Q & A File

EXECUTIVE OFFICE OF THE PRESIDENT
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27-Apr-1994 01:21pm

TO: Donsia Strong

FROM: Jose Cerda, III
Domestic Policy Council

SUBJECT: Indian Q's & A's

CRIME AND DRUG Q's & A's

Q: It now appears as though Congress is set to pass a $23 billion crime bill, with you your support. We have a serious crime problem in many parts of Indian Country, too. Will Indian tribes also be eligible for the community policing and prevention monies authorized in the crime bill?

A: Indian tribes will certainly be eligible for our $9 billion community policing proposal, which will help them pay for community policing officers, specialized training and crime prevention efforts in support of local community policing plans.

As for the billions of dollars that the House and Senate have approved for prevention programs, I understand that Indians tribes are eligible for some, but not necessarily all of these monies. But I expect that as we work with Members of Congress to iron out the differences between the two bills -- and as we work to make sure that the substantial funds provided for prevention are properly coordinated -- that tribes will be eligible for these funds.

Q: Your crime bill includes a dramatic expansion of the federal death penalty -- in fact, for more than 60 crimes. And whenever Congress increase penalties at the federal level, Indians -- who are part of the federal criminal justice system -- are disproportionately impacted. How can you guarantee that Indians won't be the ones who bear the brunt of your support for a crime bill that expands the death penalty.

A: First, let me say that I know that not everybody believes in the death penalty as an appropriate form of punishment. It is a difficult issue. I do believe, however, that it is an appropriate punishment for the most heinous crimes -- and have supported its use in these cases. Moreover, as a former Governor -- and now as President -- I know that the death penalty can sometimes be arbitrarily administered, and that we need make sure that this isn't the case.

Certainly no one wants a new federal death penalty that will be applied mostly to Indians. And that's why both the House and Senate crime bills limit the application of the death penalty in Indian Country cases to situations in which the tribal government has elected to have the death penalty apply to persons and lands within its jurisdiction. The crime bill shouldn't disproportionately impact your tribes.

Q: You have also called for the crime bill to include a "three strikes you're out" provision. What guarantees can you give us that "three strikes" -- given that the third strike must be federal -- won't effectively apply to Indians only?

A: First, the "three strikes" legislation that I have called for is limited to serious violent crimes that are considered the federal government's jurisdiction because of their relationship to federal offenses such as drug trafficking, assaults on federally protected persons or institutions, or other crimes that effect interstate commerce. And it's my understanding that most of these crimes are not Indian country cases.

Even so, the House's version of "three strikes" -- like the crime bill's death penalty language -- conditions the proposal's application in Indian Country cases on election by the tribal government, and I think that language should be included in the final bill.

Q: Mr. President, substance abuse is the sixth leading cause of death in Indian Country; it's a very serious problem. How will your drug strategy help us?

A: Our drug strategy is the first to focus on breaking the cycle of heavy substance abuse. It proposes the largest increase ever in federal resources to take on hard-core drug and alcohol use -- $355 million in new monies, part of which would go to the Indian Health Service. While we need to keep working on all the other aspects of the drug problem --prevention, law enforcement, etc. -- we can't continue to ignore the relatively small number of people who consume a large amount of the drugs -- and who put the greatest strain on our criminal justice and health care systems. We need more and better drug and alcohol treatment.

I also understand that as part of our proposal to restore funds to the Indian Health Service more monies will be made available for drug and alcohol treatment.

Questions and Answers for the President's Meeting with Tribal Leaders
April 29, 1994

Q: Can Indian Reservations qualify for the Empowerment Zone and Enterprise Community program?

A: No. The Empowerment Zone and Enterprise Community Program passed by Congress in the Omnibus Budget Reconciliation Act of 1993, and signed into law in August 1993, excludes Indian reservations from participating in the program. The law prohibits the designation of any nominated area as an empowerment zone or enterprise community if the area includes a reservation.

In the administration's draft submitted to Congress, reservations would have been eligible to join in any of the 9 empowerment zones or 95 enterprise communities, designated by the Secretaries of Housing and Urban Development and of Agriculture. Additionally, reservations would have been exclusively eligible for 1 empowerment zone and 5 enterprise communities, designated by the Secretary of Interior.

Based on the concerns raised by many Tribal leaders that the empowerment zones would be limited in number, and that only a few tribes could participate, tribes advocated broad tax incentives that would be available to all reservations. Through the legislative process, the Omnibus Budget Reconciliation Act created separate tax incentives for businesses that locate on Indian country, which consist of accelerated depreciation and Indian employment credit for businesses that locate on Indian reservations.

Q: What is the subcommittee on Indian Economic Development?

A: In February 1994, recognizing that the tax incentives do not provide the coordinated Federal assistance that is one of the core principles of the Empowerment Zone and Enterprise Community Program, the Community Enterprise Board established a subcommittee on Indian Economic Development.

The Community Enterprise Board appointed two co-chairs for the subcommittee: Assistant Secretary Ada Deer, Indian Affairs, Department of Interior, and Under Secretary Bob J. Nash, Small Community and Rural Development, Department of Agriculture.

The subcommittee has a broad mission, that includes:

1. Coordinate and integrate federal Indian economic development policies and programs and work to facilitate access to those programs by tribes and members.

2. Identify successful economic development efforts that are currently operating in Indian country and look for ways to build on and expand those efforts.

3. Find ways to empower tribal governments and their members to formulate and successfully implement their own, locally determined strategic economic development plans.

The first meeting of the subcommittee was held on April 20, 1994. Departments and agencies that will participate in the subcommittee include, Interior, Agriculture, Treasury, Justice, Commerce, Labor, Housing and Urban Development, Health and Human Services, Transportation, Energy, Education, Environmental Protection Agency, and Small Business Administration.

QUESTIONS AND ANSWERS ON NATIVE AMERICANS AND DISABILITY ISSUES

(Prepared by Stanley S. Herr and transmitted to Donsia Strong)

Q: How are the rights of Native Americans being protected in the field of developmental disabilities?

A: On April 6th, President Clinton signed the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994 which includes new provisions for the American Indian Consortium protection and advocacy projects to enable targeted activities to pursue legal, administrative and other remedies by two or more recognized American Indian tribes with a combined total population of 150,000 enrolled members and contiguous territory of Indian lands in two or more States.[1]

Caveat: implementation of such projects are contingent on new appropriations which have not yet been made at this time).

Q: Are we making any special efforts to prevent Fetal Alcohol Syndrome which is now the leading known cause of mental retardation?

A: The Administration recognizes the gravity of this national problem and its diverse consequences for the various tribes. On February 2nd, President Clinton issued a proclamation intended to foster greater awareness and action on the prevention of this disabling condition. A pilot project is now underway in Aberdeen, South Dakota that involves the tribal council there in activating "community response teams" to get the message out to those at risk and to potentially affected persons.

Caveat: The leader of the National Organization for Fetal Alcohol Syndrome reports that budget cuts in the Indian Health Service's Department of Drug Abuse have compromised our efforts to prevent and ameliorate this syndrome. For a Federal perspective on those efforts, you can call Shirley Poorthunder 301 443-6958 at IHS (who was not available today).

4-27-94 10:35am
cc: Carol Rasco, FYI on the general FAS issue.

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[1] Public Law 103-230, Sections 103, 303.

Question: What will the FY 1995 Budget Amendment for IHS support?

Answer: Last Friday, April 22, 1995, the President transmitted a budget amendment to the Congress that provides an additional $125 million for IHS.

The $125 million includes:

+$75 million for IHS services, including primary care, mental health and substance abuse services, preventive health services, dental services, etc. FY 1995 services programs would be funded at the FY 1994 level.

+$7.5 million for new and expanded tribal self-determination contracts, allowing tribes to assume control of their own health services delivery system --- if they choose to do so.

+$42.5 million for IHS sanitation facility construction, which builds necessary structures to assure potable drinking water and appropriate sewage treatment.

In sum, including the amendment, the President's FY 1995 Budget for IHS maintains services at the FY 1995 in budget authority, includes a one-year pause in new health facility construction, and reduces for one-year sanitation facility construction funding to one-half the FY 1994 level.

Question: Secretary Shalala has submitted a request for waiver of IHS personnel ceilings. What is the status of the request?

Answer: **FY 1995 Budget Policy: Empowering the Manager:** The Administration is committed to Reinventing Government, in getting government to improve management and staffing techniques. During the FY 1995 Budget, OMB and the NEC were involved in setting Departmental staffing levels, and not sub-department levels consistent with the President's Executive Order to reduce 100,000 FTE by FY 1999.

In FY 1995, each Cabinet Secretary had the discretion -- and responsibility -- to make the tough choices of resource allocation. Between FY 1993 and FY 1994, IHS has been asked to reduce staffing by 654 FTE (4 percent) to 14,787 FTE. Between FY 1994 and FY 1995, the Secretary of HHS has asked IHS to reduce staffing by 460 FTEs (3%) to 14,327 FTEs.

HHS Secretary's Request. On March 23, 1994, HHS Secretary Shalala renewed her request for an IHS FTE waiver. The Secretary is seeking to maintain IHS at the FY 1993 FTE level of 15,441 FTE. To grant the waiver request would require 654 FTE in FY 1994, and 460 FTE in FY 1995.

The Federal Workforce Restructuring Act of 1994. The Congress recently passed, and the President signed, the Federal Workforce Restructuring Act of 1994. This act mandates Federal staff reductions totalling 272,900 by FY 1999. The Act includes specific staffing levels by year, leaving no room for flexibility.

For FY 1994, there is no room under the present government-wide ceiling to provide relief.

In FY 1995, there will be reconsideration of IHS FTE needs as part of the FY 1996 Budget progress, when current and budget year staffing levels will be re-examined.

Question: The Health Security Act requires each health program of the Indian Health Service to establish a fund to provide the comprehensive benefit package. Some programs and tribes are too small to accept this risk or to make arrangements to ensure that all enrollees have access to the comprehensive benefit package. How will you address these problems?

Answer: While the Administration proposal requires that each program establish a comprehensive benefit fund, it allows the establishment of national, regional or statewide polls to spread the risk among smaller programs. The comprehensive benefit fund is simply a mechanism to capture employer premium contributions, subsidies and other third party payments.

Question: How will health programs of the Indian Health Service get approval to serve non-Indian family members and other non-Indians?

Answer: Tribal governments will be required to approve any decision to open health programs to non-Indians. This is consistent with the approvals currently necessary for tribes to accept contracts under the Indian Health Care Improvements Act or self-governance compacts under the Indian Self-Determination Act.

Question: Does the Clinton health plan expand and upgrade IHS facilities? If so, where does the money come from the pay for infrastructure improvements? To what extent will these improvements depend on Congressional appropriations?

Answer: The Administration proposal for health care reform would authorize appropriations of $40 million in FY 1995, $180 million in FY 96, and $200 million in FY 1997–2000 to construct and renovate facilities and to establish a revolving loan program for infrastructure development. In addition, Indian health programs will collect employer premium payments, premium payments for any non–Indian family members that a tribe allows to enroll, premium subsidies that Indians would have been eligible to receive had they enrolled in non–Indian health plans, and payments from other third party payers.

Question: Why are Indian health programs required to provide the comprehensive benefit package by January 1, 1999, while states may begin participating in 1996 and must participate by January 1, 1998? Won't this place Indian health programs at a competitive disadvantage?

Answer: While the Administration's proposal for health care reform requires that all Indian health programs provide the comprehensive benefit package by January 1, 1999, it does not prohibit IHS programs from doing so before that date. It is our intention to assure that IHS programs can begin to provide the comprehensive benefit package at the same time as other health plans in a state. We acknowledge, however, that many facilities on reservations need to be expanded and improved to enable them to provide the range of services in the comprehensive benefit package. The additional time is given to ensure a successful transition for those facilities. Because care is provided at no cost to individual Indians who enroll in Indian health programs, Indians will have a powerful incentive to choose Indian health program -- even in those states where other health plans begin delivering the comprehensive benefit package before Indian health programs.

Question: How does the President's Health Security Act address American Indians and Alaska Natives?

Answer: The President's Health Security Act (HSA) includes a separate section addressing Indian health issues exclusively. No other health reform proposal currently before the Congress, or proposed to date, specifically addresses American Indians and Alaska Natives.

In general, the HSA would assure that all American Indians and Alaska Natives receive the same guarantee of quality, affordable health care as every other American citizen, while also recognizing the special historical relationships and unique health requirements of the American Indian and Alaska Native population.

More specifically the HSA sections for American Indians and Alaska Natives preserves tribal sovereignty to directly operate their own health system under Self-Determination contracts, or continue to have IHS operate their health system. Tribes that operate their own health system can, if they so choose, become an approved alliance health plan and compete for non-Indian enrollees.

American Indian and Alaska Native beneficiaries are guaranteed the same comprehensive benefits package as other American citizens. However, American Indians and Alaska Natives choosing IHS as their plan receive their care free of charge. American Indians and Alaska Natives choosing a non-IHS Alliance plan would participate in cost-sharing, and discounts, like any other American citizen.

Moreover, American Indian and Alaska Native currently eligible for IHS services would continue to receive (free of charge) supplemental health service (services about and beyond the comprehensive benefit package) provided by IHS, such an environmental health and injury control, sanitation construction services, public health nursing services, etc.

Finally, tribal governments, and tribal organizations under self-determination contracts, are exempted from employer premium payments for American Indian and Alaska Native beneficiaries.

Question: Is the Administration making any special efforts to prevent Fetal Alcohol Syndrome, which is now the leading known cause of mental retardation?

Answer: The Administration recognizes the gravity of this national problem and its diverse consequences for the various tribes. On February 2nd, President Clinton issued a proclamation intended to foster greater awareness and action on the prevention of this disabling condition. Also, a pilot projects is now underway in Aberdeen, South Dakota that involves the tribal council there in activating "community response teams" to get the message out to those at risk and to potentially affected persons.

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Answer: On April 6th, President Clinton signed the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994 which includes new provisions for the American Indian Consortium protection and advocacy projects to enable targeted activities to pursue legal, administrative and other remedies by two or more recognized America Indian tribes with a combined total population of 150,000 enrolled members and contiguous territory of Indian lands in two or more States.

Question: What will Goals 2000, ESEA reauthorization, and the School-to-Work Opportunities Act do for Indian students?

Answer: First, both Goals 2000 and ESEA support efforts by tribes and local communities, school districts, and states to help American Indian and Alaska Native students achieve the same high academic standards expected of <u>all</u> students. Goals 2000 explicitly recognizes American Indians and Alaska Native students in calling for high quality content and student performance standards and assessments, and in the BIA set-aside.

Second, both Goals 2000 and ESEA encourage comprehensive planning. Title VI of ESEA would require each local school district to submit a comprehensive plan for meeting the needs of Indian children, including their language and cultural needs, as part of its formula grant application.

Third, the School-to-Work legislation will provide new opportunities to all students to develop the knowledge and skills needed to participate competitively in our economic system.

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Answer: No. The Empowerment Zone and Enterprise Community Program passed by Congress in the Omnibus Budget Reconciliation Act of 1993, and signed into law in August 1993, excludes Indian reservations from participating in the program.

Based on the concerns raised by many Tribal leaders that the empowerment zones would be limited in number, and that only a few tribes could participate, tribes advocated broad tax incentives that would be available to all reservations. Through the legislative process, the Omnibus Budget Reconciliation Act created separate tax incentives for businesses that locate on Indian country, which consist of accelerated depreciation and Indian employment credit for businesses that locate on Indian reservations.

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Question: Native Americans believe there are situations/conditions unique to the Tribes that should considered in constructing the Welfare Reform Plan. How will the Administration address these issues in their Welfare Reform Plan?

Answer: The Welfare Reform Plan will recommend the following:

(1) Changing the JOBS program so more Tribes can apply.

(2) Granting Tribes ability to manage their own child care and WORK program.

(3) Providing flexibility for Tribes to apply for JOBS/WORK/Childcare as a block grant.

Question: In cases of disasters/emergencies, how does FEMA deal with the Tribes?

Answer: The relationship between FEMA and Tribes parallels the government-to-government relationship between FEMA and state governors -- At the request of Indian Tribal Leaders, FEMA will contract directly with the tribal government to provide funding/service assistance in response to disasters/emergencies.

Question: Newspaper reports indicate the Administration is seriously considering implementation of a gaming tax to assist in the financing of welfare reform. Is this true?

Answer: The President has indicated he will not propose a gaming tax to finance welfare reform.

Question: How can we better meet the housing needs of Indians?

Answer: Both the BIA and the Department of Housing and Urban Development operate programs for Indian housing. In April, a work group was proposed between the Department of Housing and Urban Development and the Department of the Interior to coordinate housing for Indian country. The BIA Housing Improvement Program (HIP) authority provides decent, safe and sanitary housing for American Indians and Alaska Natives who do not qualify for housing services from other Federal programs. In fiscal year 1993, HIP was funded $19 million and serviced approximately 1, 110 repairs and 96 housing units. Ninety percent of the program is contracted by Tribes under P. L. 93-638 and then percent of the program is delivered by the BIA. HIP is in the process of responding to six Inspector General audits covering a span of five years. Corrective action plans have been initiated and technical amendments to 25 CFR Part 256 have been published for comment in the Federal Register.

Question: Does the Administration truly support legislation to permanently establish the Self-Government Program? Many tribes believe that the Bureau of Indian Affairs bureaucrats are unwilling to allow Tribes to provide services that are currently being provided by the Bureau.

Answer: The Department supports the concept of self-governance. Under the Self Governance Demonstration Project, up to thirty tribes are allowed to enter into federal funding compact agreements that allow the tribes to redesign programs and prioritize funding needs within this "block grant" concept. We support in principle legislation that will make permanent the Tribal Self-Governance Demonstration Project Act amendments. When new legislation is passed, the program will be extended to all tribes who wish to participate.

Question: When will final regulations be published to implement the Indian Self–Determination Act?

Answer: Under the Indian Self–Determination Act, the federal government contracts federal programs to Indian tribes. This Act provides Indian people with meaningful participation to run programs on their reservation. Revised regulations under the Indian Self–Determination Act were published in their proposed form on January 20, 1994. These regulations will establish the scope of federal programs that may be contracted by Tribes to provide services to tribal members. The notice and public comment period ends May 20, 1994. Regional meetings and one national meeting are scheduled in April and May to ensure full consultation with Indian tribes. Final implementing regulations are expected to be published by the end of the year.

Question: How can we improve the management of trust funds in the BIA?

Answer: The BIA is responsible for investing and accounting for over $2.1 billion contained in over 1,800 tribal accounts and 327,000 individual indian accounts. The assets for these accounts originate chiefly from judgment awards and from income from the use of trust lands, especially the extraction of oil and gas and other minerals. Over the years, trust fund losses may have occurred, but the exact extent of the problem is unclear because of the lack of sound financial controls. The Department, OMB, GAO, and the Congress have long recognized that these funds are at risk due to the lack of such procedures.

The Department of Interior is addressing this longstanding problem by reconciling past accounts, stabilizing current investment operations, and improving the future delivery of services to tribes and individual Indians. Arthur Anderson and Company is under contract and resolving twenty years of accounting records for tribal accounts. We will pursue legislation to encourage and facilitate the assumption by the tribes of the management and control of tribal trust funds for tribes who wish to elect to do so. Tribe who wish to have a Federal Government retain their trust assets will receive investment services from outside private sector professionals who invest and account for billions of dollars each day.

Question: How can the current process for acknowledging unrecognized groups of Indians be improved? Many unrecognized groups are frustrated with the time it takes to evaluate each claim. Members of Congress continue to introduce legislation to 1) recognize individual tribes outside the administrative process, and 2) reform the existing procedures.

Answer: The BIA Branch of Acknowledgement and Research now evaluates each case carefully according to the facts. Full staffing at the Branch has recently been achieved, which will speed up the petitioning process. Revised regulations for the acknowledgement process have been published. These regulations were designed to make the process more efficient, fair, and less burdensome to unrecognized Indian groups.

Currently, there are over 545 recognized Indian tribes in the United States. Many of the existing tribes support maintaining strict recognition standards. Tribes with new applications support an expedited process. The role of the Bureau of Indian Affairs in acknowledging Indian tribes is to ensure that legitimate claims for recognition are reviewed fairly.

Question: How can we help protect Indian tribes from burden of state taxes imposed on non-Indian businesses doing business on tribal lands? This dual taxation (tribal and state taxes) is a disincentive to economic development on Indian lands.

Answer: It is the Department's policy that Indian fee lands located within the boundaries of an Indian reservation are not subject to state taxation unless Congress has clearly consented to such taxation. Recently, the Ninth Circuit Court of Appeals in Lummi Tribe v. Whatcom County (9th Cir. 1993) held that once Congress allows reservation land to be alienated from trust status, the resulting fee land is subject to state taxation. The Department of the Interior does not agree that general alienability of trust land constitutes clear Congressional consent to taxation. The Lummi case may be heard by the Supreme Court, as the Tribe has filed a petition for certiorari. Tribes have proposed that Congress enact legislation to preempt state taxes.

Question: How should we resolve the remaining Indian land and reserved water rights litigation?

Answer: The Federal government has filed on behalf of Indian Tribes a number of land and water claims against local landowners and water users. The Department of Interior's policy concerning these claims is to seek a fair resolution of those claims and to negotiate settlements rather than litigate them if possible. The 1995 budget includes $170 million for legislated settlements. We are committed to working with the tribes to qualify these federal reserve rights and to strengthen tribal economics by enabling the tribes to benefit from the productive use of this natural resource.

Question: How does the Department of Interior manage the siting and the cleanup of solid and hazardous waste sites on Indian Reservations?

Answer: In general, the Department of Interior believes it should not encourage proposals to build large waste facilities on Indian reservations primarily to handle non–Indian waste. However, the Department recently approved such a lease for the Campo Band of Indians. It will approve future projects only if tribal members fully understand the risk, an effective regulatory system is in place, and the financial terms protect tribal and federal interests.

On hazardous waste sites, the Bureau has in the past and will continue to inventory such sites. These sites, if found, will receive top priority for funding as they are generally associated with threats to human health and safety. For tribal economic development ventures that involve disposal or treatment of hazardous wastes, the Bureau requires preparation of an environmental impact statement and the obtaining of an operating permit from PA in accordance with the Resource Conservation and Recovery Act.

Question: How can we better protect the rights of Indians to practice their traditional religions?

Answer: The Administration, including White House Staff, has been working closely with a coalition of Indian Tribes and Senate staff to draft legislation that will extend special protection for Indian religious practitioners. The draft bill is intended to ensure that federal land managers will consult with tribes to prevent conflicts with traditional sacred sites. It would also protect the rights of Indian prisoners and the religious use of peyote.

Indian religious leaders have complained about delays in receiving eagle feathers and parts for religious purposes. A streamlined process has been developed in consultation with the tribes that should alleviate most of the current problems. The President will also sign an Executive Order at the Tribal Leaders Meeting on Friday, April 29, which will address this issue.

Question: What services does the BIA provide to tribes for families and children?

Answer: In Fiscal Year 1994, the BIA initiated an expanded program of child and family services under Title II of the Indian Child Welfare Act of 1978. The Act authorizes grants to Indian tribes for the purpose of providing an array of services to promote the stability of Indian families. Recently, funding for the program was increased to approximately $23 million, a level that enable the Bureau to award grants to each of the more than 500 federally recognized tribes. This marked the first time that funding for a single Federal program has been made available to every Indian tribe.

In addition, the Bureau administers a comprehensive program of social services on Indian reservations, including an income maintenance program and child welfare services. These services are often provided directly by tribes through contracts with the Bureau of Indian Affairs. In concert with the Indian Health Service and Indian tribes, the Bureau also maintains an interdisciplinary child protection activity and provides technical assistance and support to child protection teams at the national, regional and local (reservation) levels.

Question: The Department of Interior has interpreted the 1934 Indian Reorganization Act as intending to distinguish between "Historic" tribes and "Created" tribes (which have less history in this country). Many tribes now believe that this distinction is unnecessary.

Answer: The Interior Department Solicitor is actively reconsidering the distinction. It is highly likely that the Department will reverse the policy, but the decision may not be ready by April 29.

Question: What is being done to settle the claims for land in Oklahoma located in the Arkansas River Bed area for the Cherokees, Chickasaws, and Choctaws? The tribes complain that the negotiations are moving too slowly to meet Congressional deadlines.

Answer: The Secretary of Interior has agreed to work with the tribal parties to resolve the claim. The Department of Interior has been meeting regularly with representatives from the tribes, the Justice Department, and Congressman Synar's office. We are currently reviewing a valuation report submitted by the tribes to support their claim. We believe we are on a timetable that will meet the necessary Congressional deadlines.

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Environmental Questions and Answers for the President

Q1. WHAT IS THE APPROACH FOR PROTECTING RESERVATION ENVIRONMENTS AND THE HEALTH OF THEIR RESIDENTS?

EPA will work with the tribes on a government-to-government basis, recognizing and supporting Tribal governments as the primary parties for setting standards, making environmental policy decisions and managing programs for Indian Country. Where Tribes are not running programs, the Federal Government so as appropriate in partnership with Tribes.

Q2. HOW ARE TRIBAL CONCERNS ON ENVIRONMENTAL ISSUES HEARD?

Administrator Browner recently established a Tribal Operations Committee, made up of Tribal and EPA leaders, to facilitate the government-to-government relationship and to hear from the Tribes their environmental concerns.

Additionally, the Agency is sponsoring the 2nd National Tribal Conference on Environmental Management in Cherokee, NC May 23-26.
The conference, hosted by the Eastern Band of Cherokee Indians, provides an excellent forum for the exchange of information and the discussion of issues between Tribal representatives from across the country and Federal agency staff.

Q3. HOW WILL YOU ENSURE THAT ENVIRONMENTAL LAWS ADDRESS TRIBAL LANDS:

As laws come up for reauthorization we carefully analyze them and try to ensure that Tribes are afforded the same standard of environmental protection as those afforded elsewhere, and that EPA supplies the appropriate support for Tribes to manage the programs themselves. Where necessary, they have modified regulations, policies and guidances to address additional barriers.

Q4: WHAT WILL YOUR ENVIRONMENTAL JUSTICE EXECUTIVE ORDER DO FOR TRIBAL POPULATIONS:

Each Federal agency responsibility set forth under the Order shall apply equally to Native American programs. Especially relevant to the Tribes is the section on consumption patterns which requires the Federal agencies, whenever practicable and appropriate, to collect, maintain and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence.

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Q5: HOW IS EPA STRIVING TO BE MORE RESPONSIVE TO TRIBAL ENVIRONMENTAL NEEDS?

The Agency is committed to working with the Tribes to increase resources for the development of Tribal environmental capacity and/or direct Federal implementation of EPA programs in Indian Country. Finally, in keeping with the Agency's strategic initiative to develop partnerships, EPA is committed to strengthening its government to government relationship with Tribes.

Q6. HOW IS EPA ADDRESSING TRIBAL REQUESTS FOR INCREASED RESOURCES?

During the Agency's first meeting with the Tribal Operations Committee on February 17, 1994, Administrator Carol M. Browner made a commitment to the Tribal representatives to support an increase in resources for environmental protection in Indian Country, specifically throughout the FY 1996 budget process.

This past Monday, April 25, 1994, ten representatives from the Tribal Operations Committee, along with ten State representatives, for the first time attended the Agency's Annual Planning meeting.

Finally, the Agency helped coordinate a meeting between the Tribal Operations Committee and the Office Management and Budget (OMB) which was held on Wednesday, April 27, 1994.

Q: The Food, Agriculture, Conservation, and Trade Act of 1990 mandates a USDA presence on Reservations. What is the current status?

A: A number of the agencies have set up offices on Indian reservations over the last four years, including the Agriculture Stabilization and Conservation Service and the Soil Conservation Service. Currently, the rural development programs have begun conversations with reservations for a local presence. With respect to the rural housing and farm credit programs, Farmers Home Administration has 44 Indian coordinators that are located in 44 State offices.

Q: The Act also requires the Agriculture Stabilization and Conservation Service include Indian representation on county committees where the counties have 5% or greater minority producers, including Indians. What is the status?

A: The Department is in the process of identifying these counties and will seek certification that either an Indian member has been elected to the county committee or an Indian advisor has been appointed in communities with greater than 5% Indian population.

Q: There are Indian lands that have never had basic soils and range surveys. When will these occur?

A: Since 1990, the Department has surveyed approximately 40 million acres of Indian Lands. However, we believe that more than 14 million acres remain to be mapped. We have established a number of suboffices on Indian reservations to facilitate the delivery of programs. The Department continues to conduct these surveys and we are pleased to report that we have completed surveys of the following States: Alabama, Connecticut, Kansas, Louisiana, Maine, Michigan, Mississippi, Nebraska, North Carolina, North Dakota, Oklahoma, Rhode Island, South Dakota, Texas, and Virginia

Additionally, most of the Ute Reservation has been mapped. Almost all of Nevada has been completed. New Mexico is complete except for part of the Navajo Reservation. The Soil Conservation Service has cooperative agreements to complete mapping with the Seminoles in Florida and the Wind River Reservation in Wyoming.

Q: Why are there trust lands being foreclosed on and sold out of the trust by the Farmers Home Administration?

A: While this may have occurred in the past, since 1992 the Department has suspended foreclosures and prohibited inventory sales on tribal allotted or trust properties unless the purchaser is a tribal member, the tribe, or the Indian Housing Authority.

The Department's rural housing and farm credit programs have 44 Indian coordinators, located in 44 States, who are directed to work with Indian reservations to ensure that the sovereignty of Indian reservations is respected.

Q: Why is the Department reducing a number of Indian programs in the FY1995 budget?

A: Unfortunately, the Department does not have sufficient funding for all of the important programs that we've been able to fund in the past. Given the fiscal difficulties, the Department eliminated and reduced a number of items in all of our programs, including some Indian programs in Extension Service by 8% in the FY1995 budget.