

United States Senate

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March 5, 2010

The Honorable Kent Conrad
Chairman
Committee on the Budget
United States Senate
Washington, D.C. 20510

The Honorable Judd Gregg
Ranking Member
Committee on the Budget
United States Senate
Washington, D.C. 20510

RE: FY 2011 Funding for Native American Programs

Dear Chairman Conrad and Ranking Member Gregg:

This letter responds to your request for the views and estimates of the Committee on Indian Affairs. I appreciate the opportunity to express these views as the Budget Committee prepares the Fiscal Year 2011 Budget Resolution. The Committee makes the following recommendations for six priority areas:

- (1) We support the President's request of \$4.41 billion within the Indian Health Service budget to advance Indian health care services and health facility construction.
- (2) We support the President's request of \$255 million within the Department of Justice budget for tribal public safety and justice programs grants to address reservation violence, including epidemic levels of domestic and sexual violence on Indian lands.
- (3) We recommend \$338 million over the President's budget request within the Interior Department budget to address deteriorating Indian schools and detention centers and funding for small business loans to create reservation jobs.
- (4) We recommend \$50 million over the President's budget request within the Energy Department budget to unlock the significant potential for energy development in Indian country.
- (5) We recommend \$123.5 million over the President's budget request within the Housing and Urban Development budget for the Indian housing block grant program that addresses severe homelessness and overcrowding on Indian reservations.
- (6) We also recommend that the Budget Resolution include a provision that acknowledges the potential need to appropriate funding to implement Indian water rights settlement bills that are pending before this Committee.

The United States has unique legal obligations to Indian tribes that are grounded in the United States Constitution, treaties, federal statutes, and Supreme Court decisions.¹ These

¹ See, e.g., U.S. Constitution, Article I, §2, cl. 3 which delegates to "the Congress . . . the power . . . to regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes."

obligations arise in part from cessions of hundreds of millions of acres of tribal homelands to the United States. In return, the Federal Government made promises to provide for the health, education, and general welfare of reservation residents. The Committee recommends that the FY 2011 Budget Resolution include funding levels that will permit the Federal government to meet these solemn obligations.

The scope of the United States' responsibilities to American Indians includes a wide range of services delivered in concert with the enhancement of Indian self-determination. Congress has placed the primary responsibility for Indian matters in the Department of the Interior, for the most part within the Bureau of Indian Affairs (BIA). However, there are over 20 Federal agencies that collectively provide a full range of services and programs to tribal governments, similar to those provided to state and local governments.

The Committee is sensitive to the fact that the United States remains in the midst of an economic crisis, and the national unemployment rate of 10%. However, this crisis is magnified in Native American communities. The unemployment rate for American Indian reservations nationwide is 49%.² According to the U.S. Census, while the U.S. poverty rate was 9.8% in 2007, the Native American poverty rate was more than 2.5 times that at 25.3%.³

This letter sets forth the Committee's specific recommendations and justifications for budget authority for tribal programs and services in the Fiscal Year 2011 Budget Resolution:

I. DEPARTMENT OF HEALTH AND HUMAN SERVICES: ADVANCING INDIAN HEALTH CARE

Native Americans face devastating health disparities. As compared to the general population, Native Americans have a life expectancy over 4 years shorter. The incidence and mortality rates of many illnesses are dramatically higher among this population. Examples of Native American health disparities as compared to the general U.S. population are listed below:

- Alcoholism mortality rate is 550 percent higher than the national rate.
- Suicide rate is more than double, and Native American teens experience the highest rate of suicide of any population group in the United States.
- Tuberculosis incidence is 750 percent higher.
- Diabetes incidence is 190 percent higher, with the highest rate of type 2 diabetes of any specific population in the U.S.
- The infant mortality rate is 12 per 1,000 compared to 7 per 1,000 in the general population.

² Bureau of Indian Affairs Labor Force Report (2005). Tribes with the highest unemployment rates are located in the Great Plains and Rocky Mountain Regions, with an average reservation unemployment rate of 77% and 67% respectively. These regions encompass the States of Montana, Nebraska, North Dakota, South Dakota and Wyoming. *Id.*

³ U.S. Census Bureau, *American Indian and Alaska Native Heritage Month: November 2008*, http://www.census.gov/Press-Release/www/releases/archives/facts_for_features_special_editions/012782.html.

The primary reason commonly cited for these health disparities is chronic underfunding of the IHS system. Despite recent increases, IHS funding remains at 52% of the level of need. In addition, there is an extensive backlog in new facility construction and maintenance and repair. The current IHS priority list of health care facilities is \$2.56 billion, when repairs and maintenance needs are added, the unmet need for construction rises above \$3 billion. In addition, there are disproportionately high rates of vacancies in the IHS system: 17 % for clinicians, 18% for nurses and 24% for dentists.

The Indian Health Service (IHS) within the Department of Health and Human Services is the primary Federal agency responsible for meeting the government's obligation to provide health care to Native Americans. IHS is divided into 12 Area offices that consist of 161 local service units. Over one-half of the IHS budget is administered under contracts and compacts negotiated with the IHS pursuant to the Indian Self-Determination and Education Assistance Act. In addition, IHS funds 34 urban Indian health projects (UIHPs) through grants and contracts at 41 locations. There are approximately 700 health facilities within IHS' service delivery areas, and the agency employs over 15,000 people. Last year, the IHS made over 54,000 inpatient admissions and almost 11 million outpatient visits. The average expenditure for an IHS patient in 2009 was \$2,349.

Contract Health Services. The Contract Health Services (CHS) program funds medical and health care services when patients are referred outside the direct IHS program for services that are not available or provided at IHS or tribal facilities. These services include hospital care, physician services, outpatient care, laboratory, dental, radiology, pharmacy, and transportation services. CHS is estimated to be funded at about half of need, forcing IHS to use a priority system only allowing "life or limb" coverage. As a result, there are many instances where care is deferred, or denied. The unmet need for Contract Health Services is estimated to exceed \$1 billion and growing.

The FY 2010 enacted level for CHS was \$779.3 million. The FY 2011 Request is for \$862.8 million, which is a \$46 million programmatic increase, \$5 million going specifically to the Catastrophic Health Emergency Fund (CHEF). The Committee strongly supports the proposed increase to Contract Health Services funding.

Mental Health. The Committee on Indian Affairs has held a number of meetings, listening sessions, and hearings to examine mental health needs in Indian country. It is estimated that current mental health services account for only one-third of the need in Indian country. The levels of alcohol and substance abuse, depression and other mental health issues are grave among Native Americans. Indian communities face the highest national rates of substance abuse and mortality from alcoholism. However, few reservations have substance abuse treatment or long-term mental health facilities or services. Perhaps the most astonishing and tragic statistics relate to suicide, especially youth suicide.

Native American youth experience the highest rate of suicide of any population group in the nation. Suicide is the second leading cause of death among Native American youth. The suicide rate for Native Americans between the ages of 15 and 24 is 3.5 times higher than their peers of other races. The incidence of suicide for young Native American males is especially extreme, with a rate four times higher than males in other racial groups and up to eleven times higher than females in other racial groups.

The rate of youth suicide has reached epidemic levels on three Indian reservations: the Pine Ridge Reservation in South Dakota, the Mescalero Apache Reservation in New Mexico, and the Standing Rock Sioux which straddles North Dakota and South Dakota. Between October 2008 and August 2009, the Pine Ridge Reservation Safety Department responded to 96 attempted or completed suicides. On the Mescalero Apache Reservation, a community of about 700 square miles and 5,000 tribal members, there have been a reported 73 attempted suicides in ages 14 - 25 in the first 9 months of 2009. The Standing Rock Sioux Reservation has also experienced a tragic level of suicide over the past year. By mid-2009, the community suffered over 50 suicide attempts and more than 10 suicide completions among youth aged 25 and younger. For most of the year, the Standing Rock Reservation (a land mass of over 3,500 square miles and population of over 8,000) has depended on one certified mental health professional.

The President's FY 2011 Budget for Indian Health Services programs and services is \$4.41 billion. The Committee fully supports this request, as it would begin to reverse decades of chronic underfunding for Indian health care programs. The Committee also recommends an increase in the budget for mental health programs at the IHS.

II. DEPARTMENT OF JUSTICE: ADDRESSING VIOLENCE ON INDIAN LANDS

In addition to specific treaty promises, the Federal Government has statutory and legal obligations to provide public safety in Indian Country. The Major and General Crimes Acts⁴ acknowledge the responsibility of the United States to investigate and prosecute most crimes committed on Indian lands. At the same time, the United States acknowledges that "tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety."⁵

Over the past two years, the Committee on Indian Affairs held twelve hearings to examine reservation public safety. The hearings revealed a severe and longstanding crisis of violence on many Indian reservations. Rates of violent crime, domestic abuse, and sexual assault on Indian reservations are significantly higher than the national average. A February 8, 2008 report released by the Centers for Disease Control (CDC), found that American Indian women experience the highest rates of domestic violence in the United States. Two in five Native women (39%) will suffer partner violence in their lifetime, compared with one in four (25%) women overall. The CDC report is consistent with an April 2007 Amnesty International report which found that more than one in three Native women (34%) will be raped or sexually assaulted in their lifetimes.⁶

The primary causes for reservation crime problem are (1) a divided system of justice that limits local tribal government ability to combat reservation crime, and forces dependence on Federal officials to investigate and prosecute reservation crime; and (2) a historical lack of

⁴ 18 U.S.C. §§ 1152, 1153.

⁵ 25 U.S.C. § 3601(5).

⁶ See *Maze of Injustice, The Failure to Protect Indigenous Women from Sexual Violence in the U.S.A.*, Amnesty International (April 2007).

funding for tribal justice systems, including tribal courts, police officers, detention programs, and crime prevention programs.

To address these disparities, and to acknowledge the federal nexus and responsibility to curtail reservation violence, the Committee fully supports the President's Budget request of \$255 million within the Department of Justice budget for tribal justice program grants. According to Justice Department officials, the increased authority will target the following programs that are proven to help combat violent crime on Indian lands:⁷

Grants to Reduce Violence Against Native Women. The President's FY 2011 Budget includes a request of \$47,920,000 at the Office on Violence Against Women (OVW) for Indian country domestic and sexual violence prevention grants and activities. These funds will provide grants to tribal governments and domestic violence coalitions address the high victimization rates of American Indian and Alaska Native victims of domestic violence, sexual assault, and stalking that occur on tribal lands. The Committee strongly supports this request.

Tribal Community Oriented Policing Services (COPS) Program. While the violent crime rate in Indian Country is more than double the national average, 3,000 Federal and tribal law enforcement officers patrol more than 56 million acres of Indian lands. Victims of crime suffer significant delays in response to distress calls are answered, waiting hours and even days for a response. To address this disparity, the DOJ Tribal COPS program provides funding to tribal governments to hire and train new and existing law enforcement officers, and to purchase equipment, technology and vehicles to support tribal police departments. The DOJ Budget requests \$67,000,000 in total resources to fund tribal law enforcement expenses, including the hiring of police officers, training, and purchasing new equipment, technology, and vehicles. The Committee fully supports this important request.

Office of Justice Programs. The President's FY 2011 Budget requesting a 7% set-aside from all discretionary OJP programs for a total \$139,482,000. These funds will provide grants to tribal governments to improve the crumbling tribal jails system, improve and address significant case backlogs at tribal courts, improve tribal juvenile justice systems by reducing Indian youth recidivism and prevent juvenile delinquency, and other essential justice services to tribal communities. The OJP request also includes \$1,200,000 for the redesign and development of data collection programs for Indian Country. This effort will help educate Congress and the public about violent crime and criminal declination rates in Indian country. The Committee strongly supports these important requests.

III. DEPARTMENT OF THE INTERIOR: BUILDING INDIAN SCHOOLS AND DETENTION CENTERS, AND CREATING RESERVATION JOBS

As noted above, Congress has placed the primary responsibility for meeting the Government's treaty and trust obligations to Indian tribes with the Bureau of Indian Affairs

⁷ *Oversight Hearing to Examine Tribal Programs and Initiatives Proposed in the President's FY 2011 Budget*, before the Senate Committee on Indian Affairs (Feb. 25, 2010) (testimony of Tom Perrelli, Associate Attorney General, U.S. Department of Justice).

(BIA) in the Department of the Interior. The BIA manages Indian lands and natural resources, and provides direct (and contracted) education, public safety, community and economic development, and other services to Native Americans.

A. Severe Deficiencies in Indian Schools

The education of American Indians and Alaska Natives lags far behind that of the rest of the country. American Indians have the lowest level of educational attainment of any racial or ethnic group in the United States. The national graduation rate for American Indian high school students was 49.3% in the 2003-2004 school year, compared to 76.2% for non-Indian students.⁸ One reason attributed to this disparity is the extremely poor condition of many Bureau of Indian Education (BIE) and tribal schools.

Nearly 65,000 American Indian and Alaska Native students attend schools administered by the BIE. The BIE system includes 184 K-12 schools in 23 states. Of these 184 schools, 60 are on the Department's list of "Schools in Poor Condition". A May 2007 Interior Inspector General Flash Report Indian Schools found serious health and safety deficiencies at tribal and Bureau of Indian Education schools. The Report concluded that "failure to mitigate these conditions will likely cause injury or death to children and school employees."

Despite this Report and its recommendations, the funding levels for BIE Indian school construction and repair has decreased dramatically in recent fiscal years. Funding for Indian school construction was reduced to \$128.8 million in FY 2010. The President's FY 2011 Budget proposes an additional \$59 million cut to school construction for a total of only \$53 million. Although \$50 million of this reduction is a reprogramming within the Department, it is still a \$9 million decrease at a time when it would take 30 years to bring those schools that are already in poor condition up to acceptable standards. **The Committee strongly opposes the President's proposed cut to Indian school construction, and instead recommends that Indian school construction funding be restored to the Fiscal Year 2003 level of \$293 million.** This would require an additional \$240 million in budget authority over the President's FY 2011 request for Department of the Interior education construction account.

B. Public Safety and Justice

The BIA Public Safety and Justice Construction program replaces, improves, and repairs tribal and Bureau-owned jails to correct critical health and safety deficiencies. On several occasions over the past decade, Government reports have found serious concern with the BIA and tribal jails system. A September 2004 Interior Inspector General Report found that the BIA detention program is "riddled with problems and ... is a national disgrace."⁹ A separate Interior Department report titled "Master Plan for Justice Services in Indian Country" declares a multi-billion dollar backlog for jails construction in Indian country. The Report finds that "The life

⁸ The Dropout/Graduation Crisis Among American Indian and Alaska Native Students: Failure to Respond Places the Future of Native Peoples at Risk, Faircloth and Tippeconnic, Civil Rights Project at UCLA and Pennsylvania State University (January 2010). Further, only 13.3% of Native Americans have an undergraduate college degree, compared to the national average of 24.4%.

⁹ <http://www.doioig.gov/upload/IndianCountryDetentionFinal%20Report.pdf>.

and safety of officers and inmates are at risk.” It also finds that “only half of the offenders are being incarcerated who should be incarcerated; the remaining are released through a variety of informal practices due to overcrowding in existing detention facilities.”¹⁰ With no deterrence, offenders increase the levels of their violence.

The FY 2010 enacted level for this program was \$52 million. The President’s Budget requests only \$4.4 million for this critical program. **The Committee strongly opposes this proposed cut, and recommends that funding be restored to the FY 2010 level of \$52 million.**

C. Creating Reservation Jobs

Sustainable economic development provides the key to self-determination for Indian tribes. Despite recent economic improvements on some reservations, most tribal economies continue to suffer high unemployment rates and staggering poverty. As noted above, the reservation unemployment rate is 49%, and on some reservations the rate exceeds 80%. Eight of the ten poorest counties in the United States include, in whole or in part, American Indian reservations, and between 65% and 95% of residents of these counties are Native American.

The lack of access to capital and financial institutions in Indian country is well documented. Tribes, Indian-owned businesses, and individual Indians have historically lacked access to capital for both home mortgages and commercial purposes. Banks seeking to reach out to Indian communities encounter geographic, educational, and legal barriers to providing traditional deposit and lending services in Indian country. As a result, tribal community economic development has been stifled.

One program that has worked to provide much needed access to capital for reservation small businesses is the Interior Department's Indian Guaranteed Loan Program. Through this program, the Interior Department’s Office of Indian Energy and Economic Development (OIEED) guarantees loans and issues surety bonds to promote reservation economic development. The program fosters the development of reservation businesses, which in turn creates reservation jobs. The Indian Guaranteed Loan Program leverages appropriated dollars at a 13 to 1 ratio. The default rate under this program is less than 1.5% annually, far outperforming other federally guaranteed loan programs.

The Program has been underutilized in recent years. In FY 2008, more than a dozen traditional and renewable energy projects were not funded because of the Office's limited budget. In addition, this effective program has historically not kept up with inflation. The Committee believes that this program has clearly demonstrated its ability to promote economic development and job creation on reservations. The Committee believes that additional guarantee authority would sharply increase the number of economic development projects on reservation lands and spur further private sector investment in Indian country.

The FY 2010 enacted level for this program was \$8.2 million. **The President’s Budget proposes a decrease of \$57,000 for this program. The Committee instead proposes a \$50 million increase to this proven program to address longstanding double-digit unemployment on Indian lands.** Funding this program at \$58 million will enable the OIEED

¹⁰ Master Plan for Justice Services in Indian Country, at 9 (June 2008).

to leverage more than \$750 million in guaranteed loans to promote small business activity throughout Indian country.

IV. ENERGY DEPARTMENT: UNLOCKING THE ENERGY POTENTIAL OF INDIAN COUNTRY

Energy development on Indian lands has the potential to provide a long-term foundation for many reservation economies while substantially increasing domestic energy supplies. It is estimated that Indian reservations contain 10% of the United States' traditional and renewable energy resources, despite the fact that reservations comprise less than 5% of the total land area of the U.S. In addition, while there are 2.1 million acres of leased coal, oil, and gas in various phases of exploration and development on Indian lands, there are an estimated additional 15 million acres of undeveloped energy resources on Indian lands. Renewable wind, solar, and biomass potential on Indian lands are among the greatest in the Nation.

Committee hearings in the 110th and 111th Congresses have found that historic policies and current laws and regulations present barriers to the development of Indian energy resources. The Committee found that Indian tribes interested in developing their energy resources face higher costs and bureaucratic challenges that other energy developers do not face. These additional costs and challenges prevent the development of Indian energy resources that could added substantially to the domestic energy supply.

Title V of the Energy Policy Act of 2005 authorized programs that were intended to help address these barriers and unlock the potential for reservation energy development. However, many of these programs have not been funded or have been underfunded.

Title V established the Office of Indian Energy Policy and Programs (OIEPP), which among other duties would promote tribal energy development, reduce tribal energy costs, strengthen tribal energy infrastructure, and enhance electrical power and service to Indian tribes. Title V included authority to provide grants to tribes or tribal organizations to establish tribal utilities, provide electrical service, and obtain transmission interconnection. Congress provided \$5.5 million in FY 2010 for OIEPP. The President's FY 2011 Budget proposes a \$4 million cut to the Office. The Office's Director position is currently vacant. Without a Director, there is no one in the Energy Department to implement the significant Indian energy provisions Congress included in the Energy Policy Act.

Title V also included authorization for the creation of an Indian Energy Guaranteed Loan Program. The program was intended to help encourage needed investment capital for energy projects on Indian lands. The President's Budget proposes no funding for this important program. Finally, the President's Budget proposes \$10 million, level funding, for the Energy Department's Tribal Energy Program within the Energy Efficiency and Renewable Energy Office. This program provides grants to Indian tribes conducting feasibility studies for renewable energy projects. Each year the demand for program assistance exceeds the available funding.

To help unlock the potential for energy development on Indian lands, which will in turn, provide a sustainable economy to many Indian tribes, I recommend a total of \$61 million, \$50 million over the President's request, for Indian energy programs within the Energy Department.

V. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: LIVABLE HOMES FOR THE FIRST AMERICANS

Native Americans face some of the worst housing and living conditions in the United States. According to 2002 statistics, 90,000 Indian families were homeless or under-housed. On tribal lands, 28% of Indian households were found to be overcrowded or to lack adequate plumbing and kitchen facilities, compared to 5.4% of national households.¹¹ When physical structures that lack heating and electrical equipment are included, approximately 40% of reservation housing is characterized as inadequate, compared with 5.9% of the national households, and less than half of all reservation homes are connected to a public sewer system. One in five American Indians lives in an overcrowded home. Further, since Indian lands are held in trust or restricted-fee status, financial institutions often refuse to acknowledge Indian land as collateral for individuals to finance new homes.

The Indian Housing Block Grant program under Title I of the *Native American Housing and Self Determination Act of 1996* (NAHASDA) provides statutory authority to address the housing disparities in Indian country.¹² NAHASDA provides block grants to Indian tribes or their tribally designated housing entities (TDHEs) on a formula basis to help them address housing needs in their communities. The block grants may be used for affordable housing activities, including the purchase, modernization, or construction of housing units, as well as rental and homeowner assistance. Indian tribes have utilized NAHASDA Block Grant Program funds in innovative ways, and have been successful in addressing some of the most urgent housing needs in Indian country, proving that investment in this program brings results.

Technical assistance and training are key components to NAHASDA's success. Training and technical assistance are effective tools in maintaining compliance with NAHASDA's statutory and regulatory accountability requirements and has also helped tribes address new issues, such as identification and remediation of methamphetamine use in tribal housing.

The FY 2010 enacted level for the NAHASDA block grant program was \$700 million, and funding for training and technical assistance was \$3.5 million in FY2010. **The President's FY 2011 budget request proposes a \$120 million cut to the block grant program, and elimination of the training and technical assistance program. The Committee strongly opposes these proposed cuts, and recommend that the NAHASDA Block Grant and Training and Technical Assistance Programs again be funded at FY 2010 levels.**

VI. INDIAN WATER SETTLEMENT AGREEMENTS

Access to stable and secure water supplies has long been acknowledged as a basic component of maintaining an Indian tribe's reservation homelands.¹³ However, for more than a century, the existence and quantity of Indian water rights was not taken into consideration as

¹¹ *Native America at the New Millennium*, Eric Henson and Jonathan B. Taylor, April, 2002, The Harvard Project on American Indian Economic Development.

¹² NAHASDA was re-authorized in the 110th Congress. Public Law 110-411 (Oct. 18, 2008).

¹³ See, *United States v. Winters*, 207 U.S. 564 (1908).

reservation neighbors established communities and businesses that also depended upon the region's water resources. Consequently, even though tribes typically have senior water rights, water needed for reservation populations and productivity were diverted to other uses.

To avoid and resolve litigation and address the Government's liability with regard to Indian water rights, for more than 20 years, the United States has pursued a policy of negotiating Indian water rights settlements.¹⁴ This policy is based on the idea that Indian water rights are vested property rights for which the United States has a trust responsibility.¹⁵ The policy places a preference on negotiated settlements over protracted and divisive litigation regarding water resources.¹⁶ Indian water rights settlements ensure that growing reservation populations gain access to drinkable water, and allow a tribe to begin making economic use of its water resources. Moreover, a settlement typically finds a way for existing water uses to continue so that they are not harmed by the acknowledgement of an Indian tribe's rights to water.

To provide for the settlement of these Indian trust resources, to address the Government's liability with regard to specific water rights disputes, and to ensure that authority and funding exists for the U.S. to implement an Indian water rights settlement, Congress often enacts legislation approving water rights settlements. This Committee has seen a significant increase in legislation to approve Indian water settlements, as the Administration makes progress resolving long-standing Indian water rights disputes.

In the past year, the Committee voted favorably on four bills approving Indian water rights settlements. The House has also passed its version of three of these bills. These four settlements involve tribes and pueblos in New Mexico, Arizona, and Montana. If these four bills are enacted as approved by the Committee, a total of \$1.1 billion will be authorized to implement these settlements. The timeline for funding these settlements ranges from 10 to 20 years. These four settlements would be in addition to six other settlements that are not yet fully funded, and for which the Administration requests approximately \$70 million in funding for FY 2011. As a result, significant additional appropriations may be needed to implement the water settlements that are pending in the Senate.

To ensure that Indian water settlements can be resolved, the Committee recommends that the Budget Resolution include a provision that acknowledges to possible need to provide funding to implement a series of Indian water rights settlements that may be enacted in the 111th Congress.

VII. OTHER AGENCY SUPPORT FOR TRIBAL GOVERNMENTS

As noted above, while Congress has placed the primary responsibility for meeting the Government's trust obligation within the Bureau of Indian Affairs (BIA), there are over 20 Federal agencies that collectively provide a full range of services and programs to tribal governments, similar to those provided to state and local governments. The Committee supports

¹⁴ See, Criteria and Procedures for the Participation of the Federal Government in Negotiations for the Settlement of Indian Water Rights Claims, 55 Fed. Reg. 9223 (Mar. 12, 1990).

¹⁵ See *id.*

¹⁶ See *id.*

the President's Budget request for tribal programs at these various agencies, and notes specific support for the following requests:

The Department of Homeland Security (DHS) recognizes that certain tribal governments are directly eligible for a minimum allocation in the State Homeland Security Grant program and proposes a minimum of \$1,050,000 in State Homeland Security Grant funds in the FY2011 Budget request. In addition, the DHS budget requests funding for two full-time Tribal Coordinators at the Office of Intergovernmental Affairs. The Committee supports funding for these efforts.

The Environmental Protection Agency (EPA) provides direct funding for tribal environmental programs and clean water infrastructure. Tribal environmental programs are supported by EPA's General Assistance Program grants. The Budget requests \$71.4 million for the General Assistance Program, an increase of \$8.5 million. The budget also proposes a new multi-media grant program, which help tribes implement General Assistance Program grants. The budget requests \$30.0 million the new multi-media grant program. In addition, the EPA Budget proposes a slight increase for the tribal government set-aside in the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. To address the significant water needs of Indian tribes, the Committee strongly supports these requests.

CONCLUSION

We appreciate this opportunity to provide the Indian Affairs Committee's recommendations for the FY 2011 budget request and budget resolution, and look forward to working with the Budget Committee to ensure that programs that serve American Indians and Alaska Natives are funded at levels commensurate with our obligations to these communities.

Sincerely,



Byron L. Dorgan
Chairman