations; 2) empowering tribal governments; and 3) cleaning-up Native American lands.

2. Office of the Under Secretary for Environmental Security

DOD designated the Office of the Under Secretary for Environmental Security as its primary liaison with tribal governments and the Under Secretary and her staff attend numerous tribal government consultations.

3. Improved Working Relationships with Indian Tribes

DOD is currently working with the Oglala Sioux Tribe on a technology demonstration project. This project will assist the tribe to develop the technical and management skills necessary to operate a program to remove live ordnance from a World War II bombing range located on reservation lands. DOD is also working to transfer surplus buildings to the Oglala Sioux from Ellsworth Air Force base.

DOD has consulted with tribal leaders on the development of the Range Rule (i.e., cleaning-up closed or transferred firing and bombing ranges), and will provide tribal leaders with guidelines for funding and clean-up.

4. Coordination with Other Executive Departments and Agencies

DOD participates, along with other agencies, in the DPC Working Group on American Indians and Alaska Natives, chaired by Secretary Babbitt. DOD is working with EPA and DOJ on an environmental enforcement policy for Indian country. DOD is working with DOJ and other agencies in reviewing affirmative action programs, including programs available to Native American owned firms.

5. Current Initiatives to Support Tribal Self-Government

a. Native American Mitigation Information System

This system will provide reliable information regarding the environmental, human health, and cultural impacts of DOD activity on tribal lands. Information will be available on the Internet.

D. Department of Education

1. Policy on Government-to-Government Relations

Education has not developed a specific policy on government-to-government relations, but development of a policy is planned.

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2. **Office of Indian Education (OIE)**

OIE's Director is designated as the primary liaison with tribal governments. OIE has 4 major duties: 1) Administering Title IX of the Improving America's Schools Act (IASA); 2) developing policies affecting Indian children and adults under Office of Elementary and Secondary Education programs; 3) coordinating development of policy for all Indian-related programs; and 4) assisting the Assistant Secretary of the Office of Educational Research and Improvement in identifying Indian educational research priorities.

3. **Working Relationships with Indian Tribes**

Education consults with Indian tribes through the National Advisory Council on Indian Education (NACIE), established by Congress to advise the Secretary on the funding, administration and development of policies and programs for the education of American Indians. NACIE's board is appointed by the President from a list submitted by tribal governments. In 1995, NACIE consulted with Indian tribes and prepared a report for Secretary Riley on the status of American Indian education. After consultation with the American Indian Higher Education Consortium, Education has taken important steps to implement the Executive Order on Tribal Colleges. Recently, Congress has eliminated NACIE's funding; thus, Education now funds NACIE at a reduced level from general appropriations. Over Education's objections, Congress eliminated key Indian education discretionary programs for FY96 and FY97, which compromised efforts to promote Indian educational opportunities.

4. **Coordination with other Executive Departments and Agencies**

Working with the White House Office of Intergovernmental Affairs, Education has participated in meetings with tribal government leaders at the White House. Education is coordinating with HHS on a proposed Executive or Secretarial Order on American Indian and Alaska Native Children and Youth. OIE coordinates quarterly with Interior's BIA Education programs.

5. **Key Areas for Future Development to Support Tribal Self-Government**

a. <u>Restore funding for Indian Education Programs</u>

Education needs additional funding for Indian education to restore important programs lost in budget cuts.

b. <u>Executive Order on American Indian Education</u>

Education has worked closely with NACIE and other federal agencies to develop an Executive Order to improve educational opportunities for Native Americans.

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c. American Indian Language and Culture

Indian tribes have identified a commitment to education in American Indian languages and cultures as an important priority.

E. Department of Energy (DOE)

1. **Policy on Government-to-Government Relations**

DOE policy pledges that DOE will work with tribal governments within the framework of government-to-government relations, recognizes the federal trust responsibility to Indian tribes, and pledges to remove impediments to working directly and effectively with Indian tribes. DOE has also pledged to coordinate with other Federal and state agencies on tribal issues, and to include tribal government relations in long-term planning and management processes.

2. **Office of Congressional, Public and Intergovernmental Affairs**

DOE has assigned the Office of Congressional, Public, and Intergovernmental Affairs as the primary policy office on Indian issues, and has created the position of DOE Liaison for Indian Issues within that office to guide and monitor a network of Indian issues points of contact throughout the agency.

3. **Improved Working Relations with Indian Tribes**

DOE allocated $15 million in FY97 to support Indian initiatives, including fish habitat restoration in the Pacific Northwest, cultural resource protection programs, and renewable energy projects. DOE entered into ten cooperative agreements with Indian tribes in 1997 to address health and safety issues. DOE also initiated some activities relating to the Executive Order on Tribal Colleges.

4. **Coordination with Other Executive Departments and Agencies**

DOE has coordinated with the Department of Interior and other agencies on several of its Indian country projects.

5. **Current Initiatives to Support Tribal Self-Government**

DOE is developing a handbook for Indian tribes on the implications of the restructuring of the electric utility industry that concerns the commercial and consumer interests of tribal communities.

DOE is establishing an Indian program presence on the Internet and is participating in

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the Interagency American Indian Telecommunications Infrastructure Working Group.

F. Environmental Protection Agency (EPA)

1. EPA Policy on American Indians and Alaska Natives

EPA has been a leader in the area of government-to-government relations with Indian tribes since the early 1980s. EPA policy establishes that EPA will work with Indian tribes on a government-to-government basis, recognizes Indian tribes as the primary authorities for setting standards, environmental policy decisions, and managing environmental programs for Indian reservations. EPA has also pledged to remove impediments to dealing directly and effectively with Indian tribes, included tribal government concerns in EPA policy-making decisions, and coordinated with other federal agencies to ensure compliance with federal environmental statutes and regulations in Indian country. EPA has a five-year strategic plan to actuate its policy.

2. American Indian Environmental Office

The Director of the American Indian Environmental Office serves as the primary EPA liaison with tribal governments, and coordinates EPA policy with Indian liaison officers in EPA field offices.

3. Improved Working Relationships with Indian Tribes

Since 1994, EPA has worked hard to improve working relationships with Indian tribes. EPA established a Tribal Operations Committee and American Indian Environmental Office, adopted a nine-point plan to strengthen EPA's tribal government operations, and received significant increases in EPA resources for environmental protection in Indian country.

EPA conducts quarterly meetings with its Tribal Operations Committee (TOC), which includes nineteen tribal representatives and EPA's senior leadership team. The TOC discusses implementation of joint EPA / tribal environmental protection efforts. EPA also includes tribal leaders on working groups, such as the Grand Canyon Visibility Transport Commission.

EPA has actively removed impediments to dealing directly and effectively with Indian tribes through actions such as removing the previous $15 million cap on tribal environmental protection multi-media program grants. EPA also tailors its efforts to meet unique tribal needs through the Indian Environmental General Assistance Program, which provides funding for tribes to establish, implement, and enforce environmental codes and regulations tailored to their reservation's environmental needs.

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4. **Coordination with Other Executive Departments and Agencies**

EPA has been an active participant in the DPC Working Group on American Indians and Alaska Natives, and has actively assisted other agencies, such as DOD, Agriculture and other land management agencies, with Indian environmental issues. EPA has an Memorandum of Understanding with DOI's Bureau of Indian Affairs, HHS's Indian Health Service, and HUD to address pollution control in Indian country. EPA also works closely with DOJ and DOI on environmental enforcement in Indian country.

5. **Current Initiatives to Support Tribal Self-Government**

a. Policy Implementation Team.

EPA Administrator Carol Browner has directed the formation of a team of senior managers and tribal representatives to draft implementation guidelines for EPA's Indian policy.

b. Treatment of Tribes in the Same Manner as States.

Recognizing that Indian tribes have unique characteristics, as domestic dependent nations, EPA has adopted a policy to respect Indian sovereignty by applying certain program requirements to Indian tribes in the same manner as those program requirements are applied to states.

c. Consolidation of Tribal Grant Applications.

Through the Performance Partnership Grant (PPG) program, Indian tribes may consolidate grant applications, budgets, work plans and reports to reduce administrative burdens on tribal governments.

G. Federal Emergency Management Agency (FEMA)

1. **Policy on Government-to-Government Relations**

FEMA is in the process of developing an agency policy on government-to-government relations with tribal governments.

2. **Office of Intergovernmental Affairs**

The Office of Intergovernmental Affairs is FEMA's designated liaison with tribal governments, and an experienced American Indian staff member has been hired in that office to work with Indian tribes.

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3. Improved Working Relationships with Indian Tribes

FEMA has established a Tribal Policy Working Group composed of representatives from Intergovernmental Affairs and regional offices, which has met with Indian tribes to consult about the proposed FEMA policy on government-to-government relations with Indian nations. As an adjunct to this effort, FEMA has increased outreach efforts to Indian tribes to promote responsiveness to tribal communities and increase awareness of FEMA program availability.

4. Coordination with other Executive Departments and Agencies

The Tribal Policy Working Group has worked with DOI and DOJ to learn about tribal self-government, treaty rights, and trust resources.

5. Key Areas for Future Development to Support Tribal Self-Government

FEMA may need to examine authorizing legislation to determine if an amendment is necessary to work more directly and effectively with tribal governments.

H. General Service Administration (GSA)

1. Policy on Government-to-Government Relations

GSA has not adopted a written policy on government-to-government relations with tribal governments.

2. Office of Congressional Affairs and Intergovernmental Relations

GSA has designated the Office of Congressional Affairs and Intergovernmental Relations as the primary GSA liaison with tribal governments.

3. Improved Working Relationships with Tribal Governments

GSA has been working directly with tribal governments on a number of issues:

a. Surplus and Real Property Transfers.

Under the Property Act of 1949, GSA has authority to transfer excess real property within Indian reservations to the Secretary of the Interior to be held in trust for Indian tribes. From FY92 through FY97, GSA transferred approximately 7,058 acres under this authority. In addition, GSA has authority to transfer excess personal property, and from October 1, 1996 through May 31, 1997, GSA transferred 6,727 items of personal property (pens to desks to cars) to Indian tribes with a dollar value of $31,345.

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b. Travel and Transportation Payment and Expense Control System.

Under the Indian Self-Determination Act, tribal governments may use discounted U.S. government fares for tribal government travel. GSA enters into contracts with numerous airlines for the discounted fares. Tribal government may use these contracts by first obtaining government travel charge accounts from American Express Travel Related Services, Inc.

c. Federal Telecommunications Service.

Under the Indian Self-Determination Act, when carrying out self-determination contracts, tribal governments may use GSA's long-distance rate, video, and voice telecommunications services, as well as local telecommunications and wireless services. In December 1996, a MOU between the DOI and GSA was executed which allows tribal governments to order these services directly from GSA. Since then, a number of tribal entities have signed individual MOU's with GSA to access these services.

d. Computers to Schools.

Executive Order 12999 permits Indian reservation schools (BIA schools) to obtain computers from GSA for their primary and secondary students under the same procedures available to all other educational facilities. At the time of GSA's report in August, 1997, no transfers had yet been made under this authority.

e. Sacred Sites.

GSA is preparing a memorandum for the Assistant to the President for Domestic Policy regarding implementation of Executive Order 13007, regarding Indian Sacred Sites.

I. Health and Human Services (HHS)

1. **Policy on Government to Government Relations**

HHS policy recognizes the government-to-government relationship between the U.S. and Indian tribes and the Federal trust responsibility to Indian tribes. It also encourages maximum participation by Indian people in Indian health planning and services, directs components to consult with, assess program impacts on, and remove procedural impediments to working with Indian tribes, and pledges to collaborate with other agencies to this end.

2. **Director, Office of Intergovernmental Affairs**

Until a planned tribal consultation division is established in that office, the Director of the Office of Intergovernmental Affairs is the HHS tribal government liaison. HHS has recommended that component agencies designate individual tribal points of contact.

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3. Improved Working Relationships with Tribal Governments

In both 1995 and 1996, the Administration on Aging awarded over $15 million in grants to 221 tribal organizations to provide supportive and nutrition services to tribal elders. The Administration for Children and Families (ACF) holds trainings for tribes on ACF programs and Head Start. In FY96, the American Indian Head Start Program provided $98 million to 130 grantees representing 144 Indian tribes and 8 Alaska Native Regional Corporations serving 35 villages and cities. The Administration for Native Americans (ANA) administers programs to enhance tribal economic development, environmental protection, and Native languages and cultures.

In the Office of Community Services, the Family Violence Prevention & Services Program provided $4.5 million in grants to 140 Indian tribes and tribal organizations in FY96, and the Community Services Block Grant allocation for Indian tribes to reduce poverty in tribal communities was $2.3 million in FY96. The Child Care Bureau provided $28 million in grants to 225 tribal consortia representing over 500 Indian tribes and Alaska Native Villages in child care and development block grants. The Office of Child Support Enforcement created a Native American Working Group and significantly increased its efforts in this area since the enactment of the Temporary Assistance to Needy Families Act ("TANF") in 1996.

In FY95, tribal Job Opportunities and Basic Skills (JOBS) training grantees assisted 1,250 AFDC recipients get jobs at an average hourly wage of $6.36. **JTPA** and JOBS held numerous consultations and provided technical assistance to tribes around the country. The Office of Family Assistance administers the JOBS and in FY96, more than 75 Tribal JOBS grantees received a total of $8,521,220.

The Indian Health Service (IHS) worked with DOI to revise Indian Self-Determination contract regulations through negotiated rule-making with Indian tribes. In FY95, IHS transferred over $730 million to Indian tribes and tribal organizations to support tribal health delivery programs. For FY96, IHS negotiated 29 self-governance compacts and 42 annual funding agreements, and transferred approximately $300 million to 197 tribes in Alaska and 28 tribal governments in the lower 48 states.

4. Coordination with other Executive Departments and Agencies

HHS works closely with the DPC Working Group on American Indians and Alaska Natives. HHS is also working with DOJ and DOI on welfare reform and child support enforcement issues. The Indian Health Service has coordinated with Education, DOI, and DOJ on its American Indian and Alaska Native Youth Initiative.

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5. **Current Initiatives to Support Tribal Self-Government**

a. Temporary Assistance to Needy Families (TANF).

TANF replaces AFDC, Emergency Assistance, and JOBS money with a block grant available to Indian tribes. HHS has established a new Division of Tribal Services within the Administration for Children and Families to provide program assistance to tribes seeking to administer their own TANF programs. They have published Tribal Guidance for TANF Program which explains the new provisions to tribes. HHS and DOJ worked to craft technical amendments to the TANF legislation that would accommodate the unique economic situation in Indian country and allow for the establishment of realistic time limits, set by the Secretary in consultation with tribes, for tribal members.

J. Department of Housing and Urban Development (HUD)

1. **Policy on Government-to-Government Relations**

HUD has adopted a departmental policy on government-to-government relations, which recognizes the unique status of tribal governments, the trust responsibility, and emphasizes HUD's special responsibility to promote safe, sanitary housing for low income families and its goal of maximizing Indian self-determination through Indian Housing Authority administration of programs in tribal communities.

2. **Deputy Assistant Secretary, Office of Native American Programs**

HUD established the Office of Native American Programs (ONAP) under the direction of the Assistant Secretary for Public and Indian Housing. The Deputy Assistant Secretary for Indian Housing serves as ONAP's administrator and primary HUD liaison with tribal governments. The Deputy Assistant Secretary has offices in Washington, D.C., but ONAP's main offices are in Denver, Colorado, close to Indian country. ONAP also has field offices in Chicago, Oklahoma City, Phoenix, Seattle, and Anchorage.

3. **Improved Working Relationships with Indian Tribes**

In 1996, the Administration secured passage of the Native American Housing Assistance and Self-Determination Act, which promotes tribal self-government by authorizing direct block grants to Indian housing authorities, under the direction of tribal governments.

In 1995, HUD issued a policy on Customer Service which requires HUD personnel to adopt certain core principles for interaction with Indian tribes and tribal members consistent with the Executive Memorandum on Government-to-Government Relations.

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4. **Coordination with Other Executive Departments and Agencies**

HUD entered into an Interdepartmental Agreement with the Bureau of Indian Affairs and the Indian Health Service to improve the delivery of services and financial assistance to tribal and Indian Housing authorities through better interagency communication. HUD's CODETALK, an interagency Indian program website, is available to Indian programs at other federal agencies.

5. **Current Initiatives to Support Tribal Self-Government**

HUD is currently working with tribal governments through a negotiated rule-making process to develop regulations to implement the Native American Housing Assistance and Self-Determination Act.

a. Operation Safe Home.

HUD's Operation Safe Home campaign is a continuing initiative begun in 1994 to combat crime in HUD housing, with a special focus on violent crime and criminal gang activity. Programs that facilitate eviction of habitual criminals from HUD housing and removal of gang graffiti are operated in Indian country.

b. Native American Women and Youth

HUD is working together with Native American women and youth to strengthen leadership ability and fight drug and alcohol abuse through peer counseling and leadership training workshops.

c, Boys & Girls Club

Recognizing that Native American youth face many socioeconomic difficulties and disadvantages, HUD has teamed with the Boys & Girls Clubs of America to promote comprehensive club development in Indian Country. More than twenty clubs are currently operating in Indian country, serving Native American youth aged five to nineteen. The clubs provide athletic and cultural activities for young people and focus on the problems of drugs, alcohol and teen pregnancy.

J. Department of Interior (DOI)

1. **Policy on Government-to-Government Relations**

Secretary Babbitt has ordered component agencies to establish guidelines for implementing the Executive Memorandum on Government-to-Government Relations. The Secretarial order (which requires agencies to establish written guidance to enhance tribal

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consultation, improve agency coordination, and ensure compliance with the trust responsibility) is included in the Department Manual, and DOI agencies have promulgated agency policies pursuant to that Order.

2. Assistant Secretary for Indian Affairs and Director, Office of American Indian Trust

The Assistant Secretary for Indian Affairs is DOI's primary liaison with Indian tribes. Several Interior component agencies have established agency liaisons with Indian tribes, and these agency liaisons coordinate with the Director of the Office of American Indian Trust, who has primary responsibility for ensuring department-wide implementation of the government-to-government relations policy and trust procedures.

3. Improved Working Relationships with Indian Tribes

The Secretary and Assistant Secretary actively consult with Indian tribes on issues important to tribal governments, including Indian lands, water rights, tribal governmental authority, and the application of federal law in Indian country. Efforts to establish better working relationships with Indian tribes have included the use of the negotiated rulemaking process in the development of the new regulations for the Indian Self-Determination Act and the Indian Self-Governance Act. DOI has expanded its use of memoranda of understanding and negotiations on a wide variety of issues, including the implementation of the Endangered Species Act in Indian country. Much of this work is effected by the small tribal liaison offices established in each Bureau to advance the Federal Indian Self-Determination Policy, ensure fulfillment of the trust responsibility, and improve government-to-government relations.

4. Coordination with Other Executive Departments and Agencies

The Secretary chairs the Domestic Policy Council's Inter-Departmental Working Group on American Indians and Alaska Natives, and has fostered an unprecedented level of cooperation between coordinate agencies. Interior works closely with DOJ on Indian country law enforcement and litigation related to tribal governments, treaty rights, and trust resources. Other agencies, such as DOD, EPA, DOE, and HHS, are routinely invited to Interior consultations with Indian tribes. Interior works with the White House Office of Intergovernmental Affairs on issues of national importance to tribal leaders.

5. Current Initiatives to Support Tribal Self-Government

a. Implementation of the Indian Self-Determination Act Amendments and the Indian Self-Governance Act.

Through consultations with Indian tribes, Interior has streamlined Indian self-determination contracting and self-governance contracting to ensure that Indian tribes are able

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to undertake management of governmental services to the Indian peoples. Since the enactment of the Indian Self-Governance Act of 1991, 203 Indian tribes have entered into self-governance compacts.

b. Advancing Tribal Sovereignty.

DOI has an ongoing program to advance tribal sovereignty, which recently resulted in the streamlining of federal acknowledgment process regulations and the recognition of 223 Alaska Native villages as Indian tribes.

c. Implementing the Executive Order on Sacred Sites

The Office of American Indian Trust facilitated interagency consultations with tribal governments on the Executive Order on Sacred Sites and developed important agency guidance for implementing the Executive Order.

d. Endangered Species Act

Recognizing that the Endangered Species Act (ESA) may impact tribal treaty rights and trust resources, DOI conducted a series of consultations with Indian tribes and developed a MOU on the implementation of the ESA in Indian country.

e. Furthering Federal-Tribal Consultation

Each DOI bureau is now bound by departmental policy to consult with tribes on a government-to-government basis. Currently, many of the offices are also developing specific internal procedures for consultation with Indian tribes. The new consultation procedures have made it easier for Indian tribes to work with DOI agencies on issues such as tribal historic preservation.

In addition, each bureau has instituted several activities to support tribal self-governance, improve and expand services to tribes, effect better relationships, enhance education and outreach, improve access to information, resolve conflicts, and improve communications. Internal training and education efforts are on-going.

6. **Area of Concern -- Confidential Tribal Information.**

The United States works with Indian tribes through government-to-government consultation with tribes. Consultation may result in the sharing of confidential information, and the release of such information under the Freedom of Information Act (FOIA) could jeopardize the United States' ability to defend tribal interests and could therefore chill communications. DOI and DOJ are working on agreements on a case-by-case basis to establish consultant status for tribes, so that confidential tribal information is FOIA exempt.

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The Administration could consider a more global solution to the problem by proposing an amendment to FOIA.

L. Department of Justice (DOJ)

1. **Policy on Government-to-Government Relations with Indian Tribes**

DOJ Policy recognizes Indian tribes as domestic dependent nations and pledges support for tribal self-government. DOJ policy directs components to work with tribes on a government-to-government basis, to remove impediments to working directly with Indian tribes, and to work cooperatively with other federal agencies on Indian issues.

2. **Office of Tribal Justice (OTJ)**

Established under the Executive Memorandum on Government-to-Government Relations, OTJ functions to: (1) provide a government-to-government communication channel between DOJ and Indian tribes; (2) coordinate Indian affairs policy within DOJ and with other agencies; and (3) promote DOJ government-to-government relations with Indian Tribes.

3. **Improved Working Relationships with Indian Tribes**

U.S. Attorneys with jurisdiction in Indian country each appointed Assistant U.S. Attorneys as tribal liaisons to improve criminal justice and enhance working relations with Indian tribes. The FBI created an Office of Indian Country Investigations, assigned thirty new Indian country agents in FY97, and requested 30 more Indian country agents for FY98.

In consultation with Indian tribes and the Department of Interior (DOI), the Environment and Natural Resources Division and Office of the Solicitor General support tribal interests in cases involving tribal government, treaty rights, tribal lands, waters, and natural resources, and environmental regulation. The Solicitor General is currently supporting tribal sovereign immunity and Indian reservation boundaries before the Supreme Court, and the Environment Division's Indian Resources Section is supporting tribal environmental protection programs in the lower federal courts. The Civil Rights Division protects Indian and Alaska Native civil rights (including voting rights), and recently, won notable lending and education discrimination cases. The Community Relations Service assists tribes in resolving community disputes.

The Office of Justice Programs (OJP) created an American Indian and Alaska Native desk to ensure that Indian tribes have access to DOJ funded programs, and OJP funds domestic violence programs, drug courts, corrections, victims services, and multi-disciplinary crime prevention and other programs in Indian country. The Violence Against Women Office made $5.7 million in grants to Indian tribes in FY97. Since 1995, the Community Oriented Policing Services (COPS) Office has made over $43 million in grants to 143 tribal law enforcement

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agencies for over 570 officers in Indian communities. OJP's Bureau of Justice Statistics initiated projects to improve tribal law enforcement information systems, the National Institute of Justice is researching crime in Indian country, and the Bureau of Prisons provides technical assistance to tribal governments through the National Institute of Corrections.

4. **Coordination with other Executive Departments and Agencies**

DOJ works closely with the White House Office of Intergovernmental Affairs and DOI on Indian policy issues. DOJ also works with USDA on tribal self-government and tribal lands issues, with DOD and EPA on environmental enforcement policy for Indian country, with the Comptroller of the Currency on Indian banking issues, and with HHS and IHS on welfare reform and youth and family issues in Indian country.

5. **Current Initiatives to Support Tribal Self-Government**

a. Indian Country Law Enforcement

Pursuant to the President's directive on Indian country law enforcement, DOJ is working with DOI and Indian tribes to develop options for the President to improve public safety and law enforcement in Indian country.

b. Tribal Courts

DOJ is also working actively with DOI on tribal courts issues because they are central institutions of tribal self-government. Working in cooperation with DOI, DOJ has proposed a Tribal Court Enhancement Bill, which is pending with OMB. This legislation is important to ensure that tribal courts may take their place as true partners with federal and state courts in our nationwide system of justice.

c. Indigenous Rights

DOJ is working with the State Department and DOI on the OAS and U.N. Draft Declarations on the Rights of Indigenous Peoples. These declarations offer an important opportunity for the United States to support the rights of indigenous peoples throughout the Americas (and the world) and for the Administration to establish a lasting legacy in the field of indigenous rights.

L. Department of Labor (DOL)

1. **Policy on Government-to-Government Relations**

DOL has drafted a policy, but it has not yet been finalized.

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2. **Division of Indian and Native American Programs**

The Division of Indian and Native American Programs is the primary Labor liaison with Indian tribes. Labor consults with tribes about employment and training issues through the DOL Native American Employment and Training Council, whose charter was recently renewed by the Secretary for another two-year term. The Council meets not less than twice annually to consider policy, regulations, performance measures, and information technology.

3. **Improved Working Relationships with Indian Tribes**

The Division of Indian and Native American Programs seeks to work with Indian tribes and tribal grantees as "partners" in the administration of employment and training programs.

4. **Coordination with other Executive Departments and Agencies**

The Division of Indian and Native American Labor has been working with HHS's Indian Health Service and other departments and agencies on an initiative for American Indian and Alaska Native Youth.

5. **Areas of Concern**

Indian tribes have expressed concern that Labor seeks to apply the labor laws contained within the Fair Labor Standards Act and Occupational Safety and Health Act to Indian tribes, although the statutes do not expressly refer to Indian tribes and do not contain provisions to treat Indian tribes as governments. The statutes do contain special provisions for state governments, and consideration should be given to amending the statutes to provide similar protections for tribal governments.

O <u>Small Business Administration (SBA)</u>

1. **Policy on Government-to-Government Relations with Indian Tribes**

SBA does not have a formal written policy to implement the Executive Memorandum on Government-to-Government Relations with Tribal Governments.

2. **Office of Native American Affairs (ONAA)**

ONAA coordinates SBA policy, develops legislative and regulatory initiatives on Indian issues, serves as tribal government liaison and technical assistance provider, and provides outreach to enhance tribal access to SBA programs. ONAA has an annual National Native American Small Business Conference.

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3. **Improved Working Relationships with Indian Tribes**

Through ONAA, SBA has new and innovative methods to encourage tribal economic development. ONAA partners with other SBA program offices and Federal and state agencies to assist Indian tribes and individual Native Americans to develop business skills and access to capital. The Office of Women Owned Business opened two centers in reservation communities. ONAA facilitates intertribal economic development and joint venture partnerships for tribal organizations. SBA District Offices also facilitate business partnerships for tribal governments, support tribally-owned SBA 8(a) small disadvantaged business enterprises, and promote tribal opportunities for access to capital and credit markets.

4. **Coordination with other Executive Departments and Agencies**

Since 1995, in conjunction with the DOI's Bureau of Indian Affairs, ONAA established seventeen Indian reservation-based Tribal Business Information Centers to provide a full range of technical assistance and business and program information for small businesses.

5. **Current Initiatives to Support Tribal Self-Government**

SBA is now working on regulatory reforms to remove impediments to working with tribal governments.

O Department of State (DOS)

1. **Policy on Government-to-Government Relations with Indian Tribes**

State has not adopted a written policy on government-to-government relations with tribal governments.

2. **Under Secretary for Global and Environmental Affairs**

The Under-Secretary for Global and Environmental Affairs has coordinated the State Department's consultations with tribal governments. Several State Department bureaus have been involved in indigenous issues, most notably the Bureau of Democracy, Human Rights, and Labor.

3. **Improved Working Relationships with Indian Tribes**

State has several matters relating to tribal governments: (1) the U.N. Draft Declaration on the Rights of Indigenous Peoples; (2) the OAS Draft Declaration on the Rights of Indigenous Peoples; (3) the Arctic Council Declaration; (4) Section 8(j) of the International Convention on Bio-diversity; and (5) International whaling and fishing agreements.

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The U.N. Draft Declaration on the Rights of Indigenous Peoples and the OAS Draft Declaration on the Rights of Indigenous Peoples hold great promise for the future of indigenous peoples worldwide. The declarations represent an important standard-setting exercise, providing protections for indigenous local self-governance, lands and natural resources, religions, cultures, languages, and freedom from discrimination.

4. **Coordination with other Executive Departments and Agencies**

State works closely with Justice and Interior on the U.N. and OAS Draft Declarations on the Rights of Indigenous Peoples. In cooperation with Interior and Justice, State has held consultations with tribal governments on these initiatives in Washington and around the nation.

5. **Key Areas for Future Development to Support Tribal Self-Government**

In essence, both the U.N. and OAS Draft Declarations on the Rights of Indigenous Peoples present an historic opportunity to reinforce the positive aspects of Federal law relating to American Indians and Alaska Natives, and provide similar protections for indigenous peoples throughout the Americas and around the World. Many Indian tribes view the adoption of the declarations as a milestone in their efforts to foster respect for tribal self-governance. Because the declarations present issues which interest a number of agencies there is a need for high-level Administration commitment and definitive guidance to realize progress on the declarations. The OAS Draft Declaration presents an immediate opportunity for progress for indigenous peoples because strong Administration support and policy guidance could very well result in its adoption in 1998 or 1999.

P <u>Department of Transportation (DOT)</u>

1. **Policy on Government-to-Government Relations with Indian Tribes**

Though DOT has not issued a department-wide policy, most operating administrations have informally incorporated the requirements of the Executive Memorandum into their activities. FHWA and FAA are developing agency policies on government-to-government relations.

2. **Governmental Affairs**

Deputy Assistant Secretary for Governmental Affairs serves as DOT's principal liaison with tribal governments.

3. **Improved Working Relationships with Indian Tribes**

DOT consults with tribal governments in transportation planning processes, in the development and implementation of policies that impact tribes (such as NEXTEA, the surface

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transportation reauthorization proposal), and specific projects. FHWA, FTA, and DOI's BIA have developed guidelines for including Indian tribes in federal and state transportation planning under ISTEA, and have worked to increase state-tribal cooperation. The Federal Lands Highway program (within FHWA) works cooperatively with the BIA to implement the $191 million Indian Reservation Roads Transportation Improvement Program (IRR). About one-third of the IRR program is carried out by Indian tribes, and under the Indian Self-Determination Act, the Buy-Indian Act, and the Tribal Employment Rights Ordinances (TEROs), over 82% of the IRR projects employed Indians or Indian firms. The Local Technical Assistance Program (LTAP) was expanded to provide services to tribal governments and there are six Native American LTAP centers.

The National Highway Traffic Safety Administration (NHTSA) has provided technical support to tribal government safety programs, focusing on alcohol safety, occupant protection, and effective police traffic services. Recognizing that Native Americans die from motor vehicle crashes at rates up to three times greater than other Americans, NHTSA has emphasized face-to-face communication with tribal leaders concerning traffic safety. States are required to include Indian tribes in a fair distribution of funds under FTA's non-urbanized formula assistance program.

FAA is conducting consultations with neighboring Indian tribes concerning overflights of the Grand Canyon National Park and a Native American representative serves on the National Park Overflight working group.

The Coast Guard is working with Indian tribes regarding marine safety and with the American Indian Science and Engineering Society to promote Coast Guard career opportunities.

The Office of Small and Disadvantaged Business encourages the participation of Native American small businesses, among others, to participate in DOT-funded and assisted projects.

4. Coordination with Other Executive Departments and Agencies

FHWA hosted a Native American issues conference in Denver in January 1997, and invited BIA and DOJ to participate. DOT's General Counsel is working with FAA, DOJ and DOD to consult with tribal governments in New Mexico about their complaints regarding aircraft noise interference with their religious ceremonies.

5. Current Initiatives to Support Tribal Self-Government

a. NEXTEA.

DOT is working toward the enactment of the Administration's National Economic Crossroads Transportation Efficiency Act (NEXTEA), which reiterates ISTEA's requirements

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of state consultation with tribal governments in state transportation improvement plans, and provides an increase to $200 million annually for the Indian Reservation Road program.

b. FAA Policy on Government-to-Government Relations.

FAA is currently developing a policy on government-to-government relations with Indian tribes.

Q. Department of Treasury

1. **Policy on Government-to-Government Relations with Indian Tribes**

Treasury has not developed an official policy to implement the Executive Memorandum on Government-to-Government Relations with Tribal Governments.

2. **Public Liaison**

The Assistant Secretary for Public Liaison is the Department's designated liaison with tribal governments.

3. **Improved Working Relationships with Indian Tribes**

Treasury's working relations with tribal governments cover banking, financial services, tax, and community development issues. The Office of the Comptroller of the Currency (OCC) is working to improve banking and lending in Indian country, issuing a guide to mortgage lending in Indian country, providing technical assistance to Indian tribes that operate or acquire national banks, and with DOJ, cosponsoring a *Banking in Indian Country* conference attended by over 500 tribal leaders and bankers. The Comptroller has successfully encouraged national banks to open new branches in Indian country.

Treasury and the IRS have published the *Indian Assistance Handbook* to provide guidance to promote uniform application of the federal tax laws in Indian country and the Handbook recognizes that Indian tribes are not subject to federal income tax under existing law.

4. **Coordination with Other Agencies**

Working together with the White House Offices of Intergovernmental Affairs and Legislative Affairs, the DOI and the DOJ, Treasury opposed recent attempts to impose federal income tax on tribal government business activities.

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R. Department of Veterans' Affairs (VA)

1. **Policy on Government-to-Government Relations**

The VA circulated the Executive Memorandum on Government-to-Government Relations with Tribal Governments to all employees with a memorandum expressing the Secretary's commitment to working with Indian tribes within the framework of government-to-government relations.

2. **Director, VA Center for Minority Veterans**

VA has established an Indian liaison in the VA Center for Minority Veterans who is responsible for outreach to Indian tribes and American Indian veterans. The Center hosts a bi-monthly telephone conference with tribal and other veterans groups around the nation.

3. **Improved Working Relationships with Indian Tribes**

The Secretary has personally attended Native American events, such as the National Congress of American Indians' annual meeting to meet with tribal leaders. VA encourages and fosters greater interaction with Indian tribes, including participation in tribal governmental and cultural activities.

Three American Indian "Vet Centers" have been opened on Indian reservations to provide counseling and other services, and more are planned. VA is also working to address transportation problems, and has executed several agreements with Indian tribes to improve access to health care for Indian veterans. VA has also provided additional staff training on Indian issues.

VA has appointed two American Indian veterans to its Advisory Committee on Minority Veterans, and the Secretary has appointed a Hopi veteran as his designated staff representative to the Committee.

4. **Coordination with other Executive Departments and Agencies**

VA participates in several interagency working groups on Indian issues, and is working with HHS's Administration on Aging to explore the long term health care needs of elderly Indian veterans. VA is also working with the National Cancer Institute to bring state-of-the-art cancer treatment trials to American Indian and other minority veterans.

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5. Current Initiatives to Support Tribal Self-Government

a. Native American Veteran Direct Loan Program

VA has finalized 50 memoranda of understanding with tribal governments to provide direct home loans to Indian veterans residing on trust lands through the Loan Guaranty Service of the VA's Benefits Administration. An information campaign about this program is also being implemented.

b. Indian "Vet Centers"

Planning efforts to open new Indian "Vet Centers" in tribal communities is underway. The centers will provide counseling to Indian veterans.

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Native American –
law enforcement

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01/28/98 10:01:00 AM

Record Type: Record

To: Elena Kagan

cc: Jose Cerda III
Subject: CLINTON WANTS HUGE INCREASE IN INDIAN LAW ENFORCEMENT

Date: 01/28/98 Time: 08:42
IClinton wants huge increase in Indian law enforcement

WASHINGTON (AP) The Clinton administration wants to hire hundreds of additional police officers, investigators and prosecutors to deal with a surge of violent crime on the nation's Indian reservations.

President Clinton's 1999 budget would boost spending on reservation law enforcement by 140 percent, from $130 million this year to $312 million. The budget won't be released until next week, but the numbers are contained in a Jan. 20 letter to the White House from Attorney General Janet Reno and Interior Secretary Bruce Babbitt.

Reservation law enforcement ``often fails to meet basic public safety needs'' at a time when ``serious and violent crime is rising significantly,'' the letter said. A copy of the letter was obtained by The Associated Press.

In addition to the extra personnel, the spending increase would pay for a crash program to build badly needed jails.

The homicide rate on Indian lands soared 87 percent over the past five years, even as it dropped 22 percent nationwide.

There are 1,600 BIA and tribal officers patrolling 56 million acres of Indian land, or 1.3 officers for every 1,000 residents, compared with 2.9 police officers per 1,000 residents in rural non-Indian communities.

Reno and Babbitt recommended that the Interior Department's Bureau of Indian Affairs remain in charge of law enforcement on reservations, but most of the $182 million increase would be channeled through the Justice Department. Justice officials had proposed to take over the BIA's police functions, but tribes were sharply divided over the plan.

The increase includes $54 million in grants to tribes to hire approximately 500 police officers, $52 million for construction of jails and $25 million for the BIA to hire additional investigators and meet other needs, said a Justice Department official, who spoke Tuesday on condition of anonymity.

The FBI also would add 30 more agents to the 100 now assigned to investigate major crimes on reservations, and U.S. attorneys would get money to hire new prosecutors, the source said.

A BIA spokesman declined comment. But Kevin Gover, the Interior Department's assistant secretary for Indian affairs, has said the Justice Department plan to take over Indian law enforcement could

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be resurrected if the BIA fails to make headway in curbing reservation crime.

``More cops don't mean anything unless we're dropping the crime rate,'' Gover said last week in South Dakota.

In most states, the BIA either provides direct police services or pays the bill for tribal departments. In several states, including California, Minnesota, Oregon and Alaska, the primary responsibility for law enforcement on reservations rests with the state. Those states would be eligible for the Justice Department funds.

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Native Americans - crim. law enf
and
Crime - COPS program
1/17/98

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From Mikki Atsatt (703)237-8136
JMD Budget Staff

Re: COPS Language

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Either of the following, inserted at the end of the first paragraph of COPS approp. language, would be sufficient:

(1) "Provided further, That $54,000,000 shall be available for Indian country law enforcement improvement including equipment and training." OR

(1) "Provided further, That funds provided in this appropriation shall be available for Indian Country law enforcement improvement including equipment and training."