



# Investing in the Future of Tribal Nations

Executive Office of the President

February 2015



*“We're all one family. Your nations have made extraordinary contributions to this country. Your children represent the best of this country and its future. Together, we can make sure that every Native young person is treated like a valuable member not only of your nation, but of the American family—that every Native young person gets an equal shot at the American Dream.”*

– President Barack Obama, December 3, 2014 White House Tribal Nations Conference



**President Barack Obama delivers remarks during the Cannon Ball Flag Day Celebration at the Cannon Ball powwow grounds during a visit to the Standing Rock Sioux Tribe Reservation in Cannon Ball, N.D., June 13, 2014.  
(Official White House Photo by Pete Souza)**



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## Executive Summary

In 2014, President Obama and his Administration made significant progress in Indian Country. In June, the President fulfilled his promise to visit an Indian reservation when he and the First Lady traveled to the Standing Rock Sioux Tribal Nation in Cannon Ball, North Dakota. They joined a celebration of Lakota culture and Native American Veterans at the annual Cannon Ball Flag Day Celebration, where the President made remarks on strengthening tribal economies and providing high-quality education for all Native Americans.

In Standing Rock, the President and First Lady also met with Native young people, many of whom have already faced extraordinary obstacles in their lives. They were moved and inspired by the stories they heard, and when they returned to Washington, the President challenged his Cabinet and senior advisors to make improving the lives and opportunities of Native youth a top priority.

Since then, the Administration has been hard at work responding to the President's challenge. The Department of the Interior's Bureau of Indian Education (BIE) released and began implementing the "Blueprint for Reform," a comprehensive plan to redesign BIE schools so tribes can deliver a world-class education to all students. At the same time, a Department of Interior secretarial order directed an increase in tribal control of schools—a long-standing goal of tribes and the Obama Administration.

In November, the Department of Justice released a new report from its Task Force on American Indian/Alaska Native Children Exposed to Violence. It included path-breaking recommendations for reducing and mitigating the impact of violence, so all Native children can thrive.

In December, at the White House Tribal Nations Conference, the President announced the launch of Generation Indigenous (Gen-I), a comprehensive initiative designed to address the education, physical and mental health, and social service needs of Native youth. The White House released a report on Native youth—the first of its kind—exploring in detail the challenges facing Native children and making recommendations for a path forward.

Throughout the year, the Administration also made strides in carrying out its commitment to strengthen the sovereignty of tribal nations. In July, the President announced a series of actions arising from his Task Force on Climate Preparedness and Resilience, including a new \$10 million program to help tribes prepare for climate change.

In September, the President signed the Tribal General Welfare Exclusion Act into law, making certain tribal government program benefits excludable from taxable income, including benefits for housing, education, cultural and religious purposes, the elderly and disabled, and emergency and other qualifying assistance.

By December, the Administration restored the equivalent of more than 514,000 acres of land to tribal ownership. It also transferred more than \$4.5 million to a scholarship fund as part of the historic Cobell settlement through the Land Buy Back Program. The Administration also



announced a \$554 million settlement with the Navajo Nation, which is the largest federal settlement with a single Indian nation in this Administration.

In 2014, President Obama demonstrated once again his commitment to improving the lives of Native Americans, especially Native youth, in a spirit of true partnership and mutual respect. And for the duration of his time in office, he and his entire Administration will continue to work closely with tribal nations, with the goal of achieving progress that will last for generations to come.

## Advancing the Nation to Nation Relationship: Treaty and Trust Responsibilities



**White House Council on Native American Affairs Meeting, September 30, 2014  
(Department of Interior)**

### White House Council on Native American Affairs

President Obama signed Executive Order 13647 in 2013, establishing the White House Council on Native American Affairs (Council) and designating the Secretary of the Interior as Chair. In 2014, under Secretary Sally Jewell's leadership, the Council created four interagency subgroups in the following areas: economic development and infrastructure; education; energy; and environment and climate change. A new subgroup on health was added in direct response to tribal feedback and in fulfillment of the goals of the Council.

The Council's subgroups hold regular meetings to discuss current initiatives and to support inter-agency solutions to tribal issues. The Office of the Assistant Secretary—Indian Affairs hosts monthly staff meetings to track the progress of the subgroups and to prepare for Council meetings, the most recent of which took place on September 30, 2014. At that historic meeting, members of the Council held a historic meeting to coordinate budgets across departments for American Indian and Alaska Native (AI/AN) nations and communities. The subgroup and budget meetings are a testament to the Council's efforts to improve coordination and communication among federal agencies. This, in turn, has strengthened the Administration's commitment to uphold and reinforce the trust responsibility to tribes across the Executive Branch.

The work of the Council and its subgroups ensures that Indian Country issues are advanced at the highest levels by decision-makers across the federal government. The Council also plays an important role in planning the Tribal Nations Conference, including organizing the breakout sessions, gathering tribal feedback, and guaranteeing that tribal concerns raised during and after the Conference are addressed.

Following the President's lead, Cabinet members are organizing and making visits throughout Indian Country and indicate that this results in a greater understanding of issues impacting tribal nations and people.

## Restoring Tribal Trust Lands

Restoring and protecting tribal land continues to be a priority of this Administration. Since 2009, the DOI has taken 281,755 acres into trust for federally recognized tribes and individual Indians, and the Administration has processed more than 2,378 separate trust applications. In FY 2014, 41,685 acres of land were brought into trust status.

Complementing Secretary Jewell's goal to have 500,000 acres of land taken into trust by 2017, the Land Buy-Back Program for Tribal Nations is the DOI's collaborative effort in Indian Country, with both tribes and individuals, to realize the historic opportunity to consolidate individual Indian lands into tribal trust lands. This opportunity, which is afforded by the Cobell Settlement, arises from the \$1.9 billion Trust Land Consolidation Fund. All interests are immediately held for the tribe that exercises jurisdiction over the land, which helps ensure that land stays in trust. The Buy-Back Program began land purchases in December 2013. To date, the total offers made for such land exceed \$755 million. Landowners have been paid more than \$313 million and the equivalent of more than 514,000 acres of land have been transferred to tribes. The Program recently released a Status Report that summarizes accomplishments thus far, lessons learned, and next steps.

The Administration continues to address the concerns raised by the *Carcieri* and *Patchak* decisions, which cast uncertainty in some circumstances on DOI's Secretarial authority to take land into trust for tribes under the Indian Reorganization Act, and supports a legislative solution to fix the *Carcieri* decision.

In September 2014, President Obama signed the "Gun Lake Trust Land Reaffirmation Act" into law. The Act addresses certain concerns arising out of the *Patchak* litigation and affirms the Secretary's authority to take land into trust for the Gun Lake Tribe. The DOI Solicitor's Office issued an M-Opinion in March 2014, providing DOI with an internally binding and final legal interpretation on the exercise of the Secretary's trust land acquisition authority after *Carcieri*. DOI, in concert with DOJ, defended several land into trust acquisitions in court.

DOI also promulgated a rule removing the "Alaska exception" from the land-into-trust regulations. The rule, which became final in December, clarifies that DOJ has authority to take land into trust in Alaska and that Alaska Native tribes can apply to have land taken into trust.

The Department of Agriculture (USDA) continues to fulfill its obligations pursuant to the *Keepseagle Settlement*, including filling the Ombudsperson position created by the settlement. In

addition, USDA has appointed new members to the Council for Native American Farming and Ranching. Finally, the technical assistance network required by the settlement, led by the Intertribal Agriculture Council's Regional Centers, continues to increase access to USDA programs and services for Native American farmers and ranchers, resulting in Farm Service Agency loans in excess of \$6 million and Natural Resources Conservation Service funding in excess of \$1.75 million.

### **Tribal Trust Accounting and Management Settlements**

The Administration has announced that, since October 1, 2010, the United States has settled lawsuits or claims by 80 tribes, in which the tribes alleged that the DOI and the Department of the Treasury (Treasury) had mismanaged monetary assets and natural resources held in trust by the United States for the benefit of the tribes. Most recently, on September 26, 2014, Attorney General Eric Holder and Secretary Jewell announced the \$554 million settlement of a lawsuit filed by the Navajo Nation regarding the U.S. government's management of funds and natural resources that it holds in trust for the Navajo Nation. These settlements have resolved longstanding disputes, with some of the claims dating back more than 50 years, and brought to an end protracted litigation that had burdened both the tribes and the United States.

### **Indian Trust Reform**

Interior Secretary Jewell issued Secretarial Order 3335 on August 20, 2014, reaffirming DOI's trust responsibilities to federally recognized Indian tribes and individual Indian beneficiaries, and providing guidance for Interior bureaus and offices in carrying out those obligations. The Secretarial Order responds to recommendations of the Secretarial Commission on Indian Trust Administration and Reform, which was established as part of the \$3.4 billion Cobell Settlement.

Vincent G. Logan, a citizen of the Osage Nation, was confirmed by the U.S. Senate as the Special Trustee for American Indians and sworn in on July 7, 2014, to lead the Office of the Special Trustee for American Indians (OST). His current priorities for trust reform include consolidating various financial education programs; completing a comprehensive review of OST's investment policies; improving the current probate process; and providing meaningful estate planning opportunities to Indian Trust Beneficiaries.

### **Federal Acknowledgment**

In 2014, the Bureau of Indian Affairs published a proposal for reforming the tribal-federal acknowledgment regulations in 25 CFR Pt. 83. The proposed rule is the culmination of years of comprehensive review of the federal acknowledgment process and criteria, and input obtained on a 2013 discussion draft of potential changes that DOI received from tribes and the public. Since publication of the proposed rule, DOI has hosted eight consultations with federally recognized tribes and eight meetings open to non-federally recognized tribes to obtain input. The comment period closed at the end of September, and DOI is currently reviewing more than 320 comments, in preparation for developing a final rule.

## **Taxation**

### **Tax Status of Indian Tribal Government Program Benefits to Promote the General Welfare**

The President signed the Tribal General Welfare Exclusion Act on September 26, 2014. Treasury and the Internal Revenue Service (IRS) had been working with tribes to address the tax status of government programs that promote tribal citizens' general welfare. After extensive consultation with tribal leaders and their representatives, IRS issued final general welfare exclusion guidance on June 3, 2014. This guidance specified that certain tribal government program benefits are excludable from taxable income. These include benefits for housing, education, cultural and religious purposes, the elderly and disabled, and emergency and other qualifying assistance. In order to institutionalize the principles laid out in the guidance, Congress passed the Act, which included several key elements from the Treasury and IRS guidance. Treasury and the IRS are currently working to develop the guidance and procedures required by this new law.

### **Tax Status of Per Capita Distributions to Tribal Members of Funds Held in Trust**

The Administration is also working to clarify that, generally, certain per capita payments of income from funds held in trust by the Secretary of Interior are not subject to federal income tax. In March 2014, Treasury and the IRS issued Notice 2014-17 on the tax status of per capita distributions to tribal members of funds held in trust by the Secretary of the Interior. This interim guidance was issued after extensive consultation with Indian tribal leaders and their representatives, and the DOI. Final guidance will be issued after Treasury and the IRS have reviewed feedback from tribal leaders on the interim guidance.

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

### **Contract Support Costs**

The President's Budget for FY 2015 announced the Administration's commitment to fully fund estimated Contract Support Costs (CSC) appropriations for both the Indian Health Service (IHS) and the BIA. In the Consolidated Appropriations Act of 2014, Congress fully funded CSC, and directed the Administration to work with tribes on a long-term solution for CSC. To this end, the BIA hosted tribes at eight tribal consultation sessions, three in partnership with the IHS and five others across the country, related to the possibility of developing revisions to the CSC policy and formulating long-term strategies to address the full funding of contract support costs. Likewise, the IHS held several of its own consultations. The tribal consultation sessions provided a broad opportunity for tribal input and discussion related to possible long-term solutions to addressing CSC-related needs.

The IHS has made significant progress to address Contract Disputes Act (CDA) claims against the IHS for CSC in prior years. As of October 31, 2014, IHS has settled 701 prior-year CSC claims for a total settlement value of \$652 million.

## Expanding and Improving Opportunities for Native Youth



**2014 Commencement at Salish Kootenai College in Pablo, M.T., June 7, 2014.  
(Department of Education)**

Since the President’s trip to Standing Rock, the Administration has continued to pursue a strategy to address the barriers and challenges too often faced by Native Americans, especially by Native American youth. Several Departments have already begun to bolster efforts focused on youth by launching a targeted Native youth program through the Generation Indigenous “Gen I” initiative, which will focus on Native youth engagement, a demonstration program through the Department of Education, and the Bureau of Indian Education’s reform efforts. This initiative complements the “My Brother’s Keeper” initiative that was launched to ensure that all young people can reach their full potential.

### Native Youth Demonstration Program

The Department of Education (ED) embarked upon tribal consultation for a proposed program, the Native Youth Community Projects (NYCP), under the demonstration authority in Section 5121 of the Elementary and Secondary Education Assistance Act. Tribal leaders have repeatedly asked for a more comprehensive approach to education. In response, NYCP will provide innovative, collaborative community projects to address the unique education needs of Native American youth and improve college and career readiness with culturally appropriate, community-driven approaches. A local Native youth demonstration program proposed for this year will provide tribes and their partners a grant opportunity that builds on Native language and

culture. Because of the diversity of tribes and Native American communities, the tribes and their partners are best positioned to self-determine what strategy or combination of strategies are most conducive for their educational goals within the proposed NYCP. The Department began a rulemaking process this winter on the demonstration grant program.

## **Blueprint for Reform for the Bureau of Indian Education**

As a part of the work stemming from Executive Order 13592, Secretary of the Interior Sally Jewell and Secretary of Education Arne Duncan convened an American Indian Education Study Group in 2013 to diagnose the systemic challenges facing the Bureau of Indian Education (BIE) and to propose a comprehensive plan for reform to ensure that all students attending BIE-funded schools receive a world-class education. Overall, the Study Group met with nearly 400 individuals and received nearly 200 comments that helped it prepare the draft framework for educational reform that became the subject of four tribal consultation sessions held in April and May of 2014. The Study Group incorporated feedback it received from tribal leaders and other BIE stakeholders into the final Blueprint for Reform (Blueprint), released on June 13, 2014.

Based on the recommendations contained in the Blueprint, Secretary Jewell issued Secretarial Order 1334, which directs the BIA to redesign the BIE from a direct provider of education into an innovative organization that will serve as a capacity-builder and service-provider to tribes with BIE-funded schools. The BIA is in the early stages of implementation.

Secretary Jewell's decision to adopt certain reforms recommended by the Study Group was also informed by the numerous visits she made over the past year to BIE-funded schools throughout the country. On December 11, 2013, Secretary Jewell and Assistant Secretary Kevin Washburn visited the Laguna Pueblo School in New Mexico. On August 18, 2014, Secretary Duncan and Secretary Jewell visited the Beatrice Rafferty School on the Passamaquoddy Tribal Reservation in Maine. The Secretaries heard directly from tribal leaders and school officials about the concerns and efforts needed to address the unique needs of American Indian/Alaska Native (AI/AN) students. Secretary Jewell then visited the Bug-O-Nay-Ge-Shig School in Minnesota on August 19, 2014 and the Crystal Boarding School in Navajo, New Mexico on September 26, 2014.

As part of the implementation of the Blueprint, BIE received funding from the Kellogg Foundation to train the BIE's School Support Solutions Teams, partnered with the National Board of Professional Teaching Standards to provide high-quality professional development to our teachers, and is working with Verizon and Microsoft to provide broadband access to BIE-funded dormitories.

The Bureau of Indian Education continued its effort to improve internet access in BIE schools in FY2014 and complete bandwidth upgrades in 45 schools. The goal is to ensure that all BIE schools meet the State Education Technology Directors Association (SETDA) standard of 100 megabits per second (Mbps) per 1000 students. DOI's Bureau of Indian Affairs continues to tap the Federal Communication Commission's (FCC) E-rate program to obtain funding for faster bandwidth speeds. The system received an E-rate funding commitment of over \$4.3 million for school year 2014–2015 that will fund upgrades for 35 additional schools.

## **School Environment Listening Tour**

The White House Initiative on American Indian and Alaska Native Education (WHIAIANE) and the Department of Education's Office for Civil Rights (OCR) have conducted a series of listening sessions at which schools and communities identified ways to improve school climate, discussed recent research, and highlighted communities that are proactively supporting Native American students. The listening sessions included discussions on bullying, disproportionate discipline, and offensive imagery and symbolism, among other topics. The Listening Tour included stops in Milwaukee, WI; Anchorage, AK; LaCrosse, WI; Troy, NY; Seattle, WA; Los Angeles, CA; Oklahoma City, OK; East Lansing, MI; and Tulsa, OK.

## **Sovereignty in Indian Education Enhancements Initiative**

As part of the Administration's historic commitment to ensure that all students attending BIE-funded schools receive a high-quality education, the BIE awarded \$1.2 million for the Sovereignty in Indian Education Enhancements Initiative to six tribal nations. The awards will assist these federally recognized tribes in promoting self-determination, exercising tribal control, and operating BIE-funded schools on their reservations. The BIE is strongly committed to ensuring that tribal sovereignty over education is encouraged, supported, and strengthened wherever and whenever possible.

## **Department of Education Formula and Competitive Grants**

The Administration has demonstrated strong support for all Native American students through formula and competitive grants to help meet their unique needs. In FY 2014, the Department of Education (ED) awarded ESEA Title VII formula grants to 1,234 entities (primarily Local Education Agencies, but also BIE-funded schools and some tribes) in 38 states, totaling approximately \$100 million, to assist elementary and secondary schools with programs serving Indian students. ED annually transfers over \$200 million to the Department of Interior for use by the Bureau of Indian Education (BIE) and BIE-funded schools to implement programs under the Elementary and Secondary Education Act, the McKinney-Vento Homeless Assistance Act, and the Individuals with Disabilities Education Act. ED also has two competitive grant programs designed to improve the quality of education for Indian students and prepare and to train many of them to serve as teachers and school administrators themselves. In 2014, ED funded 68 new and continuing grants, totaling \$18 million, for these purposes.

## **State Tribal Education Partnership (STEP) – Notice of Proposed Priority (NPP)**

The STEP Pilot Project, designed to test ways of providing greater flexibility and control over Title VII funding for Indian communities, was administered from 2012-2015 through a waiver of rule and funded through the National Activities for Indian Children under ESEA, Title VII. ED's Office of Indian Education, after tribal consultations on the issues, used lessons learned from the Pilot Project to draft and publish a NPP for the State Tribal Education Partnership (STEP) program, which includes new flexibilities for grantees compared to the original pilot



program, and which proposes separate priorities for tribal education agencies (TEAs) with limited prior experience and for established TEAs. The public comment period for the NPP closed on December 1.

## **My Brother's Keeper (MBK)**

On February 27, 2014, the President announced the MBK initiative and launched a federal Task Force with representatives across federal agencies to work together, and with other members of the private and public sectors, to address persistent opportunity gaps faced by boys and young men of color and ensure that all young people can reach their full potential. Since the launch of MBK, the Task Force has met with and heard from thousands of Americans, through online and in-person listening sessions. The White House Initiative on American Indian and Alaska Native Education conducted 17 MBK roundtable discussions around the country as part of these efforts. The MBK Task Force report, released last May, made recommendations across a range of areas where we can take action to improve outcomes for all young people—no matter who they are or where they come from.

On September 27, 2014, the President announced the MBK Community Challenge, the next step in organizing and building upon the work of community leaders to improve outcomes for youth in America. The Challenge is an effort to encourage communities (cities, counties, suburbs, rural municipalities, and tribal nations) to implement a coherent cradle-to-college-and-career strategy aimed at improving life outcomes for all young people. This is a call to action for leaders of communities across the Nation to build and execute comprehensive strategies to ensure that:

- All children enter school cognitively, physically, socially, and emotionally ready;
- All children read at grade level by third grade;
- All youth graduate from high school;
- All youth complete post-secondary education or training;
- All youth out of school are employed; and
- All youth remain safe from violent crime.

Eighteen tribal communities have accepted the MBK Community Challenge.

## **Native American Career and Technical Education Program**

ED's Office of Career, Technical, and Adult Education conducted a new Native American Career and Technical Education Program (NACTEP) grant competition and competitively awarded 31 two-year grants in September 2013. Grants were awarded to Native American tribes, tribal organizations, and Alaska Native entities. The appropriation for the second year awards, which totaled over \$13 million, will support NACTEP projects at 14 tribal colleges and 18 Indian tribes and tribal organizations for the Fiscal Year 2014.

## Tribally Controlled Postsecondary Career and Technical Institutions Program

### Supporting Tribal Colleges and Universities

WHIAIANE developed an extensive outreach plan to all Tribal Colleges and Universities (TCU) presidents and administrators to inform them of funding opportunities and initiatives as well as conduct webinars for TCU participation. In August 2014, WHIAIANE conducted a webinar on Performance Partnership Pilots (P3), which provided a valuable opportunity for tribal communities, particularly TCUs serving disconnected youth, to learn about the goals of P3 and current activities.

On September 23, 2014, in collaboration with NASA's office of Internships & Grants Opportunities, WHIAIANE conducted a webinar for presidents, faculty, and students at TCUs to provide information on student internship opportunities at NASA Goddard Space Flight Center (GSFC) and grant opportunities at NASA. Six American Indian and Alaska Native seniors attending TCUs were placed in summer internships at federal agencies through a collaboration between DOI's Office of Surface Mining and Volunteers in Service to America projects with the Quality Education for Minorities (QEM) Network to fight persistent poverty by focusing TCU land-grant development with six tribal communities.

The Office of the Special Trustee for American Indians (OST) partnered with Haskell Indian Nations University to offer a records and information management program. The program's curriculum provides students the opportunity to earn the *Archivist's Certificate* from the Archivist of the United States. The Certificate is the highest credential available to federal government employees who manage records. Over 98 percent of the students (193 students) who have taken the course have earned the *Archivist's Certificate*. These students go on to work for their tribes, Indian organizations, and the federal government. OST employs five Haskell Indian Nations University students each year to provide them with hands-on experience as they earn their degrees.

USDA National Institute for Food and Agriculture (NIFA) manages four USDA funding programs for TCUS: (1) the Tribal Colleges Research Grants program; (2) the Tribal Colleges Education Equity Grants program; (3) the 1994 Tribal Colleges Extension Grants program; and (4) the 1994 Tribal Colleges Endowment program. In 2014, 35 TCUs with land grant status received approximately \$14.3 million in grant award funds. NIFA also provided support to the Federally Recognized Tribal Extension Program, funding 36 awards in the amount of \$2.9 million to provide essential youth development and agriculture development services at the tribal level. Together, these programs provided funds for 96 student scholarships, 119 student internships, 21 distance education programs, and 22 GIS-related projects. In addition, NIFA served approximately 54,000 youth with after-school nutrition and natural resource education programs. USDA Rural Development also provided 19 grants totaling \$4.1 million to TCUs under its Community Facilities Program. Additionally, USDA Rural Development provided a \$4.5 million Community Facilities direct loan to Cankdeska Cikana Community College on the Spirit Lake Reservation in North Dakota to finance the construction of a new Head Start facility.

In FY 2015, USDA will provide Community Facilities grants to 1994 Land Grant TCUs totaling just over \$4.1 million, which the schools are planning to use for capital improvements and equipment to improve the educational facilities and learning environment for their faculty and students.

### **The Preservation of Native Languages**

In November of 2012, the Department of Health and Human Service's Administration for Native Americans (ANA), the Department of the Interior's BIE and WHIAIANE signed a memorandum of agreement to collaborate on programming efforts and resource development to include instruction in and preservation of Native languages. The partner agencies formed a Native Language Workgroup (NLW) to further goals of Native American language preservation, protection, and revitalization.

In June, 2014, the NLW hosted the Native American Language Summit: Working Together for Native American Language Success. During this conference, federal partners, TCUs, and Native Language programs worked together to ensure the preservation and acquisition of Native languages for future generations and for native youth to have command of the language from both a linguistic and cultural perspective. The group discussed methods for measuring success and will be creating a guide for accessing resources through the federal government as well as guiding the development of new resources and technical assistance for schools that carry out the instruction of Native languages and Native language activities.

## Sustainable Economic Development



**Agriculture Secretary Tom Vilsack speaks at the Alaska Federation of Natives annual convention in Anchorage, AK on Oct. 23, 2014.  
(United States Department of Agriculture)**

### Removing Barriers to Job Creation on Indian Lands

DOI continues to make meaningful progress to reform Indian land management regulations. In 2014, DOI published a proposed rule to comprehensively update and streamline the process for obtaining BIA rights-of-way on Indian land. The current right-of-way regulations were promulgated over 45 years ago and have not been updated in over 30 years. These updates are intended to ensure consistency with the recently promulgated leasing regulations and provide tribes with greater control of rights-of-way on their land. DOI has hosted four tribal consultations and one public meeting to obtain input.

The Helping Expedite and Advance Responsible Tribal Home Ownership (HEARTH) Act of 2012 continues to support tribes' efforts in developing their own leasing regulations. In addition to the 14 tribes with approved regulations, another 10 tribes have submitted regulations for BIA review.

## **Increasing Access to Capital**

### **Tribal Economic Development Bonds**

The Treasury Department is working with tribes to help improve their access to the tax-exempt bond market. The American Recovery and Reinvestment Act of 2009 (Recovery Act) enabled Treasury to allocate \$2 billion of Tribal Economic Development Bond (TEDB) authority to tribal governments according to criteria more comparable to those applied to state and local government bonds. These allocations effectively grant tribes the authority to issue tax-exempt debt for a wide range of projects that previously would not have qualified for tax-exempt status. As of December 1, 2014, over \$1.4 billion in TEDB authority remains available. The Treasury Department has developed a fact sheet about TEDBs to encourage their use, and IRS has created a webpage that includes a webinar and FAQs explaining tax-exempt bonds, including TEDBs.

### **Small Business Lending**

In FY 2014, the Small Business Administration (SBA) supported more than \$100 million in lending to Native American-owned small businesses. Included in this figure are loans made through SBA's Microloan Program, which loans up to \$50,000 to small businesses in need of small-scale financing and technical assistance for startup or expansion. In addition to small business lending, the Microloan Program provides grants to lenders who, in turn, offer business-based training and technical assistance to micro-borrowers. SBA's Microloan Program includes a Native American-focused microloan intermediary in Wisconsin.

USDA's Farm Service Agency (FSA) also provided over \$110 million in direct small business lending to 1,459 Native American-owned farming and ranching businesses in FY 2014. These funds were used to purchase land, equipment, and breed stock. The program assists farms and ranches with initial financing needs, providing the ability to create or enhance credit and strengthen small businesses, and to improve rural economies. Additionally, the Agency guaranteed over \$40 million in commercial loans made to Native American farmers and ranchers. In the last 5 years, the FSA has made or guaranteed \$572 million in assistance to Native American farmers and ranchers.

### **Indian Loan Guaranty, Insurance and Interest Subsidy Program**

The Indian Loan Guaranty, Insurance and Interest subsidy program is administered by DOI's Office of Indian Energy and Economic Development (IEED). Unlike other Federal loan guarantee or loan insurance programs, this program requires that approved financing benefit the economy of a reservation or a BIA-designated tribal service area and requires borrower proof of tribal membership. In FY 2014, IEED made 30 loan guarantees, totaling more than \$97 million. In FY 2015, IEED will have slightly fewer resources, and it will therefore shift emphasis to promote greater use of loan insurance, which tends to help businesses with financing needs of \$250,000 or less. This threshold is sufficient for many kinds of business start-ups, revolving lines of credit, permanent working capital, and other various needs of small businesses in anticipation of future program expansion. IEED will also work to expand the number of lenders approved to use the program, including Treasury Certified Community Development Financial Institutions.

## **Community Development Financial Institutions**

Treasury's Community Development Financial Institutions Fund (CDFI Fund) generates economic opportunity for Native American, Alaskan Native, and Native Hawaiian communities by supporting the creation and expansion of Native Community Development Financial Institutions (Native CDFIs) through the Native American CDFI Assistance Program (NACA Program) and Capacity Building Initiative (CBI) trainings. Native CDFIs in turn help create jobs, build or improve affordable housing, provide accessible financial services and counseling, as well as other community development activities by increasing access to capital and financial services.

The NACA Program is funded through an annual appropriation from the United States Congress. Awards are made each year through a competitive application process. In August 2014, the CDFI Fund announced that 33 Native organizations in 17 states were awarded more than \$12.2 million.

The CBI is a series of training and technical assistance programs that support the growth and further development of Native CDFIs. For example, the CDFI Fund supported The Leadership Journey I and II training program, which offered Native CDFIs in-person training, continuous customized technical assistance, executive coaching, and peer mentoring over a period of two years. Between The Leadership Journey I and II training program, the CDFI Fund will provide over 2,000 hours of direct one-on-one capacity building assistance to Native CDFIs. A third CBI training and technical assistance series—Building Native CDFIs' Sustainability and Impact—was announced on October 9, 2014. This series will provide specialized training and technical assistance to Native CDFIs to foster their growth and sustainability and to enhance their ability to deliver financial services and products to Native Communities; including exploring capitalization strategies such as loan portfolio sales and how to participate in New Markets Tax Credit financing deals.

In addition, the CDFI Fund's New Markets Tax Credit Program provides an allocation of tax credits to Community Development Entities (CDEs) through a competitive process. CDEs offer their tax credits to private sector investors in exchange for capital to make loans to and investments in businesses operating in low-income communities. All Native CDFIs are qualified to serve as CDEs.

Additionally, Treasury's CDFI Fund and the Native American CDFI Network are working closely with the USDA Farm Service Agency (FSA) to certify Native American-owned CDFIs as eligible lenders for FSA's Guaranteed Loan Program. This partnership of FSA and Native CDFIs will improve access to capital for Native American farmers and ranchers.

## **USDA Rural Development**

In 2014, USDA Rural Development invested \$285.9 million in loans and grants directly benefitting American Indians and Alaska Natives (AI/AN). For example, through its Business Programs, USDA Rural Development guaranteed four loans to American Indian/Alaska Native-owned businesses. The loans provided \$30.9 million in financing and are projected to create 104 jobs and save another 54 jobs. Additionally, 18 Rural Business Enterprise Grants (totaling \$2.7 million) and 11 Rural Business Opportunity Grants (totaling \$812,000) were awarded to tribes

and tribal entities, which will help create and save additional tribal businesses and jobs throughout Indian Country.

### **Supporting Community-driven Economic Development**

Building upon the first year of funding for the Sustainable Employment and Economic Development Strategies (SEEDS), HHS's Administration for Native Americans has awarded an additional 14 new SEEDS grants totaling nearly \$5 million to tribes and Native-serving organizations. In addition, continuation funding will be allocated to 14 SEEDS grantees for their second year of funding. Many tribes and Native organizations invest the SEEDS resources into workforce development and entrepreneurship promotion activities. Still others are using the funds to start new enterprises. The SEEDS program was designed to provide longer funding terms (up to five years) and a higher award ceiling (up to \$500,000) to make strategic investments in projects that would create jobs and foster economic development. A third round of SEEDS awards will be available in early 2015.

### **Workforce Development**

#### **Department Of Labor's (DOL) Trade Adjustment Assistance/Community College and Career Training Grant Competition**

Trade Adjustment Assistance/Community College and Career Training (TAACCCT) grants help develop programs that provide pathways to good jobs, including building instructional programs that meet specific industry needs. In the final round of funding in 2014, six tribal colleges in Montana and North Dakota will receive approximately \$5.1 million. These funds will help train Native Americans in booming sectors of the Montana and North Dakota economies, including the energy and healthcare sectors. Over the life of the program, more than \$38 million has been granted to tribal colleges and universities.

With the President's signing of the Workforce Innovation and Opportunity Act on July 22, 2014, DOL's Division of Indian and Native American Programs (DINAP) was reauthorized. The Department awards approximately 182 grants through DINAP to provide funds to improve the academic, occupational, and literacy skills of American Indians, Alaska Natives and Native Hawaiians. The grants designated \$46 million for assistance to unemployed and low-income Native American adults, and \$12 million for Native American youth living on or near reservations through the Comprehensive Services Program and the Supplemental Youth Services Program. Additionally, there are a total of 178 tribes, consortiums, and non-profit organizations serving tribes nationwide that were awarded Workforce Investment Act Section 166 funds in FY 2014, and approximately 135 tribes that received supplemental youth services program (SYSP) funds. Finally, 54 grantees participated in the Indian Employment and Training Demonstration Program, which was authorized in Public Law 102-477, to integrate the employment, training, and related services provided by tribal governments into a single program.

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

The Department of Labor's Veteran Employment and Training Service Office works with states to provide outreach and service delivery to qualifying Native Americans on or near reservations,

as part of the Jobs for Veterans Act. In the summer of 2014, Nez Perce became the first tribe under the current Administration to receive funds through the Homeless Veterans Reintegration Program, which provides homeless veterans with supportive services and training to prepare them for civilian careers.

### **Veterans Hiring Initiative at Indian Affairs**

The Indian Health Services (IHS) and BIA, which combined employ over 20,000 people, announced a new commitment to increase the number of veterans hired by each agency. IHS will increase the percent of new hires that are veterans from 6 percent to 9 percent and BIA will boost their percent of new hires that are veterans from 9 percent to 12.5 percent. The executive leadership and regional managers have been tasked with developing partnerships with local veterans groups and organizations to highlight opportunities with Indian Affairs.

### **Department of Commerce's Economic Development Administration (EDA) Assistance for Training Facilities**

In FY 2014, the Department of Commerce's Economic Development Administration provided a grant of \$698,000 to the Association of Village Council of Presidents (AVCP) to purchase training equipment for the Aviation Mechanics Program at the EDA-funded AVCP Hangar Facility at the Bethel Municipal Airport, Alaska. This project will train local students to become FAA-qualified airplane mechanics and help the region create a growing, sustainable, and diversified economy.

## **Entrepreneurial and Business Development**

### **Supporting American Indian and Alaska Native Businesses**

In 2014, the Minority Business Development Agency (MBDA) opened a new business center in Bridgeport, CT that will provide expertise to help businesses owned by Native Americans and others to succeed. The Bridgeport center joins five existing MBDA Business Centers located in Fresno, CA; Tulsa, OK; Anchorage, AK; Bismarck, ND; and Santa Fe, NM.

The Department of Commerce's Economic Development Administration (EDA) annually awards 52 Partnership Planning grants to Native American planning organizations to develop comprehensive economic development strategies (CEDs) that articulate and prioritize their economic goals. In FY 2014, EDA's provided \$511,000 to support the renovation of the historic Santo Domingo Trading Post located on Santo Domingo Tribal lands in New Mexico, a historic Native American tourist attraction. EDA also provided \$1.5 million to the Quinault Indian Nation to upgrade equipment for the Nation's fish processing facility in Queets, Washington.

EDA also provided \$1.3 million to the Mohegan Tribe of Indians of Connecticut to fund the renovation of an existing facility into the Mohegan Innovation Center, a business incubator on the Mohegan Indian Reservation. The incubator will support entrepreneur growth in six industry clusters to encourage job growth and business expansion on the Reservation.

### **Development Programs for Entrepreneurs**



In 2013 and 2014, the SBA counseled and trained over 29,000 Native American small business owners. This entrepreneurial training was made possible by SBA's Office of Native American Affairs, which provides support to SBA's nationwide outreach efforts including symposia, business development and financial literacy workshops, roundtable discussions, technical assistance, and participation in Native American conferences.

In 2014, EDA provided \$70,000 to the Native American Intellectual Property Enterprise Council (NAIPEC) to support Native American entrepreneurs and inventors, including for intellectual property protection, business development, and educational outreach.

### **The Native Communities Entrepreneurial Empowerment Outreach Training**

The Small Business Association's (SBA) Native Communities Entrepreneurial Empowerment Outreach training reached rural reservations in 2014, thereby enhancing the capacity of organizations to serve Native American business communities. In 2014, 20 Native American communities received small business development training. Participants estimated that the training will help create 494 jobs, including 332 full-time and 162 part-time positions, over the next year.

### **8(a) Business Development Training Workshops**

The Small Business Association (SBA) provides training on the 8(a) Business Development (BD) program and the unique rules and considerations for tribally owned companies, Alaska Native Corporations (ANC), and Native Hawaiian Organizations (NHO). The purpose of these workshops is to provide valuable insight to those in various stages of company development and ownership. Through these workshops, attendees gain a better understanding of the special rules and considerations for tribally owned companies in the 8(a) BD program. In 2014, 109 tribal communities (including ANCs and NHOs) participated in these workshops, representing nearly 20 percent of all federally recognized tribes.

### **Economic Development Feasibility Studies and Tribal Commercial Codes**

Since 2007, the Department of Interior's Office of Indian Energy and Economic Development (IEED) has awarded over \$3.7 million in grants to 54 different tribes for economic development feasibility studies for 77 projects through its Native American Business Development Institute (NABDI). During FY 2014, IEED's Division of Economic Development prepared an economic development primer on how tribes can benefit from adopting the Model Tribal Secured Transactions Act. The primer will be featured on the IEED website, along with primers on Native procurement and economic development feasibility studies.

### **Long-Distance Learning for Indian Entrepreneurs**

On September 24, 2014, IEED also conducted their first-ever webinar training for Indian entrepreneurs on structuring a business. The interactive training surveyed the advantages and potential pitfalls of organizing a business as a state-chartered corporation, a tribally-chartered corporation, and a limited liability company, among other structures, with an emphasis on tribal sovereignty, taxation, and access to credit.

### **Procurement and Marketing Training**

In 2014, IEED conducted matchmaking for a total of 32 buyers and 200 Native vendors at the National Center for American Indian Enterprise Development's RES D.C. conference and at the Native American Development Corporation's Economic Development Summit. In addition, both of these IEED events provided training for entrepreneurs that was focused on crafting and delivering convincing two-minute marketing presentations ("elevator speeches").

## Supporting Infrastructure Development in Indian Country



**Secretary Castro Visits South Dakota.  
(Department of Housing and Urban Development)**

### Water

In 2010, the President signed the Claims Resolution Act of 2010, which included four water settlements involving seven tribes in Arizona, New Mexico and Montana. The BIA and the Bureau of Reclamation are working to implement these water settlements, along with a number of previously enacted settlements. Congress has enacted 27 Indian water rights settlements and DOI has completed 4 additional settlements that have not required congressional action. The DOI currently has 38 Federal teams in the field working on Indian water settlements in 11 Western states with 21 teams involved in the implementation of enacted settlements.

In 2014, DOI spent approximately \$218 million negotiating and implementing Indian water settlements across the western United States. The Bureau of Reclamation made available approximately 17 percent of its appropriated budget for the development, management, and protection of tribal water resources. A large portion of these funds was used for the planning, design, and construction of water resource facilities included in Indian water rights settlements and authorized rural water supply projects serving Indian tribes.

In FY 2014, USDA Rural Development invested in 71 water and environmental projects benefitting tribal communities. In total, Rural Development provided \$83.8 million in loans and

grants to these projects, of which \$53.3 million directly benefitted AI/ANs. The development cost of these projects—including funding from additional investors—totaled \$147.7 million, with nearly 57 percent of project financing coming from Rural Development. Eighteen of these projects were in Alaska—11 of which were funded through the Rural Alaska Village Grant program.

This year, the EPA disbursed \$29 million to initiate the construction of 77 wastewater infrastructure projects for tribes to address the disparate need for basic sanitation services on tribal lands. In addition, the Agency distributed over \$18 million for the construction of drinking water infrastructure projects for tribes to improve access to safe drinking water that meets all health-based standards. The EPA also continued to emphasize training and assistance activities for tribally-owned and operated public water systems through its national training and technical assistance grants for small systems. The EPA continues to lead the multi-agency tribal Infrastructure Task Force (ITF) to improve access to safe drinking water and basic sanitation in Indian country. In FY 2014, the ITF initiated two new subgroups, one to address solid waste issues and the other to evaluate tribal water utility operation and maintenance costs.

## Housing

### Loans for Native American Homeowners

The Department of Housing and Urban Development's (HUD) Section 184 and 184A loan guarantee program encourages private lenders to invest in Indian Country. In FY 2014, 3,449 AI/AN families and 87 Native Hawaiian families obtained mortgage financing with assistance from these programs.

The VA Loan Guaranty Service granted 30 loans to over 85 participating tribes in FY 2014 through the Native American Veteran Direct Loan Program (NADL). The Loan Guaranty Service also continues to work with non-participating tribes to see if they are amenable to permitting VA to offer home financing to their eligible veterans. Four new tribes have entered into MOUs with the NADL program during FY 2014.

USDA Rural Development loans and grants also provide much needed financing for the purchase and repair of single-family homes. In 2014, AI/AN homeowners received 116 direct homeownership loans (\$14.8 million) and 961 Single Family Housing loan guarantees (\$133.3 million). USDA Rural Development also provided \$1.4 million through 229 grants and loans to elderly and very low income AI/AN homeowners to help make much needed repairs and other improvements to their homes.

### HUD's Indian Housing Block Grant Programs

The Indian Housing Block Grant program remains the largest single source of funds for housing assistance in Indian Country. In FY 2014, the program received \$650 million in funding from Congress. HUD disbursed these funds to 366 recipients representing 553 tribes in 34 states. Program activity in FY 2014 encompassed a wide range of affordable housing activities, including the construction, acquisition, or substantial rehabilitation of more than 4,726 affordable homes for AI/AN families.

Tribes that receive Indian Housing Block Grant funds can also use the Title VI loan guarantee program to help secure private loans for larger housing development projects. In FY 2014, five tribes borrowed more than \$14.4 million from private lenders to fund the construction of more than 140 affordable housing units.

### **HUD's Indian Community Development Block Grant Program**

The Indian Community Development Block Grant (ICDBG) program is a competitive grants program that can be used for the rehabilitation of affordable housing, land acquisition, community facilities, infrastructure construction, economic development projects, and other activities that benefit primarily low- and moderate-income persons. In FY 2014, ICDBG grantees reported substantially rehabilitating 1,151 affordable housing units, creating 86 jobs, and constructing 34 community buildings.

### **Business Infrastructure**

In FY 2014, EDA assisted business infrastructure development in Indian Country. For example, EDA provided \$150,000 to develop the Nez Perce Tribe Business Park Master Plan in Nez Perce, Idaho. The project will provide technical assistance and an in-depth plan for the development of a manufacturing business park, which will enhance the region's long-term economic resiliency and sustainability.

### **Transportation**

#### **Tribal Transportation Program Agreements**

Tribes can operate their transportation programs directly through the Department of Transportation's Federal Highway Administration (FHWA). In 2014, more than \$133 million of Tribal Transportation Program (TTP) funding was transferred by FHWA to more than 85 tribal governments and consortiums (totaling 128 tribes). In 2014, the BIA program agreements transferred more than \$137 million of tribal transportation program funding to tribes under this authority as well. In addition, more than \$95 million of tribal transportation program funds were provided to over 250 tribes.

#### **FTA**

The Moving Ahead for Progress in the 21st Century Act (MAP-21) provides \$30 million to the Federal Transit Administration's (FTA) Tribal Transit Program (TTP)—\$25 million to the formula program and \$5 million to the discretionary program—for activities such as capital, planning, and operating assistance. Through the formula component of the program, over 100 tribes received a FY 2014 formula allocation compared to approximately 82 tribes in FY 2013. FTA will publish a notice of funding availability and solicit eligible program proposals for approximately \$5 million in the fall of 2014 with awards expected in the spring of 2015.

As part of the bipartisan Consolidated Appropriations Act of 2014, Congress allocated \$600 million for the FY 2014 round of Transportation Investment Generating Economic Recovery (TIGER) grants to fund projects that have a significant impact on the nation, a region, or a metropolitan area. TIGER grants provide a unique opportunity for the DOT to invest in road,

rail, transit, and port projects that promise to achieve critical national objectives. On September 12, 2014, DOT announced the recipients of the TIGER 2014 grant awards. More than \$5 million was awarded for projects on Native American lands.

## **Communications and Broadband Services**

With the 2010 creation of the Office of Native Affairs and Policy (ONAP) in the Federal Communication Commission's (FCC) Consumer and Governmental Affairs Bureau, the FCC committed to expand its government-to-government relationships and to build and maintain a strong consultation and coordination program with tribal nations. Under ONAP's leadership, the FCC has grown its consultation and training seminar initiatives in Indian Country, visiting approximately 20 tribal nations and meeting with approximately 200 tribal nations in FY 2014. Also in 2014, ONAP built upon the successes of previous years by expanding its FCC Tribal Broadband, Telecom, and Media Consultation and Training workshop program and held five consultation workshops in Idaho, California, Minnesota, Tennessee, and Oklahoma.

This commitment to the federal trust relationship is found in a number of specific policies and new opportunities for tribal nations, including reforms to the FCC's universal service programs and broadcast licensing rules. The reforms adopted by the FCC recognize the unique circumstances and challenges of providing telecommunications and broadband services on tribal lands and take numerous steps to directly address these challenges.

## **High-Speed Internet**

### **National Telecommunications & Information Administration**

The Administration is working with tribal leaders to help develop and expand high-speed internet access to Indian lands and provide the tools to use broadband technology. The Recovery Act allocated approximately \$4 billion to the National Telecommunications and Information Administration (NTIA) for the Broadband Technology Opportunities Program (BTOP). BTOP was responsible for funding grants that increased broadband access and adoption in underserved communities nationwide. NTIA awarded over \$1 billion in grants that provided adoption and deployment benefits either directly or indirectly to Indian tribes. NTIA directly funded \$46 million specifically for tribal projects such as the College of the Menominee Nations public computing center and the Navajo Nation wireless project.

As a result of these projects, tribal communities are using the broadband capacity from BTOP-funded infrastructure to expand services for government, telehealth, education, public safety, libraries, and cultural centers. These communities are also leveraging BTOP-funded middle mile infrastructures through interconnection agreements that allow them to provide last-mile services to their members. For example, the Sac & Fox Tribes of the Mississippi connected to the Iowa Communications Network, a BTOP grantee, to provide Gig service to homes.

In February 2014, NTIA held a webinar for tribal leaders on tribal uses of next-generation broadband. NTIA also held workshops in Washington D.C. in May and Minnesota in September that targeted local and tribal governments and focused on planning for broadband initiatives and implementing broadband projects, respectively.

### *Rural Utilities Service*

In 2014, USDA Rural Development's Telecommunications Programs provided 26 Distance Learning and Telemedicine (DLT) grants totaling \$9.6 million to entities serving tribal lands. For example, Navajo Technical College received a DLT grant of \$447,000 and the Saint Regis Mohawk Tribe received \$336,000. Funding through this program helps grantees purchase end-user equipment to facilitate distance learning and telemedicine services.

## **Energy Development**

### **Renewable Energy Development**

The Department of Energy's (DOE) Office of Indian Energy and the Tribal Energy Program support tribal energy development through technical and financial assistance, as well as education and capacity-building programs. In FY 2014, the Office of Indian Energy and Tribal Energy Program invested over \$4 million in new technical assistance, education, and capacity building programs to support tribes in developing clean energy resources. The Tribal Energy Program also invested over \$6 million in financial assistance to support the deployment of clean energy and energy efficiency projects. Clean energy projects represent opportunities to reduce greenhouse gas emissions, create jobs, promote energy security and reliability, support economic development, and can serve as climate change adaptation and mitigation response.

### **Strategic Technical Assistance Response Team Program**

DOE operates several technical assistance and financial assistance programs to support these efforts, including the Strategic Technical Assistance Response Team (START) Program, education and training for project development and project finance, tribal leader forums on energy development issues, transmission analysis and support, and other hands-on technical assistance on tribal projects. In FY 2013 and 2014, START Round II selected another 10 tribes and Alaska Native villages to assist them in moving forward on clean energy and energy efficiency project deployment. Tribes received assistance in projects ranging from replacing a local, community-scale hot water system with a new energy efficient biomass plant, to receiving technical assistance with a community-scale solar photovoltaic project that will power tribal facilities and residences.

### **Project Deployment Financial Assistance**

The Office of Energy Efficiency & Renewable Energy's (EERE) Tribal Energy Program promotes tribal energy sufficiency and fosters employment and economic development on the United States' tribal lands through the use of renewable energy and energy efficiency. The program has created a pipeline of projects, including nearly 10 MW of new renewable energy installed capacity; reduced 10 million kWh, producing an annual savings of over \$4 million; assessed or developed almost 5 GW of tribal renewable energy resources; retrofitted nearly 1.8 million square feet of more than 70 tribal buildings; and completed energy audits on more than 250 tribal buildings. In 2014, EERE's Tribal Energy Program made awards for eight tribal energy deployment projects.

## **Education and Capacity Building**

The Office of Indian Energy and the Tribal Energy Program have also developed and sponsored several education and capacity-building activities for tribal leaders and tribal staff in 2014. In conjunction with the Western Area Power Administration, the DOE conducted a monthly webinar series focused on the major technologies, phases of development, and funding for smaller community and facility scale renewable energy projects. In addition, regional workshops in Anchorage, AK; Portland, OR; Minneapolis, MN; Denver, Co; and Nome, AK provided opportunities to share best practices, technologies, and information. Lastly, several tribal leader forums were held throughout 2014 addressing energy development topics such as financing and investment, biomass- and waste-to-energy development.

## **Climate Change Adaptation and Mitigation**

DOE is currently undertaking a major study of the climate change impacts on energy systems in Indian Country, the vulnerabilities that may exist because of these impacts, and potential resiliency measures that Indian tribes can take to mitigate the impacts and overcome the potential vulnerabilities. The study will be completed in FY 2015.

## **Conventional Energy Development**

### **Energy and Mineral Development Grants**

In FY 2014, the Department of the Interior's Office of Indian Energy and Economic Development, Division of Energy and Mineral Development (DEMD) awarded nearly \$13 million to support a total of 67 energy and mineral projects in Indian Country. The grant program provides technical assistance to grantees, supplying them with geological, geophysical, and engineering reports, maps, and other data. The program also interprets data and helps tribes negotiate development agreements with developers. In FY 2014, DEMD provided Energy and Mineral Development Program (EMDP) grants to assist tribes in developing high and low temperature geothermal resources. DEMD awarded a grant to the Rosebud Sioux Tribe to complete a space heating project for the White River Indian Health Center by connecting previously drilled geothermal wells to the building's heating system. In addition, it disbursed funding to the Benton Utu Utu Gwaitu Paiute Tribe for a shallow-temperature gradient well to evaluate a low-temperature geothermal resource associated with the local hot spring. The Confederated Tribes of the Warm Springs Reservation in Oregon is working with DEMD to evaluate the tribe's commercial generation potential. Additionally, DEMD awarded continued funding to the Pyramid Lake Paiute Tribe to evaluate the northern portion of its reservation for commercial generation of geothermal power.

### **Tribal Energy Development Capacity Grants**

DOI's Division of Energy and Mineral Development also assists tribes to develop and regulate their energy resources by way of Tribal Energy Development Capacity Program (TEDC) grants. The grants nurture the tribal managerial, organizational and technical capacity needed to maximize the economic impact of energy resource development on Indian land. In 2014, DEMD received 31 proposals for TEDC funding and awarded over \$738,000 to nine tribes. This funding



will enable grantees to establish businesses and organizations to engage in commercial energy development and management activities.

### **Developing Oil and Gas Energy Resources**

BIA and IEED's Division of Energy and Mineral Development (DEMD) work in partnership with tribes to help develop their oil and gas resources by assisting minerals owners to optimize royalty rates, lease bonuses, and term of lease. DEMD estimates that Indian Royalty will reach over \$1.2 billion in 2014.

## **Supporting Access to Greater Nutrition and Healthcare**

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

Over the last year, millions of Americans, including many American Indians and Alaska Natives, have gained new health insurance through the Affordable Care Act (ACA), either by enrolling in the Health Insurance Marketplace or qualifying for expanded Medicaid in their state. A major goal of outreach and education efforts in tribal communities has been to make sure that all American Indians and Alaska Natives understand their benefits under the Affordable Care Act. Indian Health Service (IHS) has implemented outreach and education through its facility business offices and through funding national Indian organizations and IHS Areas to conduct outreach and education. IHS patients who purchase health insurance or enroll in Medicaid through the Health Insurance Marketplaces and still receive their care can help increase local revenues and services through third party insurance collections. In FY 2014, IHS third-party collections increased by \$49 million compared to FY 2013 levels.

Starting in 2014, individuals must either have coverage, qualify for an exemption, or pay a fee when they file their federal tax return. On September 18, 2014, Treasury and HHS announced that all individuals eligible to receive health care from an IHS, tribal, or Urban Indian health care provider will be able to claim an exemption from the fee through the tax filing process starting with the 2014 tax year, the same filing option as members of federally recognized tribes (including Alaska Native shareholders). Both groups will continue to have the option of submitting the exemption application through [www.healthcare.gov](http://www.healthcare.gov).

The ACA also provides a new health insurance option for tribes or tribal organizations that are operating programs under the Indian Self-Determination and Education Assistance Act or urban Indian organizations carrying out programs under Title 5 of the Indian Health Care Improvement Act. These tribal employers may enroll their employees and families in the Federal Employees Health Benefits (FEHB) Program. The Office of Personnel Management (OPM) is implementing this new health insurance option for tribal employers. Since May 2012, 62 tribal employers in 17 States have enrolled over 11,300 employees in FEHB.

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

#### **Quality of and Access to Care**

The IHS developed new capabilities and systems required to meet the Center for Medicare and Medicaid Services (CMS) Stage 2 Meaningful Use requirements. The IHS Resource and Patient Management System (RPMS) is the only Government-sponsored Electronic Health Record (EHR) that is certified for Meaningful Use. The RPMS suite was certified as a complete EHR for ambulatory and inpatient settings in 2011. Since that time, federal and tribal hospitals and clinics around the country have received over \$119 million in Medicare and Medicaid incentive payments. In August 2014, the RPMS suite was again certified against the much more stringent

and far-reaching criteria for Stage 2 of Meaningful Use. This certification will allow federal and tribal facilities using RPMS to continue to participate in the Meaningful Use initiative through at least 2017.

### **HRSA Health Center Program**

In July 2014, HRSA announced the availability of \$100 million in ACA funding to support an estimated 150 new health center sites across the country in 2015. That same month, HRSA awarded \$54.6 million in ACA funding to support 221 health centers in 47 states and Puerto Rico to establish or expand behavioral health services for over 450,000 people nationwide. These new funds will support the hiring of mental health professionals, adding mental health and substance use disorder health services, and employing integrated models of primary care. One tribal health center (The Aleutian Pribilof Islands Association in Alaska) and three Urban Indian health centers (Native American Rehabilitation Association Inc. in Portland, Oregon; Seattle Indian Health Board in Seattle, Washington; and First Nations Community Health Center in Albuquerque, New Mexico) received funding. Health Center Program grantees served over 259,000 AI/ANs in calendar year 2013, and in fiscal year 2014 there were 32 dually-funded centers (Health Centers that receive both HRSA and IHS funding).

### **Veterans Health Administration Office of Rural Health**

The VA Veterans Health Administration (VHA) Office of Rural Health (ORH) supports initiatives that increase eligible AI/AN veteran access to VA benefits, primary care, mental health care, and specialty care services. ORH funded 21 AI/AN-focused initiatives, investing nearly \$9.4 million in FY 2014. These initiatives benefited approximately 7,000 AI/AN veterans.

ORH's Veterans Rural Health Resource Center-Western Region located in Salt Lake City, Utah, (VRHRC-WR) is piloting multiple projects to improve health care outcomes for AI/AN veterans. One VRHRC-WR project established a Native Veteran Telehealth Collaborative Education and Consultation Service to expand collaborative VA telemental health services for rural Native veterans.

## **Addressing Health Disparities**

### **Reducing Diabetes and Heart Disease**

The President's FY 2015 Budget supported a three year extension of the Special Diabetes Program for Indians (SDPI) through 2017 to help prevent and treat diabetes and its complications. In 2014, SDPI completed its 17th year, providing 404 grants to Indian Health Service, tribal, and Urban Indian Health programs.

### **Combating Childhood Obesity in Indian Country**

#### *Let's Move! In Indian Country (LMIC)*

The *LMIC* initiative seeks to improve the health of AI/AN children who are affected by childhood obesity through partnerships with tribal governments, urban Indian centers, private businesses, youth leaders, and the non-profit sector.

With IHS leadership, *LMIC* has evolved to include monthly webinars featuring best practices of SDPI grantees and a new *LMIC* website that features Federal resources and funding opportunities available to tribal communities to assist them in their childhood obesity prevention programs.

### **IHS Baby Friendly Hospital Initiative**

The IHS Baby Friendly Hospital Initiative (BFHI) has become a part of the ongoing effort to reduce obesity in Indian Country through promotion of breastfeeding, and represents IHS's initial contribution to *LMIC*. This initiative gives mothers the information, confidence, and skills necessary to successfully breastfeed or use formula safely. As of December 2014, one hundred percent of IHS obstetric facilities have achieved the official designation as Baby-Friendly, for AI/AN mothers and babies. Nationally, fewer than six percent of all U.S. hospitals are Baby-Friendly designated.

### **Improving Subsistence & Food Access Program**

The USDA Food Distribution Program on Indian Reservations (FDPIR) provides food to low-income households living on Indian reservations and to American Indian households residing in impoverished areas near reservations in Oklahoma. Many households participate in FDPIR as an alternative to the Supplemental Nutrition Assistance Program (SNAP) because they do not have easy access to SNAP offices or authorized food stores. FDPIR offers a variety of foods to help participants maintain a nutritionally balanced diet.

Federal administrative funding is also available for nutrition education-related activities, which can include individual nutrition counseling, cooking demonstrations, nutrition classes, and the dissemination of resources related to USDA. In FY 2014, five states and 100 Indian Tribal Organizations (ITOs) administered FDPIR on or in 276 Indian reservations, pueblos, rancherias, and Alaska Native Villages. Nutrition assistance was provided on a monthly basis to an average of 85,200 participants. In addition, in May 2014, USDA Food and Nutrition Service awarded nutrition education grants on a competitive basis to twenty ITOs. The goal of these grants is to enhance nutritional knowledge of FDPIR participants and foster positive lifestyle changes for eligible household members.

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

The Substance Abuse and Mental Health Services Administration's (SAMHSA) new office and internal workgroup continues to improve the coordination of resources and services focused on tribal communities in an effort to combat the many behavioral health challenges in Indian Country.

### **Office of Tribal Affairs and Policy**

On August 8, 2014, SAMHSA announced the creation of the Office of Tribal Affairs and Policy (OTAP) to serve as a point of contact for tribal governments, tribal organizations, federal

departments' and agencies' tribal affairs efforts, and other governments and agencies on behavioral health issues facing AIs/ANs in the United States. This new office supports SAMHSA's efforts to improve agency coordination and to advance the development and implementation of data-driven policies and innovative practices that promote improved behavioral health for AI/AN communities and populations. The office brings together SAMHSA's tribal affairs, tribal policy, tribal consultation, tribal advisory, and Tribal Law and Order Act responsibilities.

### **SAMHSA Support for Improved Tribal Behavioral Health with a Focus on Native Youth**

In FY 2014, SAMHSA awarded \$61.824 million in total funding over 5 years for behavioral health services for AI/AN youth to promote prevention, treatment, and recovery from mental and substance use disorders. The funding was supported through the following programs: Circles of Care, State/Tribal Youth Suicide Prevention, the Tribal Behavioral Health Grant program (also known as Native Connections), Partnerships for Success State and Tribal Initiative, and SAMHSA Adult Tribal Healing to Wellness Courts and Juvenile Treatment Drug Courts.

The Tribal Behavioral Health Grant (TBHG) program was established in FY 2014; its purpose is to prevent and reduce suicidal behavior and substance abuse and promote mental health among AI/AN young people up to and including age 24. The program allows tribal entities maximum flexibility to plan and implement programs that best meet their community's needs.

On November 17-19, 2014, SAMHSA hosted its first cross-agency conference focused on improving behavioral health outcomes for Native youth. The goals of the conference were to increase awareness about behavioral health prevention and build skills of Native youth; provide a platform for the youth voice; engage/connect Native youth in a continuing national dialogue about behavioral health; develop communication products created by Native youth for Native youth focused on suicide and substance abuse prevention, mental health promotion, and recovery; and promote best and promising practices developed by SAMHSA tribal grantees. More than 225 youth and adults representing approximately 70 tribes and tribal organizations participated in the conference.

IHS administers the Methamphetamine and Suicide Prevention Initiative (MSPI), a nationally coordinated demonstration project that provides methamphetamine and suicide prevention and intervention resources for Indian Country.

Currently, MSPI supports 130 community-based projects that have implemented a range of culturally tailored suicide prevention initiatives. MSPI accomplishments include:

- Provided treatment for methamphetamine abuse to more than 7,500 individuals;
- Delivered 15,000 substance abuse and mental health encounters via telehealth;
- Trained more than 10,000 professionals and community members in suicide crisis response; and
- Provided more than 400,000 encounters to at-risk youth with evidence- and practice-based prevention activities.

### **HRSA Behavioral Health Resources**

As of August 31, 2014, there were a total of 413 National Health Service Corps (NHSC) clinicians working at IHS, tribal, and Urban Indian Health Clinic sites across the country. These clinicians are part of the nearly 8,900 primary care clinicians currently providing care in the NHSC. Of those, 87 were providing mental and behavioral health services in tribal sites as a Licensed Professional Counselor, Health Service Psychologist, Marriage and Family Therapist, Licensed Clinical Social Worker, or Psychiatric Nurse Specialist.

Beginning in FY 2014 and proposed to continue in FY 2015, HRSA and SAMHSA partnered to administer a \$35 million per year initiative to increase the clinical service capacity of the behavioral health workforce. The initiative will support the training of professionals and support behavioral health paraprofessional certificate training programs.

During the June 2014 Secretary's Tribal Advisory Committee (STAC) meeting, HRSA, IHS, and SAMHSA rolled out an online resource tool entitled "Promoting Suicide Prevention Efforts in American Indian/Alaska Native Communities," which provides an inventory of key resources and activities that highlight the behavioral health workforce, telehealth applications for outreach to behavioral health services, and tools that can be further disseminated and applied (e.g., screening for depression and suicide).

### **Combating Prescription Drug Abuse and Opiate Overdose in Indian Country**

The White House Office of National Drug Control Policy (ONDCP) is also currently working with IHS and the Drug Enforcement Administration to help medical centers in Indian Country establish take-back procedures for unused prescription drugs in order to reduce the supply of prescription drugs that can be used illicitly.

## Improving Public Safety in Indian Country



**Attorney General Holder is joined by other officials for a conversation with American Indian teenage boys at United Tribes Technical College. June 5, 2014.  
(Dennis J. Neumann for United Tribes Technical College)**

## Combating Violence Against Native Women

### Violence Against Women Reauthorization Act of 2013

The Violence Against Women Reauthorization Act of 2013 (VAWA) continues to positively impact Indian Country. To date, the DOJ has designated three tribes (Pascua Yaqui, Umatilla, and Tulalip) to participate in a pilot project to exercise special domestic violence jurisdiction before the Act's effective date of March 7, 2015. Since February of 2014, these tribes have filed over 25 criminal cases, and several non-Indian defendants have already pled guilty in tribal court.

Following the passage of VAWA, DOJ encouraged tribes to join the Intertribal Technical-Assistance Working Group (ITWG) on special domestic violence criminal jurisdiction (SDVCJ). This peer-to-peer group allows tribes to exchange views and information about how tribes can best exercise SDVCJ, combat domestic violence, recognize victims' rights and safety needs, and fully protect defendants' rights. DOJ supports the ITWG with training and technical assistance.

### The Domestic Violence Prevention Initiative

IHS administers the Domestic Violence Prevention Initiative (DVPI), which expands outreach and increases awareness by funding 57 projects to provide victim advocacy, intervention, case coordination, policy development, community response teams, and community and school education programs. The funding is also used for the purchase of forensic equipment, healthcare personnel training, and the coordination of sexual assault nurse examiner (SANE), sexual assault forensic examiner (SAFE), and sexual assault response teams (SART).

Using DVPI funding, IHS provides free in-person and online training related to domestic and sexual violence to medical providers through its Tribal Forensic Healthcare program. Over 290 providers have received classroom and online training to conduct adult, adolescent, and pediatric sexual assault examinations. And through monthly webinars and IHS's online learning management system, over 900 healthcare providers took advantage of free continuing education on various topics of domestic and sexual violence. In addition to training, IHS also delivers forensic equipment to IHS and tribal healthcare facilities. As of October 2014, 65 facilities have requested forensic equipment from IHS.

In 2014, IHS reported that in FY 2013, local tribal domestic violence programs were able to:

- Serve 30,452 victims of domestic violence and their children;
- Provide 123,786 shelter nights (3,408 requests for shelter were unmet); and
- Answer 77,685 crisis calls.

### **The Bakken Region**

In 2014, the DOJ Office on Violence Against Women (OVW) has worked with the White House and other federal agencies to develop coordinated responses to an increase in reported drug and sex trafficking crimes and requests for crisis intervention services for domestic violence in Western North Dakota and Eastern Montana, a region also known as the Bakken. On August 26, 2014, DOJ announced \$3 million dollars in grants from OVW to increase local and tribal capacity to prosecute violent crimes against women and provide services to victims of sexual assault, domestic violence, and stalking in the Bakken Region.

### **American Indian/Alaska Native Sexual Assault Nurse Examiner–Sexual Assault Response Team Initiative**

The DOJ Office for Victims of Crime (OVC) AI/AN Sexual Assault Nurse Examiner-Sexual Assault Response Team (SANE-SART) Initiative addresses the comprehensive needs of these victims. Highlights from Initiative's efforts in 2014 include the following:

- Three tribal demonstration sites are now operating functional SANE-SART programs and are poised to provide services to both child and adult victims of sexual assault.
- In November 2014, OVC's National Coordination Committee on the AI/AN SANE-SART Initiative finalized its *Report to the U.S. Attorney General on Improving Federal Agency Response to Sexual Violence in Tribal Nations: Issues and Recommendations* and submitted it to the Attorney General.
- OVC established a multi-disciplinary working group of Indian Country professionals who have significant experience in developing a coordinated community response to sexual



violence to aid in the creation of a national strategy to enhance the ability of tribal governments and their partners to respond to sexual violence. The first draft of the national strategy was completed in early 2014 based on the recommendations of the working group members.

## **First Responder Network Authority (FirstNet)**

The First Responder Network Authority (FirstNet) is responsible for establishing a nationwide public safety broadband network (NPSBN) for first responders. In 2014, FirstNet hired two professional staff (Tribal Outreach Branch Chief and Federal Preservation Officer) who will participate in tribal engagement and formal consultation. Additionally, FirstNet is forming a Tribal Working Group to be chaired by a delegate of the National Congress of American Indians who is an appointee to its Public Safety Advisory Committee; conducting outreach to tribal leaders and public safety stakeholders; and preparing its government-to-government Tribal Consultation Policy to assure inclusion of Indian Country in the development of the NPSBN.

## **Tribal Law and Order Act Implementation**

2014 marked the four-year anniversary of the enactment of the Tribal Law and Order Act of 2010 (TLOA), which gives tribes greater sentencing authority, improves defendants' rights, establishes new guidelines and training for officers handling domestic violence and sexual assault, helps combat alcohol and drug abuse, expands the recruitment and retention of BIA and tribal officers, and gives those officers better access to criminal databases. Under the TLOA, qualifying tribes can sentence offenders up to three years for each count in a criminal case, rather than the previous limit of one year. Two tribes have elected to place defendants sentenced to long-term sentences in the Bureau of Prisons custody under a Pilot Project created by TLOA.

Under TLOA's provision allowing PL-280 tribes to request that DOJ assume concurrent criminal jurisdiction, DOJ granted White Earth Nation's request for assumption of concurrent jurisdiction in March 2013. Since then, tribal, state, county, and federal prosecutors and law enforcement agencies have worked together to evaluate cases for prosecution in the most appropriate venue, and several federal cases have been filed.

In FY 2014, the SAMHSA Office of Indian Alcohol and Substance Abuse (OIASA), in partnership with IHS and the SAMHSA Tribal Training and Technical Assistance Center, supported intensive trainings on creating substance abuse tribal action plans that included more than 320 participants from 35 tribes in the Phoenix and Billings service areas. A series of webinars were also held on tribal action planning and substance abuse issues facing Native youth. The Native youth webinars focused on recovery; school-based substance use disorder prevention, intervention, treatment and recovery services; working with youth to create a supportive home environment; and utilizing cognitive behavioral experiential therapy in a residential setting for chemically dependent American Indian adolescents.

## **Enhancing Tribal Enforcement to Combat Drug & Human Trafficking and Strengthening Border Security**

In FY 2014, the Division of Drug Enforcement (DDE) in the Office of Justice Services (OJS) at BIA, along with tribal law enforcement, have worked on over 4,000 drug cases on reservations throughout the nation. With the rise in illicit drug cases being worked on this past year, Indian Country law enforcement continues to focus on identifying and disrupting dangerous criminal organizations affecting reservations and tribal communities.

BIA has supported tribal partners to enhance counterdrug efforts on multiple reservations. BIA-DDE developed and deployed Mobile Enforcement Teams (MET) to over 20 reservations with high drug activity this past year. The teams trained tribal law enforcement on interdicting illicit drugs on their reservation and provided advanced hands-on training in undercover operations.

In FY 2014, BIA-OJS identified numerous locations throughout Indian Country as having active human trafficking enterprises operating in or around tribal businesses (casino, hotel, truck stops, etc.). Federal, tribal, and state law enforcement agencies investigated numerous Human Trafficking cases on or near reservations this past year. Multiple operations were successful in rescuing human trafficking victims.

In 2014, BIA-OJS worked with the State Department and Ambassador Luis CdeBaca, to engage tribes in identifying the types of human trafficking affecting tribal communities, best practices, and the identification of gaps in services. BIA-OJS will continue its collaborative effort with the State Department to engage tribal communities.

From 2013 to 2015, the Department of Homeland Security's Federal Emergency Management Agency (FEMA), through the Customs and Border Protection, provided over \$1.8 million in Operation STONEGARDEN grant funds to U.S. tribes for enhanced cooperation and coordination among local, tribal, territorial, state, and federal law enforcement agencies in a joint mission to secure the United States' borders with Mexico and Canada. Tribal partnership is of critical importance to the many sovereign tribal nations along our borders. It is critical to unify our efforts to reduce crime along our borders and to ensure a better quality of life for our communities.

### **Victim Assistance Program**

Within U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) is the Victim Assistance Program (VAP). This program provides overall guidance on victim assistance, including training, technical assistance, and monitoring compliance with the Attorney General Guidelines for Victims and Witness Assistance and federal crime victim assistance statutes. These statutes include the Violence Against Women's Act of 1994, the Victims of Crime Act of 1984, the Crime Victims' Rights Act of 2004, and the Trafficking Victims Protection Act of 2000. VAP addresses victims' issues in a wide range of cases involving federal crimes, including human trafficking, child pornography, child sex tourism, white collar crime, sexual assault, and human rights abuse. VAP is comprised of four (4) full-time forensic interview specialists and one national program manager at ICE HSI headquarters. Twenty-six full-time victim assistance specialists are located throughout the United States. These specialists are responsible for assessing the victims' needs for all victims linked to an ICE HSI investigation while working with agents to integrate victim assistance considerations at the beginning and throughout the duration of the criminal investigations. They also ensure that

potential victims are transferred to safe locations and provided with referrals for medical, mental health, and legal assistance, including for long-term immigration relief, case management, and other services. Additionally, there are more than 250 ICE HSI Special Agents who have the collateral duty of serving as victim assistance coordinators. Together, the VAP provides timely access to a wide range of local resources from as early as the investigative stage all the way to prosecution. This process fosters cooperation between law enforcement and the victims while building trust and rapport. ICE HSI's victim-centered approach focuses on the identification and stabilization of victims, as well as on investigations and successful prosecutions.

### **Combatting Human Trafficking**

As part of ICE's comprehensive anti-human trafficking strategy, ICE HSI recognizes that coordination and collaboration with law enforcement partners are critical to the successful identification and rescue of victims and, ultimately, the prosecution of their traffickers, just as outreach to community and industry is necessary in all areas of law enforcement. ICE HSI has specifically tailored capacity-building seminars (3 to 5 days in duration) that showcase operational planning, fundamentals of victim assistance, and the many practical considerations for interviewing victims in complex human trafficking investigations. The courses incorporate group discussions and practical exercises to build upon the lessons learned in the classroom. The program's focus is on enhancing the capabilities of our law enforcement partners to conduct these highly complex cases.

### **Supporting Tribal Justice Systems**

DOJ's Coordinated Tribal Assistance Solicitation (CTAS) serves as a single application for existing tribal government-specific grant programs administered by the Office of Justice Programs (OJP), the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW). In September 2014, DOJ announced the award of 169 grants totaling \$87 million to American Indian tribes and Alaska Native villages, tribal consortia, and tribal designees. Over the past five years, DOJ has awarded more than 1,100 such grants totaling more than \$530 million.

In 2014, BIA contracted with independent tribal companies to conduct tribal court assessments to assist the BIA/OJS in providing specific technical assistance and training needed by individual tribal judicial systems, such as issues surrounding VAWA 2013 and TLOA. To date, 39 tribal justice systems have been reviewed and are receiving additional one-time funding. Based on the needs identified in the assessments, over \$2.5 million has been provided to assist the tribal judicial systems in creating basic infrastructure.

### **Veterans Justice Outreach**

The purpose of the VA Veterans Justice Program is to ensure that eligible justice-involved veterans have timely access to VHA services. Veterans Justice Outreach Health Care for Reentry Veterans Specialists provide outreach, reentry planning, and post-release linkage to VA services for veterans in state and Federal prisons. In FY 2014, VA OTGR and the Veterans Justice Outreach program worked closely with the Bureau of Indian Affairs-Office of Tribal Justice Services to provide training to tribal judges in locations throughout the country.

## **OVC's Efforts to Address Crime Victimization in Indian Country**

On December 11-13, 2014, OVC hosted the 14th National Indian Nations Conference: Justice for Victims of Crime at the reservation of the Agua Caliente Band of Cahuilla Indians in California. This year's theme, *Generational Voices Uniting for Safety, Justice, and Healing*, underscores the intergenerational impact that violence and victimization have on AI/AN communities. Conference attendees left armed with the information, tools, and resources that they need to effectively intervene in the cycle of violence in their communities.

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

In August 2014, the Attorney General's Advisory Council (AGAC) Native American Issues Subcommittee (NAIS) met in conjunction with the annual Four Corners Indian Country Conference to discuss issues impacting tribal communities, including offender re-entry, children exposed to violence, controlled substances, and other criminal justice matters.

In addition to the work of the NAIS, all United States Attorney's Offices (USAO) with Indian Country responsibility have at least one Tribal Liaison to serve as the primary point of contact with tribes in the district. In addition to their duties as prosecutors, Tribal Liaisons often coordinate and train law enforcement agents investigating violent crime and sexual abuse cases in Indian Country, as well as BIA criminal investigators and tribal police presenting cases in Federal court.

## **American Indian/Alaska Native Children Exposed to Violence Task Force**

Since its inception in 2013, the Attorney General's Task Force on American Indian/Alaska Native Children Exposed to Violence Advisory Committee has traveled across the country, holding public hearings and listening sessions. The Advisory Committee heard testimony from over 120 witnesses at the public hearings in North Dakota, Arizona, Florida, and Alaska. These hearings allowed for experts in child welfare, victim services, mental health, and legal services as well as the general public to provide detailed information and share their stories about the impact of violence on American Indian and Alaska Native children. The Advisory Committee's work culminated in a final report that was presented to the Attorney General's designee on November 18, 2014. The final report contains recommendations from the Advisory Committee for a strategic plan of action that will guide practitioners and policymakers at all levels.

## Collaborating with Tribal Leaders on Disaster Relief and Climate Resilience in Indian Country



**Administrator McCarthy travels to the Standing Rock Sioux Reservation in North Dakota. (Environmental Protection Agency)**

### The Sandy Recovery Improvement Act of 2013

The Sandy Recovery Improvement Act of 2013 (SRIA) enacted on January 29, 2013, amended the Stafford Act to provide federally recognized tribal governments the option to request a Presidential emergency or major disaster declaration independent of a state. The Federal Emergency Management Agency (FEMA) conducted tribal consultations on both the FEMA Tribal Consultation Policy that FEMA finalized in August 2014, as well as the draft pilot Disaster Declaration Guidance, which FEMA continues to develop as a result of the Stafford Act amendments in SRIA.

### Tribal Climate Resilience Program

As announced by the Secretary of the Interior and Assistant Secretary of Indian Affairs, on July 16, 2014, the BIA Office of Trust Services, in coordination with the Department and the White House, announced a \$10 million program to address climate resilience in Indian Country and Alaska Native Villages. The Federal-Tribal Climate Resilience Partnership and Technical Assistance Program includes grants for direct support for tribal planning, vulnerability assessments, monitoring, and ocean and coastal planning in concert with technical support in the form of tribal climate scientists collocated in five climate science centers; a Geographic

Information Systems/digital support tools technical lead; training for tribal planners; and a youth engagement component.

## **Protecting Tribal Lands and Resources**

### **Implementing Environmental Policy**

In July 2014, the Environmental Protection Agency (EPA) issued its policy on *Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples*. This Policy is designed to clarify and better integrate environmental justice principles in a consistent manner in EPA's work with federally recognized tribes and indigenous peoples, such as when matters of environmental justice are brought to the attention of EPA. Over the three-year policy development process, the EPA hosted tribal consultations, public comment engagements, and numerous meetings with tribal leaders and indigenous organizations.

### **Evaluating Injuries to Tribal Natural Resources**

Through the Natural Resource Damage Assessment and Restoration Program (NRDAR), authorized by the Clean Water Act, the Oil Pollution Act, and the Comprehensive Environmental Response, Compensation, and Liability Act, certain federal agencies, states, and federally recognized tribes are designated as trustees for lands and natural resources. Trustees may seek compensation on behalf of the public for natural resources that are injured due to a chemical release or oil spill. In 2014, the Department of the Interior's Office of Restoration and Damage Assessment allocated approximately \$1 million to 18 tribal nations to participate on trustee councils and to assist with the evaluation of injuries to tribal lands and natural resources as a result of releases or spills. Currently, there are 20 active NRDAR cases in which 39 tribal nations are members of a trustee council. Once a case is settled with the responsible party or spiller, any restoration funds collected are used for projects to restore, replace, or acquire the equivalent of those resources lost or injured as a result of the release or spill.

### **Partnering with Alaska Native Tribes and Organizations**

The U.S. Fish and Wildlife Service in Alaska shares both boundaries and a mission to conserve with Alaska Native peoples. Relationships include formal and informal financial and non-monetary agreements. There are approximately 95 separate financial agreements currently totaling \$13.4 million with 21 Tribal Governments and 18 other Alaska Native organizations. Funding mechanisms vary, but include Tribal Wildlife Grants, Marine Mammal Co-Management Agreements, the Fisheries Research Monitoring Program, Partners for Fish and Wildlife, and an Indian Self Determination and Education Assistance Act agreement. There are ongoing, long-standing, informal agreements across the State for countless fish and wildlife endeavors, including undertakings such as species observations, issuance of moose hunting permits, and safeguarding agency assets.

## Respect for Cultural Rights

### United Nations Declaration on the Rights of Indigenous Peoples

At the 2010 White House Tribal Nations Conference, the President announced that the United States supports the United Nations' Declaration on the Rights of Indigenous Peoples (UNDRIP), reversing the decision of the United States in 2007 to vote against the Declaration. The U.S. government has said on many occasions, including at the September 2014 World Conference on Indigenous Peoples, that it supports advancing and upholding the principles and goals of the Declaration. The Administration believes that achieving the objectives of the Declaration will improve conditions in indigenous peoples' lives worldwide.

During the 2014 World Indigenous Conference, Member States of the United Nations—including the United States—adopted an outcome document that seeks to build upon and further the ends of the UNDRIP. The outcome document includes several priorities from tribal governments, such as working to enhance the participation of indigenous peoples in U.N. fora, and placing importance on the need to empower indigenous women and girls to help prevent violence against them.

The Advisory Council on Historic Preservation (ACHP) has been implementing its plan to support the Declaration and has created a page on its website dedicated to information about the Declaration. The ACHP has also conducted extensive outreach among the preservation community regarding the Declaration and has issued formal guidance on the intersection of the consultation requirements in the National Historic Preservation Act (NHPA) and Article 18 of the Declaration. In response to recommendations from the Hualapai Tribe and the Oglala Sioux submitted to the Department of State in preparation for the World Conference on Indigenous Peoples (WCIP), the ACHP has also committed to issuing a report on the potential for the NHPA to serve as a model for the protection of sacred places in other countries. The ACHP also participated in a sacred sites panel hosted by the U.S. Mission to the United Nations and the Navajo Nation in preparation for the WCIP, and is using the comments to inform its program direction for 2015.

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

The Bureau of Land Management (BLM) is working with tribes to help ensure that traditional sites and burials remain undisturbed and that cultural objects do not fall into the hands of private collectors. In 2014, BLM published four notices of intent to repatriate cultural items involving 291 cultural objects. Two notices of inventory completion involving two sets of human remains and 271 cultural objects were also published. In September 2014, four objects recovered through BLM law enforcement activities were returned to the Hopi in an emotional repatriation.

The ACHP and the Standing Rock Sioux Tribe co-hosted the Northern Plains Tribal Summit in May 2014 to identify and address ongoing preservation challenges facing federal agencies and Indian tribes as development accelerates in the region. More than 100 federal, tribal and state officials, and industry representatives participated in the two-day discussion. The ACHP is

working with the summit participants to develop and implement an action plan to address the challenges.

The Departments of the Interior and State have been working with a number of tribes on the issue of international repatriation, including sacred objects sold at auction overseas, and have also worked along with tribes to raise awareness abroad about the importance of repatriation. This work was reflected in an international commitment to developing effective mechanisms for repatriation in the outcomes document from the September 2014 World Conference on Indigenous Peoples; in outreach, as requested by concerned tribes, by the U.S. Embassy in Paris with the public and the French government to raise awareness of, and respect for, culturally important Native American objects being offered for commercial sale; and in the implementation of appropriate procedures for the lawful import of certain sacred objects containing eagle and other bird feathers, acquired by a private non-profit foundation at an auction in Paris for the purposes of repatriation to tribes.

### **Native American Graves Protection and Repatriation Act Grants**

In FY 2014, 29 grants were awarded pursuant to the Native American Graves Protection and Repatriation Act (NAGPRA) by the National Park Services (NPS) for projects supporting consultation between tribes and museums leading to claims for cultural items, and over \$1.5 million in NAGPRA grants were awarded for costs of repatriation of Native American human remains and cultural items from museums and Federal agencies to tribes and Native Hawaiian Organizations. From 1994 to 2014, over \$41 million has been awarded in NAGPRA grants. A cooperative agreement for training was awarded at the end of FY 2014 to a nonprofit educational organization, the National Preservation Institute (NPI). The goal of the cooperative agreement is to develop training and training materials and to provide travel scholarships to tribes and small museums.

### **The Preservation of Traditional Native Practices**

In 2013, the Natural Resource Damage Assessment trustees—Department of the Interior, U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, New York State, and the St. Regis Mohawk Tribe—settled the St. Lawrence Environmental case for approximately \$20 million. About \$8.4 million of the settlement will go to the St. Regis Mohawk Tribe to support traditional cultural practices including an apprenticeship program to promote Mohawk language and traditional teachings. Last year also marked the beginning of the Master-Apprentice Program, in which the tribe established master-apprentice relationships in four areas that were harmed by the release of hazardous contaminants: water, fishing, and use of the river; horticulture, farming, and basket-making; medicine plants and healing; and hunting and trapping. The Master-Apprentice Program is anticipated to be a five-year program for individuals who are interested in learning traditional cultural practices from tribal members with more knowledge and experience.

### **Interagency Sacred Sites Memorandum of Understanding**

In response to concerns about the destruction of sacred sites, DOI, USDA, DOD, and DOE and the Advisory Council on Historic Preservation entered into a memorandum of understanding (MOU) on December 5, 2012, to work collaboratively to address the protection of, and Indian



access to, sacred sites. A report documenting the signatories' progress in implementing the MOU and Action Plan was released in May 2014. The signatories also recently released discussion drafts of a policy statement on confidentiality of sacred sites information, a training proposal for Federal employees, and an information paper for public outreach.

### **Positive Train Control**

The *Rail Safety Improvement Act of 2008* mandated that positive train control (PTC) wireless public safety systems be deployed across most of the country's rail network by December 31, 2015. To meet this imminent mandate, railroad companies are in the process of installing more than 20,000 communications poles in railroad rights-of-way, including rights-of-way on tribal lands. The FCC, in coordination with the Advisory Council on Historic Preservation (ACHP), is working together to ensure that the railroad companies comply with the *National Historic Preservation Act* (NHPA), under which federal agencies consult with tribes to avoid and minimize impacts of federal undertakings across sites of religious and cultural significance to tribal nations.

To that end, ACHP issued a Program Comment on May 16, 2014, to govern review of PTC wayside poles and infrastructure and to tailor and expedite the historic preservation review process. Moreover, in May 2014, the FCC entered into memoranda of understanding with the seven Class I freight rail companies to address the railroads' construction prior to May 31, 2013 of PTC facilities that may not have undergone the statutorily required environmental and historic preservation review. Among other things, the freight railroads agreed to create a Cultural Resource Fund totaling \$10 million to provide funding directly to tribal nations and State Historic Preservation Offices to support cultural and historic preservation projects.