



# Strengthening Tribal Nations

*The President firmly believes that consultation with tribal nations must focus on engagement and results—solutions that help build safer, stronger, healthier, and more prosperous Indian communities. Our role, then, is to help you fulfill your vision for your Nations; to help your communities achieve their promise; to help your cultures flourish.*

*Ken Salazar, Secretary of the Interior  
November 15, 2010*

## STRENGTHENING TRIBAL NATIONS 2012 PROGRAM INCREASES

(dollars in millions)

<b>ADVANCING NATION-TO-NATION RELATIONSHIPS</b>	
Contract Support .....	+29.5
Small and Needy Tribes.....	+3.0
Social Services .....	+2.0
Improved Management.....	+7.8
<b>Subtotal .....</b>	<b>+42.3</b>
<b>PROTECTING INDIAN COUNTRY</b>	
Detention Center Operations.....	+10.4
Law Enforcement Operations.....	+5.1
Detention Center Maintenance.....	+1.0
Tribal Courts.....	+2.5
Conservation Law Enforcement Officers.....	+1.0
<b>Subtotal .....</b>	<b>+20.0</b>
<b>IMPROVING TRUST LAND MANAGEMENT</b>	
New Energy Frontier .....	+3.5
Coop. Landscape Conservation .....	+0.2
Trust Natural Resource Mgmt. ....	+7.7
Trust Real Estate Services.....	+3.2
Safety of Dams .....	+3.8
<b>Subtotal .....</b>	<b>+18.4</b>
<b>ADVANCING INDIAN EDUCATION</b>	
ISEP Program Adjustments.....	+3.9
School Environmental Audits .....	+2.0
Tribal Grant Support Costs .....	+3.0
<b>Subtotal .....</b>	<b>+8.9</b>
<b>TOTAL.....</b>	<b>+89.6</b>

On Thursday, December 16, 2010, President Obama hosted the second White House Tribal Nations Conference. The conference brought together leaders from across the United States, with all 565 federally recognized Tribes invited. Tribal leaders were able to interact directly with the highest levels of his Administration and identify actions to fulfill the President’s commitment to strengthen the Nation-to-Nation relationship with American Indian and Alaska Native communities.

The Strengthening Tribal Nations initiative is a multi-year comprehensive effort to advance the President’s commitments to American Indians and Alaska Natives. The initiative continues efforts to improve the safety of Indian communities, improve trust resource management, and make tangible gains in Indian education—all with an ultimate goal of greater self-determination for Tribal Nations. Informed by Interior’s consultation with the Tribes and reflective of tribal priorities, the initiative builds on the Administration’s commitment to improving conditions throughout Indian Country.



As a result of tribal consultation, the 2012 President's budget proposes several shifts in funding to address priorities established by tribal leaders, including targeted increases to tribal programs and reductions for non-essential administrative spending. Overall, the 2012 budget request for Indian Affairs is \$2.5 billion, \$118.9 million below the 2010 Enacted/2011 CR level. Included within this level is \$89.6 million in targeted increases for the Strengthening Tribal Nations initiative, \$130.2 million in program reductions, \$86.5 million in program completions and administrative reductions, and \$8.2 million for fixed costs, including fixed cost increases for Tribes. As a result of increasing self-determination and the fact that more than half of Bureau of Indian Affairs programs and two thirds of Bureau of Indian Education schools are operated and managed by the Tribes, the program reductions include \$15.3 million for central oversight across multiple program areas.

## ADVANCING NATION-TO-NATION RELATIONSHIPS

*Like me, President Obama respects the inherent sovereignty of Indian Nations and believes the Federal government must honor its commitments to your communities. This Administration is working to uphold not just a government-to-government relationship with Tribes, but a Nation-to-Nation relationship.*

*Secretary Ken Salazar  
November 15, 2010*

At the second annual White House Tribal Nations Conference, President Obama vowed to continue to work with tribal leaders to achieve a better future for American Indian and Alaska Native communities. During the gathering of tribal leaders the President spoke of recent successes and the challenges that still face Indian Country. During this past year, improvements have been made to the consultation process, the Tribal Law and Order Act was passed, and most notably, long-standing disputes were settled with passage of the historic Claims Resolution Act of 2010.

Though progress has been made, there is still more to be done. Guided by consultations with Tribes and Interior's strategic planning, the 2012 budget furthers the goal of self-determination through increases in funding for contract support, small and

needy Tribes, social services, management effectiveness, and public safety programs.

**Contract Support** – The single largest increase in the initiative is \$29.5 million for the Contract Support program and the Indian Self-Determination Fund. The Tribes, through budget discussions with the Tribal Interior Budget Council, continue to identify funding for contract support as their top priority. Further, increased funding of tribal contract support will reduce the need for Tribes to use program funds to fulfill administrative requirements and will allow Tribes to deliver increased services. The funding for the Indian Self-Determination Fund will pay start-up and initial contract support costs, the

### SETTLEMENT OF THE COBELL LAWSUIT

On December 8, 2010, the President signed into law the Claims Resolution Act of 2010 which includes the \$3.4 billion Cobell settlement regarding the U.S. trust obligations. Under the terms of the settlement, approximately \$1.5 billion will be distributed to the class members to compensate them for their historical accounting claims, and to resolve potential claims that prior U.S. officials mismanaged the administration of trust assets. The second part of the settlement establishes a \$1.9 billion fund for the voluntary buy-back and consolidation of fractionated land interests to address the continued proliferation of thousands of new trust accounts caused by the division of land interests through succeeding generations. The land consolidation program will provide individual Indians with an opportunity to obtain cash payments for divided land interests and free up the land for the benefit of tribal communities. In addition, as an added incentive to facilitate the purchase of fractionated land interests, up to \$60.0 million of the \$1.9 billion for land acquisition will be contributed to an existing, non-profit organization for the benefit of educating American Indians and Alaska Natives. Upon final approval by the U.S. District Court for the District of Columbia, the *Cobell v. Salazar* settlement agreement will be implemented.

## RESPONDING TO THE 2010 TRIBAL NATIONS CONFERENCE

During the 2010 Tribal Nations Conference, many tribal leaders expressed concern about asserting tribal treaty rights for hunting, gathering, and subsistence fishing. The 2012 budget request provides an additional \$2.0 million dollars in the Rights Protection Implementation program and the Tribal Management Development Program to assist Tribes in protecting and asserting treaty rights.

Conference participants also expressed concern about trespassers illegally hunting and fishing on tribal lands. The budget request provides \$1.0 million for the creation of the Conservation Law Enforcement Officers program to assist in protecting Indian Country, including Trust and non-Trust lands.



Concern over tribal law enforcement issues was expressed, including the need for increased capacity. Increased law enforcement staffing is funded in the request with an additional \$5.1 million for Criminal Investigations and Police Services to allow tribal law enforcement agencies to hire more personnel.

Tribes also indicated interest in creating renewable energy to promote economic development and protect natural resources. The 2012 budget provides \$2.0 million for renewable energy with an overall \$3.5 million for the New Energy Frontier.

Consultation and collaboration were key components of tribal leaders' comments. The Department is working to create a comprehensive framework for consultation that will allow the Federal government to collaborate with Tribes in formulating policies. The 2012 budget request was informed by tribal consultation and the budget decisions and priorities reflect the input of the Tribal Interior Budget Council.

Finally, conference participants expressed support for increased contract support and self-determination funds. The 2012 budget request provides an additional \$29.5 million for Contract Support costs and the Indian Self Determination Fund. These increases will allow Tribes to cover more of their administrative costs. An additional \$3.0 million is provided to Tribal Grant Support Costs to assist Tribes that manage grant schools to cover administrative expenses.

primary barrier for Tribes that want to contract and compact new programs.

**Small and Needy Tribes** – Although all Tribes face obstacles to achieving self-determination, smaller Tribes tend to have more difficulty obtaining the resources necessary to operate their own programs. In 1992, the Senate Committee on Indian Affairs authorized the establishment of the Joint Tribal/BIA/Interior Task Force on BIA Reorganization to make recommendations on the reorganization of the BIA. One of the recommendations was an initiative targeted for Tribes designated as small and needy. In 1993, the Small and Needy Tribes initiative was

created to ensure small Tribes had the minimum amount of tribal priority allocation base funding needed to run viable tribal governments. The small and needy designation is based on population and funding thresholds. Small Tribes are designated as those having a population of 1,700 or less. Small and needy designation is for those that receive less than \$160,000 in recurring Tribal Priority Allocation funds in the lower 48 States and \$200,000 in Alaska. The small and needy funding augments the TPA allocation and allows these Tribes to carry out basic tribal services and programs. At the time of the original initiative, there were 450 Tribes that met the population criteria for a small Tribe and 264 Tribes

that met both the population and funding threshold criteria for a small and needy Tribe.

From 1995 through 1998, BIA received a total of \$26.4 million for this initiative. In 1999, the program was cancelled as all Tribes' TPA bases had been brought to the minimum threshold of \$160,000 with the funds received in 1998.

In 2012, Interior proposes a \$3.0 million increase to begin funding for small and needy Tribes again. Currently a total of 114 small Tribes receive less than the recommended thresholds for base funding. The funding in this initiative will be used to bring Tribes back to the minimum threshold funding. With this funding, small and needy Tribes will be able to develop stronger tribal governments.

**Social Services** – Tribal and BIA social workers are first responders for child protection and child welfare services on reservations. The 2012 budget includes a \$2.0 million increase for 15 additional social workers to help tribal communities deal with substance

#### BIA PERFORMANCE GOAL

With the additional funding for Social Services, BIA expects to increase the number of recipients who complete the goals identified in individual self-sufficiency plans from 69 percent to 74 percent, a five percent increase. For example, social workers can devote more time to helping clients secure employment or complete their General Educational Development test.

abuse, child abuse, sexual abuse, child and elderly neglect, loss of cultural knowledge, domestic violence, and youth suicide. According to the Centers for Disease Control, suicide is the second leading cause of death among American Indians and Alaska Natives ages 15 to 34 years. Suicide rates among American Indian and Alaska Native adolescents and adults are close to two times higher than the national average.

These additional bureau and tribal staff will work with counties and counsel parents to understand and implement changes that will correct these behaviors and ultimately reunite the families. The social workers will also provide training to parents, which is an important tool in reducing the number of child welfare cases.

#### INDIAN SELF DETERMINATION SPECIALISTS

The 2012 budget request provides an additional \$29.5 million for Contract Support and the Indian Self-Determination Fund. These increases will allow Tribes to Fund a greater proportion of administrative costs without decreasing program funds. The Indian Self-Determination Fund supports initial contracting costs for Tribes who want to contract and compact new programs.

With the increase to Contract Support and the Indian Self-Determination Fund, more staff is needed to monitor, negotiate, and provide technical assistance on approximately 3,200 Self-Determination contracts. The budget proposes to hire ten Self-Determination Specialists who can assist Awarding Officials to monitor contracts and provide technical assistance in contract development for an estimated 640 self-determination contracts, or 20 percent of all self-determination contracts.

**Improved Management** – The budget request contains a \$1.0 million increase for ten new Self-Determination Specialist positions, which is part of the five-year effort launched in 2009 to add an additional 50 awarding officials. Having sufficient self-determination staff will result in timely BIA management decisions that allow Tribes to assume responsibility for operation of programs on their reservations. These officials can help Tribes to resolve issues that hamper effective operation and management, including audit delinquencies, and instances of contract noncompliance.

The request also contains \$500,000 to aid Tribes with the development of a performance data management system to track information needed for annual audit and reporting requirements. In order to ensure compliance with all laws, regulations, and Departmental goals, the budget includes an additional \$450,000 for acquisitions and property personnel.

The budget continues to support the implementation of enacted land and water settlements. The 2010 Enacted / 2011 CR level includes an increase of \$1.5

million for the final payment of the Puget Sound Regional Shellfish Settlement. Funding provided in the 2010 Enacted / 2011 CR satisfies the Federal funding portion of the Soboba Band of Luiseno Indians Settlement and the Pueblo of Isleta Settlement. The 2012 budget request contains a \$4.4 million increase for the Navajo-Gallup Water Settlement.

On December 8, 2010, President Obama signed into law the Claims Resolution Act of 2010. The legislation included four water settlements for Taos Pueblo of New Mexico, Pueblos of New Mexico named in the Aamodt case of New Mexico, the Crow Tribe of Montana, and the White Mountain Apache Tribe of Arizona. The primary responsibility for constructing water systems associated with the settlements was given to the Bureau of Reclamation, and BIA is responsible for the majority of the trust funds. Mandatory funding was provided to BIA in 2011 for a large portion of the authorized trust funds. The BIA is working with all parties to quickly implement these settlements. A more detailed discussion of land and water settlements can be found in the Water Challenges chapter of Departmental Highlights.

## PROTECTING INDIAN COUNTRY

*I was proud to sign the Tribal Law and Order Act into law, which is going to help Tribes combat drug and alcohol abuse, to have more access to criminal databases, and to gain greater authority to prosecute and punish criminals in Indian Country.*

**President Barack Obama**  
**December 16, 2010**

Enhancing public safety in Indian Country remains one of the President's and tribal leaders' top priorities. On July 29, 2010, the President signed the Tribal Law and Order Act into law. The enactment of this law provides real and lasting change for law enforcement activities in Indian Country by providing tribal courts tougher sentencing powers and allowing some tribal police officers to enforce Federal laws on Indian lands. The BIA is working collaboratively with the Department of Justice to implement the Tribal Law and Order Act. The 2012 budget supports the goals of the law and stronger law enforcement programs by increasing recruitment and retention efforts of BIA and increasing social programs that will help to prevent drug traf-



ficking and reduce alcohol and drug addiction in tribal communities.

The Department is committed to assisting Indian communities to combat crime. In 2010, Interior bureaus including the Bureau of Land Management, Fish and Wildlife Service, and National Park Service as well as the U.S. Park Police detailed approximately 350 officers to four reservations in order to pilot enhanced law enforcement programs. The effort was a success.

Also in 2010, BIA revamped the recruiting process for law enforcement and corrections officers, conducting nationwide recruitments that reach a broader audience, promoting hiring of veterans, and working collaboratively with Tribes to seek qualified employees for detention center staffing.

While progress has been made in fighting crime in Indian Country, there is still more to be done. A recent report from the U.S. Government Accountability Office states that American Indians experience violent



### EXAMPLE OF A SUCCESSFUL BIA DRUG ENFORCEMENT OPERATION

In 2010, the BIA Division of Drug Enforcement worked in successful cooperation with the Caddo County Oklahoma Sheriff's Office, Oklahoma Bureau of Narcotics, and Oklahoma Highway Patrol to halt a drug operation discovered on tribal land. The collaborative effort ended with the seizure and dismantling of a marijuana operation. Assistant Secretary – Indian Affairs Larry Echo Hawk said, "BIA law enforcement personnel play a vital role in the detection, investigation, and prosecution of drug crimes both within Indian Country and across the United States. I congratulate BIA's Division of Drug Enforcement, the sheriff's deputies, and the other law enforcement officers who contributed to successfully stopping this drug operation."

crimes at more than twice the national rate. The 2012 budget request includes program increases of \$20.0 million over the 2010 Enacted/2011 CR level for targeted increases in law enforcement, for a total of \$354.7 million.

**Detention Center and Law Enforcement Operations** – The 2012 budget builds on increases from previous budgets and includes a program increase of \$10.4 million, for a total of \$84.9 million, for detention center operations for tribal and bureau operated facilities. This increase will also be used to fund operations at newly constructed detention facilities opening in 2011 and 2012. The request includes an additional \$5.1 million, for a total of \$189.3 million, for law enforcement operations for tribal and bureau operated programs. The funding will be used for staffing, training, and equipment to increase capacity for law enforcement and ensure communities can support efforts to combat crime in Indian Country.

**Detention Center Maintenance** – The 2012 budget also contains a \$1.0 million increase for operations and maintenance of detention facilities. From 1997 to 2002, the Department of Justice provided funding to Tribes to build 21 new detention facilities. The last four of these facilities are slated to open in 2011, and once open, BIA will be responsible for their operation and maintenance. Additional facilities

are being constructed using American Recovery and Reinvestment Act funds appropriated to the Department of Justice. Six of these facilities are scheduled to open in 2012. The \$1.0 million increase will allow BIA to pay for utilities, custodial services, and maintenance at these facilities. When they become operational, the centers will provide increased capacity for detainees, which is severely limited in many communities. Increased capacity for detainees is a key aspect of reducing crime in Indian communities.

**Tribal Courts** – In support of the enhanced capabilities given to tribal courts in the Tribal Law and Order Act, the 2012 budget includes an additional \$2.5 million for this program. Funding will be used for salaries and related administrative costs for judges, prosecutors, public defenders, court clerks, probation officers, juvenile officers, and other court support staff in the operation of tribal justice systems and Courts of Indian Offenses.

**Conservation Law Enforcement Officers** – The importance for Tribes to manage their own fish, wildlife, and land resources is well-documented by tribal leaders and in Indian fish and wildlife case law. Currently, no base funding is available for Tribes to hire law enforcement officials to monitor natural resources on tribal land, although Tribes have received some non-Federal assistance. The 2012 budget request includes an additional \$1.0 million

### CONSERVATION LAW ENFORCEMENT OFFICERS ON TRIBAL LANDS IN THE GREAT LAKES AREA

The Great Lakes Indian Fish and Wildlife Commission currently provides non-Federal funding for a few CLEOs on tribal lands in the Great Lakes area. During this past year, GLIFWC officers supported Wisconsin State officials and local law enforcement agencies in the arrest of a man who was illegally growing more than 150 marijuana plants on State lands on which Tribes have off-reservation hunting, fishing, and gathering rights reserved in treaties with the United States. With the additional funding in 2012, Indian Tribes across the United States will be able to provide similar protection for their tribal lands.

for tribal Conservation Law Enforcement Officers. The CLEOs' primary responsibility is the protection of tribal natural resources; however, officers are often cross-deputized with local law enforcement agencies providing CLEOs with the authorization to enforce criminal law. The additional funding in 2012 will support approximately 20 tribal CLEOs. Funding

will be managed by the BIA Trust Natural Resources Management Division and delivered to Tribes with fish and wildlife resources through existing tribal contracts and self-governance compacts, enabling Tribes to hire and provide credible certification for their CLEO personnel.

### PROTECTING INDIAN COUNTRY INTERIOR'S PRIORITY GOAL

The Department is tracking the effectiveness of BIA's law enforcement initiative with a Priority Goal. The goal started in 2010, and tracks the achievement of significant reductions in crime of at least five percent within 24 months on targeted tribal reservations. Results in the four communities reflect the implementation of a comprehensive strategy involving community policing, tactical deployment, and interagency and intergovernmental partnerships.

**Targeted Communities** – The program is being piloted in four communities:

Mescalero Apache Reservation, New Mexico  
Rocky Boys Reservation, Montana  
Standing Rock Reservation, North Dakota  
Wind River Reservation, Wyoming

**Performance Measures** – Performance is tracked based on the following measures:

Reduction in Part I violent crime, reported as total incidents on reservation or incidents per 100,000 service population. Crimes in this category include homicide, aggravated assault, simple assault, rape, and robbery.

Reduction in Part II crime total incidents. Crimes in this category include narcotic drug offenses, alcohol-related offenses, malicious destruction and vandalism, stolen property possession, weapons violations, family-related offenses, vice-sex offenses, and fraud.

**Performance Progress** – The initiative has shown tremendous success in reducing rates of crime, in improving the collection and standardization of crime data, contributing to the sense of well-being and safety on reservations, and developing effective partnerships between BIA, tribal governments, law enforcement agencies, Department of Justice agency components, and the community. One of the most important components to effectively address crime is providing an adequate amount of public safety personnel on reservations. Additional officers were provided at these four locations. Teams staffed by officers on detail from other BIA, tribal, and bureau law enforcement programs from across the Country provided patrol and investigative services. Another component of success is the implementation of community policing techniques. This allowed officers to be proactive instead of reactive when addressing crime trends. Officers worked with local communities, created youth programs, conducted training in schools, and engaging the local citizenry.

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## IMPROVING TRUST LAND MANAGEMENT

*Once land is in trust, Indian Country deserves responsive and responsible business practices from Interior that will help to manage the land and comply with the obligations of a trustee.*

*Secretary Ken Salazar  
November 15, 2010*

The BIA's trust land management programs assist Tribes in the management, development, and protection of Indian trust land and natural resources on 55 million surface acres and 57 million acres of subsurface mineral estates of trust land. Activities conducted by BIA in its resource management program assist tribal landowners to optimize resource use, which provides many benefits to tribal landowners such as revenue, jobs, and the protection of cultural, spiritual, and traditional resources.

The 2012 budget request includes an increase of \$18.4 million for trust natural resources programs, trust real estate programs, and dam safety. The budget increases funding for the New Energy Frontier with an additional \$3.5 million for renewable and conventional energy development projects on tribal trust lands. These are discussed in detail in the New Energy Frontier chapter of the Departmental Highlights. The budget also includes an increase of \$200,000 for Cooperative Landscape Conservation, which will fund BIA participation in Landscape Conservation Cooperatives. This is discussed in detail in the Cooperative Landscape Conservation chapter of the Departmental Highlights. Decreases in the Real Estate Services programs are discussed at the end of this chapter.

*Trust – Natural Resources Management* – The primary function of the Trust – Natural Resources Management program is to assist Tribes in the management, development, and protection of Indian trust land and natural resources assets. The budget includes an additional \$7.7 million for these programs primarily managed by Tribes.

**Natural Resources** – The budget request includes an increase of \$1.2 million to begin development of the former Bennett Freeze area. The Bennett Freeze was the product of a long-standing land dispute that impacted the Navajo people and prevented

development of land at the Navajo Reservation for over 40 years, where the predominant land uses are agriculture and grazing. During the freeze era, the Navajo people were prohibited from conducting activities on a segment of the reservation. They were prohibited from building new homes, schools, and health facilities; building infrastructure; and engaging in community and economic development projects, including development for grazing, energy, and other land uses.

The funding will be used by BIA to assist the Navajo Tribe to implement rangeland management activities including inventories, monitoring strategies that establish livestock carrying capacities, and set stocking rates for grazing permits. The funding will also be used for agricultural land use development and grazing permit administration. In addition, the program will develop and implement strategic range management and conservation plans, establish range units, rehabilitate and restore degraded rangelands, maintain and replace water storage tanks and windmills, construct fence lines associated with range units, and develop numerous water resources such as stock ponds and springs.

**Rights Protection Implementation** – This program supports the implementation of Federal court orders that resulted from decisions in off-reservation treaty rights litigation. The program assists Tribes in developing conservation management plans and codes governing off-reservation conservation enforcement. The program also assists with harvest management, population assessment, habitat protection, stock enhancement, and public information – activities that are necessary to implement treaty rights. The budget request includes an additional \$1.0 million for implementation of off-reservation rights protection.



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**Tribal Management Development Program** – The primary purpose of this program is the management of tribal fish and game programs on Indian reservations. The budget includes an increase of \$1.0 million to support this culturally significant program. This program is primarily contracted to Tribes and all management objectives are set by the respective tribal governments.

**Invasive Species** – Tribal land managers, like all land managers, face a rising spread of invasive species. The budget includes an increase of \$500,000 to support tribal programs that control, manage, and eradicate harmful plant and animal species from reservations. Increased emphasis will be placed on cooperation with adjacent land owners and operators and on long-term pest management strategies.



**Water Management Planning and Pre-Development** – The budget includes a \$1.0 million increase for the Water Management Planning and Pre-Development program. This program assists Tribes in identifying and quantifying available water resources. Funds are competitively distributed to Tribes for a variety of studies and activities to protect the quality, quantity, management, and use of tribal water resources.

**Forestry Program** – Indian forests cover over 18 million acres of land, with a commercial timber volume of approximately 42 billion board feet and an annual allowable harvest of 700 million board feet. Indian forests are located on 292 reservations in 26 States. The 2012 budget includes an additional \$1.0 million for BIA forestry programs, which will be used to expand a broad range of activities such as forest protection, watershed restoration, and timber harvest management.

**Wildlife and Parks Program** – The budget includes an additional \$1.0 million for the Wildlife and Parks Program. Funding is provided to Tribes through a local priority setting process determined by the Tribe and BIA to fund tribal activities in the areas of fisheries, wildlife, outdoor recreation, public use management, and conservation.



**Fish, Wildlife, and Parks Projects** – Funding under this program is provided to Tribes with Fish Hatchery Operations and Maintenance programs. Fish released from tribal hatcheries benefit Indian and non-Indian commercial and sport fisheries, and help satisfy Indian subsistence and ceremonial needs. Recreational opportunities created by the stocking of trout, walleye, and other species attract numerous sport fisherman to Indian reservations and assist in developing reservation economies. The 2012 budget includes an increase of \$1.0 million to support these activities.

**Trust – Real Estate Services** – The Real Estate Services activity supports BIA responsibilities in the areas of trust services, probate, and land titles and records. Trust management also incorporates programs that coordinate and support the Department's trust reform improvement efforts. The budget request includes an additional \$3.2 million to support these programs. Decreases to the program are discussed at the end of this chapter.

**Real Estate Projects** – The budget includes an increase of \$330,000 for cadastral surveys on the Nez Perce Reservation in Idaho. These surveys must be completed as a requirement of the Nez Perce / Snake River Water Rights Settlements. Decreases to the program are discussed at the end of the chapter.

**Probate** – The budget includes a net reduction of \$5.6 million to the probate program. This includes a

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\$7.5 million reduction as a result of the elimination of the probate backlog. The 18,101 backlog cases are expected to be completed at the end of 2011. There is a corresponding increase of \$1.9 million for the probate office at the BIA Central Office to support the management of the program and the distribution of assets among heirs and devisees.

**Water Rights Negotiations** – The budget request includes an increase of \$1.0 million for the Water Rights Negotiations program. This program funds activities associated with establishing or defending Indian water rights through negotiations and litigation. Increased program funding will advance research, documentation, and outreach with communities for resolution of Indian water rights litigation cases and the Federal and tribal negotiations conducted to secure adjudicated water rights in lieu of litigation.

Currently, there are 15 appointed Federal Indian Water Rights Negotiation Teams active in negotiating water rights claims through settlement agreements and congressional ratification. An additional 18 Federal Indian Water Rights Implementation Teams work on implementing congressionally ratified settlements completed during the past 20 years. With the increasing drought conditions in the western part of the Country and the pressures of an expanding population, the number of requests for the appointment of new negotiation teams continues to grow.

**Safety of Dams** – The 2012 budget includes \$23.7 million, an increase of \$3.8 million, for the Safety of Dams program. The additional funding will support program management, emergency management, and expedited projects to correct high risks at dams. The number of dams that have current risks with the potential to significantly impact human populations, those in the high and significant hazards category, has increased by more than 20 dams since 1998. Populations near these dams have grown. As a result, dams which were previously classified as low hazard are reclassified as high or significant hazard and require attention to protect populations downstream. The BIA collaborates with the Bureau of Reclamation to determine these classifications and identify remedial actions that are needed. Some of these dams are in poor condition and require extensive maintenance efforts. The budget increase will help BIA reduce the overall risk to the public from dam safety deficiencies in Indian Country.

## ADVANCING INDIAN EDUCATION

*We've got to improve the education we provide to our children. That's the cornerstone on which all of our progress will be built....We cannot afford to squander the promise of our young people. Your communities can't afford it, and our country can't afford it. And we are going to start doing something about it.*

*President Barack Obama  
December 16, 2010*

The 2012 request advances the Department's continuing commitment to Indian education at 183 schools and dormitories funded by the BIE. In recent years, investments in the education program have achieved improvements in the educational environment with new schools, facility improvements, operations and transportation, and new programs focused on student achievement. The 2012 budget focuses on providing a productive and safe education environment for Indian students.

The BIE elementary and secondary school system, located on 63 reservations in 23 States, educates or provides residential facilities for approximately 41,000 students in 183 academic or resident-only facilities. Total funding for school operations from Federal sources for BIE-funded schools was about \$1 billion in 2010, including \$736 million from BIE



## ONGOING INDIAN EDUCATION IMPROVEMENTS AND ACCOMPLISHMENTS

The Department of the Interior is:

- Reforming BIE management practices to improve the quality of services delivered to Indian children; taking steps to run the 59 BIE schools as a system; developing strategies to aid tribal Nations in improving BIE-funded contract and grant schools; and bringing stability to tribal colleges, Haskell, and SIPI.
- Working across the Federal community with the Department of Health and Human Services, Department of Agriculture, and the First Lady's Office to address the high levels of childhood obesity and diabetes among Native youth; because healthy children lead to healthy communities. The BIE has met with over 100 tribal health and education officials to ensure their thoughts are incorporated into the initiative.
- Replacing and updating schools and school facilities with Recovery Act funding and regular appropriations. In 2010, Indian Affairs completed 14 major school projects, including six replacement schools, five replacement facilities, and three facilities improvement projects.

and \$254 million from the Department of Education. Many of the communities served by BIE schools are characterized by below-average literacy rates, low incomes, and high unemployment. Elementary and secondary schools range in size from eight to more than 1,000 students, representing over 250 Tribes with different cultural backgrounds.

Education and learning beyond high school are also critical to a successful life and career; 80 percent of new jobs in the competitive global economy require post-secondary education such as a college degree or vocational training. The BIE operates two post-secondary schools, administers operating grants

to 27 tribal colleges and universities and two tribal technical colleges, and promotes post-secondary opportunities with scholarships to approximately 32,000 students. The 2012 budget reflects a decrease of \$50.0 million for the one-time forward funding for Tribal Colleges and Universities in 2010 that is no longer needed.

The 2012 budget request for BIE is \$795.6 million, a decrease of \$3.8 million for administrative savings. The Advancing Indian Education component of the Strengthening Tribal Nations initiative includes increases totaling \$8.9 million to address safety, security, and environmental issues at BIE schools and to increase contract support for tribal grant schools.

### **Indian School Equalization Program Adjustments**

– The 2012 request includes an increase of \$3.9 million for Indian School Equalization Program Adjustments that will be used to implement safety and security programs at ten schools and train staff to deal effectively with high-risk student behaviors. In recent years, a growing number of residential students have engaged in violent or disruptive behavior and had other difficulties functioning in a traditional school environment. Because many of the BIE students are from economically impoverished communities where alcohol, drug abuse, and gang violence are prevalent, they are at high risk to engage in dangerous behavior.

In 2008, an Office of Inspector General review of 17 BIE residential programs and off-reservation boarding schools reported significant safety and security issues. To continue to address these concerns, the 2012 budget request includes funding for training, equipment, and facility modifications that will reduce the threat of injury to students and faculty posed by high-risk behaviors. In some cases, security systems will be installed to monitor activity on campus and control access to the school. Behavior intervention programs will be implemented to assist teachers with managing problem behavior and preventing and eliminating certain types of behavior within the school. It is anticipated this initiative will reduce incidents of high-risk behaviors such as vandalism, weapons violations, violence, and drug or alcohol abuse at the selected schools.

**School Environmental Audits** – Just as important as the physical safety of the school is the environmental safety of the school. In 2008, the Environmental Protection Agency found widespread, systemic violations of Federal environmental statutes at schools in Indian Country. Indian Affairs will

assure compliance by implementing a comprehensive environmental management program for schools. The budget request includes an increase of \$2.0 million to enable Indian Affairs to meet the terms of a settlement agreement with EPA and hire 13 environmental professionals who will conduct environmental audits at all 183 BIE-funded schools and dormitories. These professionals will be strategically located across the Country in order to efficiently reach the schools they are auditing. Any violations will be rectified with facilities operations and maintenance funding.

These staff will also assist schools with developing, implementing, and maintaining environmental management systems. These systems will be used by schools to mitigate and prevent environmental violations, and to monitor and improve energy use and environmental quality. Hiring professionals to address these issues will allow BIE teachers to focus on their students.

**Tribal Grant Support Costs** – The Indian Affairs 2012 budget request includes a \$3.0 million increase for the Tribal Grant Support Costs program. The BIE currently funds 124 tribally controlled schools and residential facilities. Grant support funding helps to cover administrative and indirect costs incurred by a Tribe operating contract and grant schools. Expenses typically include fiscal audits, personnel, property and procurement management, office services and record keeping, insurance, security, and legal services. Tribally controlled grant schools currently receive 62 percent of the grant support funding needed as defined by the Administrative Cost Grants formula. Funding for this program, comparable to Contract Support, is a top priority for Tribes.

**Program Decreases** – The 2012 budget request for Indian Affairs includes \$130.2 million of program decreases of which \$7.9 million reflects program eliminations. The budget also includes \$86.5 million in savings from program completions and administrative reductions as part of the Accountable Government Initiative.

Program decreases totaling \$43.4 million are included for the following Operation of Indian Programs activities: \$11.2 million for Real Estate Projects; \$8.5 million for Land Records Improvement; \$7.5 million for Probate Backlog; \$2.0 million for Minerals and Mining Projects; and \$14.2 million for Central Office Oversight across all program areas. While funding for the Real Estate Projects program has decreased

## STRENGTHENING TRIBAL NATIONS 2012 PROGRAM REDUCTIONS

(dollars in millions)

<b>PROGRAM DECREASES</b>	
Operation of Indian Programs.....	-43.3
Real Estate Projects .....	[-11.2]
Land Records Improvements.....	[-8.5]
Probate Backlog.....	[-7.5]
Minerals and Mining.....	[-2.0]
Central Oversight .....	[-14.2]
Construction.....	-65.0
Land and Water Claim Settlements	-6.0
Indian Guaranteed Loan Program -	5.0
Indian Land Consolidation	
Program.....	-3.0
<b>Subtotal .....</b>	<b>-122.3</b>
<b>PROGRAM ELIMINATIONS</b>	
Litigation Support / Attorney Fees ..	-2.1
Community Development .....	-1.4
Residential Education	
Placement Prog.....	-3.8
Juvenile Detention Education.....	-0.6
<b>Subtotal .....</b>	<b>-7.9</b>
<b>TOTAL.....</b>	<b>-130.2</b>

by \$11.2 million in 2012, BIA will work with Tribes to consider a reimbursable program to fund cadastral survey program activities so that these costs are captured as part of real estate transactions.

Program decreases totaling \$64.9 million are included in the 2012 request for the following Construction programs: \$500,000 for Construction Program Management; \$8.9 million for Education Replacement Facilities; \$41.5 million for Public Safety and Justice new facilities, \$5.0 million for Public Safety and Justice Employee Housing; and \$9.0 million for the Navajo Indian Irrigation Project. New construction on two Public Safety and Justice facilities will be completed in 2012. Interior will collaborate with Tribes and the Department of Justice to strategically determine where funding for detention center construction should be placed in Indian Country in the future.

The Indian Guaranteed Loan Program is reduced by \$5.0 million while the program undergoes an evaluation. The 2012 budget request also includes a programmatic decrease of \$3.0 million for the Indian Land Consolidation Program because the *Cobell v.*

*Salazar* settlement agreement provides a \$1.9 billion fund for land consolidation.

The 2012 request includes \$7.9 million in reductions for program eliminations, including: \$2.1 million for Litigation Support/ Attorneys Fees; \$1.4 million for Community Development; \$3.8 million for the Residential Placement Program; and \$620,000 for the Juvenile Detention Education program.

The budget request includes \$64.4 million in reductions for program completions, including: \$50.0 million for the one-time forward-funding in 2010 for Tribal Colleges and Universities; and \$14.4 million for three completed Indian land and water settlements for Pueblo of Isleta, Soboba Band of Luiseno Indians, and Puget Sound Regional Shellfish.

The 2012 budget request includes \$22.1 million in administrative reductions, including reductions that reflect the Accountable Government Initiative. The initiative consists of administrative savings of \$3.5 million for fleet vehicles and \$13.4 million for the following activities: \$3.1 million for travel and transportation of persons; \$469,000 for transporta-

<b>STRENGTHENING TRIBAL NATIONS 2012 PROGRAM COMPLETIONS AND ADMINISTRATIVE REDUCTIONS</b>	
(dollars in millions)	
<b>PROGRAM COMPLETIONS</b>	
Tribal Colleges and Universities	
One-Time Forward Funding .....	-50.0
Land and Water Claim Settlements	-14.4
<b>Subtotal .....</b>	<b>-64.4</b>
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<b>ADMINISTRATIVE REDUCTIONS</b>	
Operation of Indian Programs.....	-20.2
Construction.....	-1.8
Indian Guaranteed Loan Program..	-0.1
<b>Subtotal .....</b>	<b>-22.1</b>
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<b>TOTAL.....</b>	<b>-86.5</b>

tion of things; \$84,000 for printing and reproduction; \$3.3 million for advisory and assistance services; and \$6.4 million for supplies and materials. Additional savings include \$5.2 million in travel and relocation, information technology, and strategic sourcing.