

# NATIONAL CONGRESS OF AMERICAN INDIANS

## NCAI TESTIMONY TO THE SUBCOMMITTEE ON SCIENCE, STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES

APRIL 8, 2005



On behalf of the more than 250 member tribal nations of the National Congress of American Indians, we are pleased to present written testimony on FY 2006 appropriations for the Justice and Commerce Departments.

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On February 7, President Bush submitted to Congress a \$2.57 trillion budget proposing a 2.1% increase in all foreign and domestic discretionary spending – but that included level funding and numerous decreases for Indian programs, continuing the trend of consistent declines in federal per capita spending for Indians compared to per capita expenditures for the population at large.

We are deeply disappointed that this budget does not support strong tribal self-government and self-determination. In many ways, tribal governments are exactly like state and municipal governments – providing critical services, shaping values, and promoting jobs and growth. Though federal spending for Indians has lost ground compared to spending for the U.S. population at large, tribal self-government has proven that the federal investment in tribes pays off. According to a recent report by the Harvard Project on American Indian Economic Development, reservation communities have made remarkable socio-economic gains in the last decade and these gains are driven by the policy of tribal self-government. Between 1990 and 2000, income levels rose by 33 percent and the poverty rate dropped by 7 percent, with little difference between those tribes with gaming operations and those tribes without gaming.

Yet substantial gaps remain – real per capita income of Indians living on reservations is still less than half of the national average. Indian unemployment is still double the rest of the country. Thus, while the work of tribal self-determination is well underway, much work is left to be done.

These long enduring socio-economic disparities, and the success of tribes in addressing them, warrant continued federal investment in tribal self-determination. As Congress begins to shape the FY 2006 budget, NCAI urges Congress to honor its commitments to the Indian Nations and provide tribes with the necessary tools for continued progress through the promise of strong tribal self-government. We hope that Congress will work with tribes to see this priority better reflected in the budget process.

### DEPARTMENT OF JUSTICE

Communities look to local leadership to ensure public safety, protect their citizens, respond to emergencies, and establish order from chaos. Tribal governments serve as the primary instrument of law enforcement and emergency response for the more than fifty million acres of land that comprise Indian country, 2% of the United States. According to a Bureau of Justice Statistics 2004 report, violent crime committed against American Indians is more than twice the national average and more likely committed by a perpetrator of a different race. The Department of Justice reports that one in three American Indian and Alaska Native women will be raped in her lifetime—triple the rate for the rest of the country. 9 out of 10 American Indian victims of rape or assault had

assailants who were non-Indian. Current funding for tribal law enforcement and first responders lags well behind that for non-tribal law enforcement.

Tribal leaders have identified law enforcement and justice as key concerns in the FY 2006 budget. As the Department of Justice implements drastic programmatic changes, NCAI calls on Congress to ensure law enforcement activities in Indian Country are supported through sufficient funding, essential for the full realization of successful tribal governing. The national BIA/Tribal Budget Advisory Council through formal motion has made law enforcement, justice, and tribal courts its number one priority in 2005.

The Administration has proposed significant changes within the Department of Justice, and NCAI urges Congress to ensure that tribal law enforcement activities are not diminished or weakened during the process. In the FY 2006 budget request, Indian Assistance, under State and Local Law Enforcement, would receive no funding. Enacted for FY 2005 within Indian Country Assistance was \$5 million for Tribal Prison Construction, \$8 million for Tribal Courts, and \$5 million for Alcohol and Substance Abuse grants. Under Juvenile Justice Programs, the amount enacted in FY05 for the Tribal Youth program was \$10 million. The Administration also requested no funds for the Tribal Youth program in the President's budget.

The President's budget requests \$51 million for Tribal law enforcement under the Community Oriented Policing Services program, \$31 million over the enacted level for FY 2005. The Community Oriented Policing Services grants program has proven to be an excellent method for successful law enforcement in Indian Country, which provides direct funding to tribes on a government-to-government basis. COPS grants have helped Native communities hire 1,800 new police officers since 1999. The Indian Country COPS program is widely acknowledged among tribal leaders as essential for law enforcement, public safety, and Homeland Security. But a total of 759 law enforcement positions will have expired between 2004 and 2006.

Even though the Indian Country COPS program would receive \$31 million over the level enacted for 2005, the Administration appears to have zeroed out the funding for Indian Assistance, which includes tribal courts, prisons, and alcohol and substance abuse grants. Nor does the proposed budget request funds for the Tribal Youth program in Juvenile Justice. In light of the apparent consolidation of funds in the Department of Justice for tribal programs, NCAI urges Congress to ensure that tribal governments are still able to take control of law enforcement locally to improve responsiveness, strengthen accountability, and tailor services to meet community needs.

*Tribal Courts.* Violent crime rates, while declining nationally, have increased substantially in Indian Country. Tribal judicial systems are the primary and most appropriate institutions for maintaining order in tribal communities. Congress recognized this need when it enacted the Indian Tribal Justice Act – specifically finding that “tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments” and “tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation.” Congress re-affirmed this commitment in reauthorizing the Act in 2000 for 7 years. While the Indian Tribal Justice Act promised \$58.4 million per year in additional funding for tribal court systems starting in FY 1994, tribal courts have yet to see any funding under this Act. Since Congress enacted the Indian Tribal Justice Act, the needs of tribal court systems have continued to increase without any corresponding increase in funding for tribal justice systems. NCAI urges the Congress to fully fund and appropriate adequate funds to fully implement the “Indian Tribal Justice Technical and Legal Assistance Act of 2000.”

## **DEPARTMENT OF COMMERCE**

The historic lack of economic development on tribal lands has led to high rates of unemployment and poverty. But a recent report from the Corporation for Enterprise Development documents a significant increase in Native entrepreneurship. The Native Financial Education Coalition is actively promoting financial education in Native communities. Financial education together with Native entrepreneurship advances sovereignty both economically and politically. Minority business development through the Small Business Administration (SBA) enhances individuals and larger tribal communities, as those dollars are spent over and over in our economies.

The SBA has created Tribal Business Information Centers (TBIC) on Indian reservations providing services for businesses and providing business opportunities for Indian owned businesses. The Office of Native American Business Development was created in the Department of Commerce in 2000 to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands, specifically in the areas of investment from outside sources and economic ventures with outside entities that do not originate from the tribes. NCAI urges the necessary funding for the development and expansion of Tribal Business Information Centers (NCAI Resolution #FTL-04-023). NCAI supports the necessary funding for the realization of the Office of Native American Business Development (Resolution #FTL-04-022).

The Administration has proposed a significant new initiative in the Department of Commerce to consolidate economic development programs, with a \$3.71 billion increase in the department dedicated for the “Strengthening America’s Communities Grant Program.” NCAI would like to work with the Administration and Congress as it shapes the new grants program so that tribes have equitable access in this new initiative.

## **Conclusion**

NCAI realizes Congress must make difficult budget choices this year. As elected officials, tribal leaders certainly understand the competing priorities that you must weigh over the coming months. However, the federal government’s solemn responsibility to address the serious needs facing Indian Country remains unchanged, whatever the economic climate and competing priorities may be. We at NCAI urge you to make a strong, across-the-board commitment to meeting the federal trust obligation by fully funding those programs that are vital to the creation of vibrant Indian Nations. Such a commitment, coupled with continued efforts to strengthen tribal governments and to clarify the government-to-government relationship, truly will make a difference in helping us to create stable, diversified, and healthy economies in Indian Country.