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# \*\*\*1AC\*\*\*

## Infrastructure Advantage 1AC

### First is the infrastructure advantage -

### Deficient tribal infrastructure impedes public safety intervention

NCIA '12

[National Congress of American Indians, "Transportation", budget request for FY 2013, pg. online @ www.ncai.org/resources/ncai-publications/indian-country-budget-request/fy2013/FY2013\_Budget\_Transportation.pdf// bprp]

Surface transportation in Indian Country involves thousands of miles of roads, bridges, and highways, and connects and serves both tribal and non-tribal communities. Millions of Americans and eight billion vehicles travel reservation roads annually. Despite being the principal transportation system for all residents of and visitors to tribal communities, reservation roads are still the most underdeveloped road network in the nation. Currently, there are over 140,000 miles of Indian reservation roads with multiple owners, including the Bureau of Indian Affairs, American Indian tribes, states, and counties. Construction of transportation systems that allow for safe travel and promote economic expansion will help strengthen tribal communities, while also making valuable contributions to much of the surrounding rural America. Maintenance and enhancement of transportation infrastructure is critical to economic development, job creation, and improving living conditions for individuals and families throughout Indian Country. Deficient transportation infrastructure is a barrier which impedes economic development in Native communities. Tribal governments are working to improve public safety, education, health care, and housing, and generate jobs through economic development. These worthy objectives are more difficult to achieve when transportation infrastructure in Indian Country continues to lag behind the rest of the nation. Tribal nations require sustained and adequate federal transportation appropriations to address the large backlog of deferred road and bridge construction and road maintenance needs. Investing in tribal transportation will create jobs and make Native economies stronger.

### Those efforts are necessary to stop disproportionately high car deaths

Pollack et al. '12

[Keshia M. Pollack, assistant professor at the Johns Hopkins Bloomberg School of Public. Health, Shannon Frattaroli, same, Gail Dana-Sacco, Executive Director of the University of Maine System, Andrea C. Gielen, professor of public health at Johns Hopkins, 01/02/2012, "Motor Vehicle Deaths Among American Indian and Alaska Native Populations", pg. online @ epirev.oxfordjournals.org/content/early/2011/11/16/epirev.mxr019.full#ref-15// bprp]

To prevent these deaths, the authors (15) specifically mentioned a need to reconsider prohibition policies on reservations. They also suggested establishing a van service to patrol roads between reservations and neighboring towns to transport individuals home; creating an inpatient rehabilitation shelter; distributing reflective clothing; restricting hours of alcohol sale in neighboring towns; and enforcing laws for speeding, driving under the influence, and selling alcohol to intoxicated persons. The influences of rural residence and alcohol were also identified as important risk factors for pedestrian fatalities among AIs in Arizona (16). Rural residents accounted for 27% of the excess AI pedestrian mortality. AIs had 6 times the rate of alcohol-related pedestrian deaths as non-Hispanic whites did. Of the blood alcohol concentration results measured, 65% of AIs had levels greater than 0.20 g/dL. On the basis of these data, the authors called for a focus on addressing the strong influence of alcohol and rural residence on these fatalities. The authors pointed to a need for interventions to address the built environment and the adoption of programs to reduce alcohol-impaired driving. One national study explored 288 pedestrian fatalities among AI/ANs in the United States, with a focus on differences between urban and rural settings (17). Consistent with prior studies, this research showed that rural pedestrian crashes occurred on highways lacking traffic control devices and artificial lighting. Study findings supported the strong role of alcohol in pedestrian deaths that occurred in both urban and rural settings; 40% and 55%, respectively, of the deaths involved alcohol. This study also showed that most crashes in rural areas occurred in the dark and predominantly on weekends, with alcohol involvement by the driver or pedestrians noted in 55% of the cases.

### These interventions can work – but, they require tribal partnerships and cooperation, less tribal poverty, and can’t be dependent on federal funding

Pollack et al. '12

[Keshia M. Pollack, assistant professor at the Johns Hopkins Bloomberg School of Public. Health, Shannon Frattaroli, same, Gail Dana-Sacco, Executive Director of the University of Maine System, Andrea C. Gielen, professor of public health at Johns Hopkins, 01/02/2012, "Motor Vehicle Deaths Among American Indian and Alaska Native Populations", pg. online @ epirev.oxfordjournals.org/content/early/2011/11/16/epirev.mxr019.full#ref-15// bprp]

Moving forward The disparity in motor vehicle death rates between AI/ANs and other race and ethnic groups is staggering. Although the literature that addresses this topic is slim, it reveals some promising clues as to how to best proceed to reduce the death on the roadways that disproportionately affects Native people. Our view of the clues offered by the literature may be characterized by 3 words: evidence-based, holistic, and partnership. First, evidence-based interventions exist for reducing motor vehicle occupant deaths, and, when those interventions are applied to Native communities, our review shows they work (22, 24). The evidence also points to the need to address alcohol; here again, evidence-based interventions are available. Unfortunately, we did not find evidence that they have been applied to the problem of motor vehicle crash deaths in the AI/AN population. Second, the available evidence-based interventions and the data reviewed here support the need to be holistic. Motor vehicle deaths are a multifaceted problem, with multiple intervention points and multiple intervention strategies. Interventions that aim to change policy, behavior, and the environment will be stronger and more effective than interventions limited to one of these approaches. Interventions to reduce alcohol-related motor vehicle deaths provide an example of the need and benefits of a holistic approach (39, 40). Policies that regulate the distribution and sale of alcohol are in place. Understanding these systems and the differences in these systems across communities is needed, because the evidence suggests that, in some locations, these systems result in increased access to and consumption of low-cost, high-alcohol-content products (41). Policy changes can affect the availability of alcohol, establish rules about alcohol use, and change how people consume alcohol as well as how they behave when under the influence, as the interventions that use sobriety checkpoints, enhanced enforcement strategies, and public education campaigns demonstrate (18, 19, 22, 24). One study reported that after the intervention ended, inconsistent messages led to reduced awareness of the problem by the tribal community (20). Assuring that the public is aware of policies and having enforcement systems in place to discourage alcohol use are essential to maximizing effectiveness. However, such policy interventions must take into account the diversity of tribal governmental infrastructures and the capacity of the tribes to make policy within their respective jurisdictions. Tribal leaders can have a substantial impact given the legal authority of tribes as sovereign nations (42). The federal government recognizes 334 tribes in the United States (exclusive of Alaska and Hawaii) with legislative control over alcohol policy on tribal and trust lands. Given the diversity of tribal approaches to alcohol, comparative studies evaluating the effectiveness of different approaches to preventing alcohol-related mortality should be undertaken (26). The capacity of tribes to enforce prevention policies should also be evaluated from a legal, political, and economic standpoint. Being holistic also requires attention to structural issues such as poverty. At the tribal level, poverty severely limits tribal governments capacity to provide for the safety of the community. Significant resource disparities among tribes should be noted and considered in allocating scarce public resources to address health disparity concerns. Wealthier tribes, with lucrative gaming enterprises, apply revenues to create employment, fund community services, advance language and cultural revitalization, and supplement the incomes of tribal members and build tribal infrastructure (43). Such tribes are in a much better financial position to provide leadership in resourcing, evaluating, and disseminating best practices to address motor vehicle occupant and pedestrian deaths among AI/ANs. Including injury prevention expertise in economic development efforts that are reshaping the built environment could reduce injury and deaths. Third, any holistic approach to addressing motor vehicle deaths among AI/ANs will likely benefit from healthy, well-functioning partnerships. Some papers included in this review provide examples of the groups involved in such partnerships and offer evidence of the impact that working together can have (22, 23). Scarce resources for enforcement and the vertical orientation of many tribal infrastructures that depend heavily on federal funding represent significant challenges as well as opportunities for community-centered interventions tailored to local needs. Cooperative ventures between tribal units, supported by different funding streams such as public safety and Head Start, can be replicated in many tribes (19–24). A community-based participatory research approach to address motor vehicle fatalities could achieve sustainable long-term change by building tribal capacity to assess, intervene, evaluate, and disseminate best practices. Indeed, the complexity of tribal structures and jurisdictional associations with state and federal governments demonstrates the diversity of stakeholders and thus demands a multilevel and participatory investigative approach to health disparities research. A substantial body of work on community-based participatory research is now available and could be useful in guiding future academic-tribal research partnerships (44). The alignment between community-based participatory research and contextualized Native research approaches has been articulated, along with strategies for effective engagement and reciprocity (38). Such partnerships are critical for intervention research to help assure that program and policy solutions are driven by the values and goals of the people affected as well as by the scientific evidence, and to maximize the likelihood of sustainable change and capacity building.

### That’s a massive structural violence impact

Pollack et al. '12

[Keshia M. Pollack, assistant professor at the Johns Hopkins Bloomberg School of Public. Health, Shannon Frattaroli, same, Gail Dana-Sacco, Executive Director of the University of Maine System, Andrea C. Gielen, professor of public health at Johns Hopkins, 01/02/2012, "Motor Vehicle Deaths Among American Indian and Alaska Native Populations", pg. online @ epirev.oxfordjournals.org/content/early/2011/11/16/epirev.mxr019.full#ref-15// bprp]

This disproportionate burden of motor vehicle deaths among the AI/AN population is perhaps not surprising given that injuries are the leading cause of death among AI/ANs aged 1–44 years (4–6). Injuries alone account for approximately 55% of all deaths among AI/ANs in this age group (1). The lifetime cost from injuries in this population is estimated at over $2.1 billion each year (7). The National Institutes of Health defines health disparities as “significant disparity in the overall rate of disease incidence, prevalence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population” (8). In 2005, midway through the decade of Healthy People 2010, a review of the nation’s health objectives assessed progress toward eliminating health disparities. Disparities between groups for each health objective were measured by the difference between the rates for the worst group and the best group (9). Applying this measure to motor vehicle deaths, the disparity increased by at least 10 percentage points between 1999 and 2002, with AI/ANs having the highest rates. These racial disparities are still evident using 2007 motor vehicle death data, which show disparities in motor vehicle deaths across racial and ethnic groups (Table 1) and by specific mechanism of motor vehicle death (Table 2). Some of the earliest information on the disproportionate burden of motor vehicle deaths among AI/ANs described the inequality in death rates related to differences in seat belt use and rates of alcohol-impaired driving (10). Even with the knowledge that was available in the 1980s, the gap between rates in the AI/AN population and other groups remains striking. Therefore, we conducted this systematic review to examine research published over the last 2 decades to determine 1) what has been learned about modifiable risk factors that contribute to the higher rates of motor vehicle occupant and pedestrian deaths among AI/ANs and 2) what interventions have been implemented and evaluated specifically for this population. We also include recommendations for next steps to reduce disparities in these motor-vehicle-related deaths and mitigate the excessive burden among AI/AN populations Most of the studies of motor vehicle occupant deaths have been descriptive. One study reviewed fatalities among AI adults in New York (11). Of the 57 deaths explored, 74% were men, 55% occurred in rural areas, and 62% happened at night. The deceased was the driver in 33% of the cases, a passenger in 29% of the cases, and a pedestrian in 28% of the cases. Nearly 75% of the deaths occurred at the scene of the crash. Among the cases whose blood alcohol concentration levels were available (n = 32), 77% had detectable levels of alcohol well over the legal limit. Average blood alcohol concentration levels were greatest for pedestrians. The author of this study stated that these data support a need for an increased focus on primary prevention to reduce drinking and driving and intoxicated pedestrians and for environmental modifications, especially in rural communities. Motor vehicle fatalities were explored in Arizona among the AI relative to the non-AI population (12). Relative to non-AIs, AIs had increased relative risks for motor vehicle deaths in each age and gender category. Excess mortality among AIs relative to non-AIs attributed to alcohol ranged from 37% to 67%, and excess mortality rates for pedestrians ranged from 27% to 55%. The authors reported that the relative risk for fatality rates among AIs compared with non-AIs was elevated for all age groups, and the relative risk for pedestrians in the AI versus the non-AI group was elevated for those between ages 15 and 74 years. Of the cases for whom blood alcohol concentration levels were provided (29% of AIs and 30% of non-AIs), a greater percentage of AI fatalities were intoxicated, at high blood alcohol concentration levels, when compared with the non-AI fatalities. The authors recommended, based on these data, that efforts to reduce motor vehicle deaths among AIs should aim to prevent pedestrian death and alcohol-related occupant and pedestrian fatalities, which will impact motor vehicle fatalities overall. Another study conducted in Arizona explored motor vehicle deaths among AIs compared with other residents (13). Consistent with prior studies, these results showed the importance of rural residence, alcohol use, and pedestrian deaths in contributing to the disparity. This study also presented data that seat belt use was lower, and occupant fatality rates higher, for AI versus non-AI populations. Comments regarding prevention were similar to those mentioned in prior studies; however, these authors also described the autonomous legal status of reservations as a factor to consider to fully address these deaths. As an example, Arizona was described as having 22 Indian reservations, each with its own traffic laws.

## Native Economy Advantage 1AC

### Native American populations represents the worst conditions of relative poverty in the United States—historic genocidal practices have left the natives with terrible economic conditions, food security, and health

**Gonzalez, ’06** [Spring 2006, E. Magalí Morales González, Portland State University, “The creation of poverty, hunger and disease in Native America and what to do about it”, [www.infolizer.com/search/Native-america-online-org/](http://www.infolizer.com/search/Native-america-online-org/)]

Poverty, Hunger and Disease in Indian Country By international definition, there are at least 3 billion poor people in the world, and some of the poorest poor are the myriad indigenous nations. These indigenous groups are nations in their own right but lack political personhood, representation and power. Not only is poverty great in quantity, but in many areas of the world the quality of life of poor people has become progressively worse as a result of the historical forces set in motion by colonization, and more recently the “liberalization” of national economies. Quality of life for poor indigenous people has been further negatively impacted by environmental destruction because their livelihood and culture is so closely related to nature. Today some of the few ecosystems that remain largely unpolluted and retain their biodiversity are areas stewarded by indigenous people and protected as wildlife refuges or indigenous reservations. But the world economy is putting more and more pressure on the resources of those few areas as well. Today American Indians retain only about 4 % of the land in the continental U.S., and 63 % of tribal agricultural lands are leased out to non-indian farmers who practice industrial agriculture and cattle grazing (LaDuke, 1999). The killing of the 40 million buffalo that once lived in balance with the grasslands, the introduction of cattle, the damming of rivers, strip-mining, nuclear-waste dumping, and the current industrial farming methods have stripped the central U.S. of its biodiversity, eroded the soil, polluted and altered water patterns, and left the indigenous population in greater poverty. There is little doubt that indigenous peoples are some of the most oppressed peoples in the U.S. According to the US Census (US Census Bureau, 2006) there were 4.3 million American Indians and Alaska Natives in the country in the year 2000, accounting for 1.5 % of the total population. Given that these were the original inhabitants of North America, the fact that they represent such a minimal percentage of the population speaks of the extent of the genocidal practices of the US government. The Native populations have significantly different demographic markers from the population at large, most of which are correlated with poverty and food insecurity. The American Indian population is younger than the total population. The AI population has a median age of 29, compared to 35 in the general population. Thirty-three percent of AI were under 18, compared to 26 %, and only 5.6 were over 65 compared to 12.4 %. These differences are indications of the significantly shorter life expectancy of Native Americans. There is a greater percentage of single-parent households among Native Americans (28.2 % compared to 15.9 %) and a lower percentage of two-parent families (45 % compared to 52.5 %). Their average household size is 3.06 as compared to 2.59 in the general population. Native Americans have much lower levels of educational attainment. The percentage of AI who did not finish high school is 29.1 % compared to 19.6 % in the general population. Although the percentage of Native Americans who finished high school and those who have some college is slightly higher than their general population counterparts (29.2 % have high school compared to 28.6 %; and 30.2 have some college, compared to 27.4 %), only 11.5 % have a Bachelor’s degree or higher, compared to 24.4 % of the total population. Native Americans have a lesser participation in the labor force than the US population at large, especially in the case of males. Sixty-five percent of American Indian men are employed, compared to 70.7 % in the total population, and 56.8 % of Native women are employed, compared to 57.5 % in the population at large. Perhaps more significant is the fact that Native Americans are less likely to be employed in management, professional and related settings, as well as in sales and office jobs; whereas they are more likely to be employed in the service, construction, production, and fishing, farming and forestry fields than their counterparts from the general population. Another clear marker of economic disparity between American Indians and the rest of the US is the comparison of median earnings by gender. In 2000 Native American men made a (median) average of $28,919.00 USD per year, compared to the $37,057.00 average for all men; and women made $22,834.00 USD annually in contrast to $27,194.00 that American women averaged. Concurrently, American Indians are more than twice as likely to be poor than the general population, with a ratio of 25.7 % compared to 12.4 %. According to a 1999 report (Center for Substance Abuse Treatment, 1999), 19 % of Native Americans receive public welfare, compared to 5 % of the general population. A study from the same year (United States Department of Agriculture, as cited by firstnations) reports “22 percent of Native American households are food insecure, with 8.6 percent experiencing hunger” (Facts and Profiles in Native Food Systems, firstnations). Health indicators reveal an even more shocking picture. “The bottom 2 ½ % of Native Americans have health expectancies characteristic of sub-Saharan Africa in the 1950s” (Securityworld). “Natives … spend a longer time of their shorter life expectancies disabled” (ssc). “Racial differentials in mortality are well established. Natives have higher levels of disability, more than any race in adult males… Asians and whites do much better than African and Native Americans… Disparities in health widen for disadvantaged groups… Black and Native are the most disadvantaged groups” (Center for Demography and Ecology, 2002). “Natives are more likely than the general population to have arthritis, congestive heart failure, high blood pressure, asthma and diabetes” (National Resource Center on Native American Aging, 2002). The 10 leading causes of death for American Indians and Alaska Natives in 2002 in descending order were: heart disease, cancer, unintentional injuries, diabetes, stroke, chronic liver disease, chronic lower respiratory disease, suicide, influenza & pneumonia, homicide. Furthermore, this population has a disproportionately high prevalence of mental health issues, obesity, substance abuse and sudden infant death syndrome (Center for Disease Control, 2002). One has to wonder if Native Americans suffer from preventable diseases at these high rates despite or because of federal food assistance programs. It is remarkable that although diabetes was unknown among Natives in 1912 and “clinically non-existent” in 1930, today 60 percent of Indians will develop the disease. This population may be suffering from what Robbins (2002) calls the medicalization of hunger: “a hungry body represents a potent critique of the nation-state in which it exists, but a sick body implicates no-one and conveys no blame, guilt or responsibility” (Scheper-Hughes as cited in Robbins, 2002, p. 174). True comprehension of the indigenous situation in this country, however, will not come from current statistical data alone. Erasing the historical context is one of the main forms of denial that this country has used to justify their exploitation. The situation of Native Americans today cannot be understood outside an accurate retelling of their history. Poverty as we know it today had been unknown among Native Americans before the arrival of the European colonizers at the turn of the Sixteenth Century. Whether they practiced nomadic, semi-nomadic or agricultural lifestyles, indigenous tribes had highly sophisticated, communal systems of provision of food, shelter, education and healing.

### Deficient transportation infrastructure prevents any meaningful progress in Native Conditions—sustained investment is key

NCAI, ’12 [2012, National Congress of American Indians, Indian Country Budget Request FY 13: Transportation, http://www.ncai.org/resources/ncai-publications/indian-country-budget-request/fy2013/FY2013\_Budget\_Transportation.pdf]

Deficient transportation infrastructure is a barrier which impedes economic development in Native communities. Tribal governments are working to improve public safety, education, health care, and housing, and generate jobs through economic development. These worthy objectives are more difficult to achieve when transportation infrastructure in Indian Country continues to lag behind the rest of the nation. Tribal nations require sustained and adequate federal transportation appropriations to address the large backlog of deferred road and bridge construction and road maintenance needs. Investing in tribal transportation will create jobs and make Native economies stronger. The officials at the Departments of the Interior and Transportat ion have recognized that transportation systems within Indian Country are suffering from a nearly $40 billion construction backlog. An equally daunting backlog exists for deferred maintenance for tribal transportati on facilities. Rising construction inflation rates continue to diminish the purchasing power of the limited federal funds currently provided to the IRR Program and other tribal transportation programs. Even solid tribal roads and bridges fall into disrepair and require costly reconstruction years before the end of their design life due to a lack of more cost-effective maintenance funding. Under any assessment, tribal transportation programs remain severely underfunded and the construction and maintenance funding backlog will only get wors e without significant funding increases during the next highway reauthorization period.

### Transportation infrastructure is the critical factor in revitalizing Native economies—creates sustainable jobs, promotes economic development, and improves all aspects of Native life

Keel, ’11 [9/15/11, HEARING before the COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE ONE HUNDRED TWELFTH CONGRESS FIRST SESSION, “STATEMENT OF HON. JEFFERSON KEEL, PRESIDENT, NATIONAL CONGRESS OF AMERICAN INDIANS”, http://www.gpo.gov/fdsys/pkg/CHRG-112shrg73248/html/CHRG-112shrg73248.htm]

I don't need to reiterate the importance of this. You have heard from the previous panel how important it is for Tribal members to have access to transportation. The idea that 60 percent of the system is still under-improved earth in Indian communities, of that 140,000 miles that we have talked about, and the bridges that are structurally deficient, you have already heard. The transit, rights of way, safety, and increasing the Indian Reservation Roads program and streamlining the process through self-determination contracting will greatly enhance our efforts. Today, I want to talk a little bit about the job challenges and focus on Tribal transportation for sustainable economic development. That is something that is very important to Indian communities. As this Committee is aware, unemployment is high in many Tribal communities. Creating and sustain jobs are a significant issue for Tribal leaders and for our Nation. Transportation infrastructure is critical in addressing these issues. Of course, everyone wants to create jobs. But the question is, what is the best investment? How can you spend Federal funds in a way that creates jobs and also spurs new development in the private sector that leads to even more jobs? How can you get the multiplier effect moving? The answer is, transportation. Every form of development starts with transportation. When transport systems are improved, they provide economic opportunities and benefits that result in positive multiplier effects with new investments from business, better accessability to markets and more employment. The productivity of land, capital and labor increases with improvements in transportation. Indian Country gets more out of every transportation dollar because so much of what we do is infrastructure development. When we pave a dirt road or build a new bridge, there are immediate and profound effects on the economy, on the businesses and on the lives of the very people that we are representing.

## Native Rights Advantage 1AC

### Current commitment by the government is a violation of basic Native American civil rights

USCCR ‘03

(United States Commission of Civil Rights, “A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country,” <http://www.usccr.gov/pubs/na0703/na0731.pdf>)

The federal government’s failure to avail Native Americans of services and programs available to other Americans violates their civil rights. This report demonstrates that funding for services critical to Native Americans—including health care, law enforcement, and education—is disproportionately lower than funding for services to other populations. For example, the federal government’s rate of spending on health care for Native Americans is 50 percent less than for prisoners or Medicaid recipients, and 60 percent less than is spent annually on health care for the average American. Underfunding violates the basic tenets of the trust relationship between the government and Native peoples and perpetuates a civil rights crisis in Indian Country. For more than 40 years, the U.S. Commission on Civil Rights has documented the dismal conditions in Native communities. Sadly, conditions in Indian Country are current-day reflections of some of the Commission’s earliest works, despite continued funding and promises to improve. To what degree the federal government has failed to live up to its obligations and the implications of that failure are questions to which the Commission now addresses itself. In every area reviewed—health, housing, law enforcement, education, food distribution—funding and services are inadequate, as they have been historically. Some observers have labeled the economic condition in Indian Country “termination by funding cuts,” 28 as funding has so severely limited the ability of tribal governments to provide the services needed to sustain life on reservations.

### Tax credits for natives allow tribal sovereignty and self-sufficiency

Shahinian ’08 (Mark Shahinian, 3 rd year law student at University of Michigan, “SpecialFeature: The Tax Man Cometh Not: How the non-transferability of tax credits harms Indiantribes” American Indian Law Review, 32 Am. Indian L. Rev. 267)

It is commonly thought that Indian tribes enjoy a significant business advantage because they are tax-free entities. This is often true—an entity that does not pay 35% of its earnings to the government is generally better off than one that does. However, in certain industries, the tax credits available are so great that not paying taxes hurts the tribes in a side-by-side business comparison to taxable entities, such as corporations. This paper will argue that tribes should be given the opportunity to transfer to tax-paying partners the tax credits they would have earned from certain projects but for their tax-free status. Making tax credits tradable for tribes will accomplish three important goals: (1) The federal government will be able to better promote targeted economic activities by giving tribes the same financial incentives as the rest of the business community; (2) Tribal dependence on federal grants will be reduced\* as larger pools of investment capital become available to tribes and tribal wealth increases; (3) As dependence is reduced, tribal sovereignty will increase. This paper will examine the issue of tax credit tradability through the lens of wind energy projects, which normally receive large tax credits, but which are structurally very difficult for tribes - as non-tax-paying entities - to develop.

### Current tribal status places the native at an inferior position – facilitating the process of self-determination is critical to reimagining that position and sustaining native culture

Ford ‘10

JD from Louisville, Brandeis School of Law [Algeria R., 2010, International Community Law Review, “The Myth of Tribal Sovereignty: An Analysis of Native American Tribal Status in the United States,” Ingenta Connect]

4.3. Quasi-State Status In the United States, the concept of federalism describes the relationship between the federal government and individual state governments.91 It basically says that when the states of the union decided to come together, they relinquished much of their individual power to the nationalized “state,” while maintaining their own political identities.92 The United States’ Constitution explains the distribution of powers, between the national government and the states, and imposes restrictions on the national government, as it relates to taking power from the states.93 The Constitution’s Tenth Amendment provides that powers not granted to the national government nor prohibited to the states by the constitution of the United States are reserved to the states or the people.94 Thus, in the 1992 New York v. United States case, the Supreme Court invalidated a portion of a federal law for violating the Tenth Amendment.95 In that case, New York challenged the Low-Level Radioactive Waste Policy Amendments Act of 1985.96 The act dealt with state disposal obligations of low-level radioactive waste and New York challenged the portion that obliged states to take title to any waste within their borders that was not disposed of prior to January 1, 1996, and also made each state liable for all damages directly related to the waste.97 The Supreme Court ruled that the obligation on the states violated the Tenth Amendment; specifically stating the federal government can encourage the states to adopt certain regulations but cannot directly compel states to enforce federal regulations.98 Another example occurred in 1997, when the Court held that the Brady Handgun Violence Prevention Act violated the Tenth Amendment because the act “forced participation of the State’s executive in the actual administration of a federal program by requiring state and local law enforcement officials to conduct background checks on persons attempting to purchase handguns.99 These two cases are examples of the checks that the Constitution places on the federal government’s power to interfere with state sovereignty. However, there is no such check on what the federal government can do to tribes. There is no provision in the Constitution limiting congressional power to affect tribes. So whereas, the federal government cannot just unilaterally decide to take individual state property or change state boundaries, they can limitlessly move Native peoples or take their property. For instance, in the recent case of Brendale v. Confederated Tribes & Bands of the Yakima Indian Nations, the Court held that the Yakima Indian Nation did not have the power to apply its zoning laws to property owned by non-Indians in areas of the reservation that had “lost their Indian character.”100 The Court held that the tribe had lost their sovereignty in these areas simply because the population changed and became more inhabited by white people.101 Thus, it unilaterally concluded that this land now belonged to the United States, and not the tribe, and the tribe lost its property.102 Further, unlike States, tribes do not have criminal jurisdiction over non-members who commit crimes on their territory. Hence, in Duro v. Reina, the Court held that “... the retained sovereignty of the tribe as a political and social organization to govern its own affairs does not include the authority to impose criminal sanctions against a citizen outside its own membership.”103 Finally, unlike states, tribes do not even have power to prosecute serious crimes.104 Thus, quasi-state status is the reality for native peoples in the United States. 5. NATIVE AMERICAN VIEWS Notwithstanding interference from the United States government, native tribes have always considered themselves to be absolute sovereigns. As such, they have naturally, in theory at least, always rejected the notion of dependency and any status that infringes on absolute sovereignty. The case law previously cited and wars with the Europeans and Americans support this. Yet practically, native tribes seem to also realize that their fight against the federal government is one that they cannot win. Rather than fight a losing battle, recently, many have started the “self-determination movement.”105 This is a movement in which the native peoples have sought to achieve “tribal restoration, self-government, cultural renewal, reservation development, educational control and equal or controlling input in government decisions concerning policies and programs.”106 In essence, it is a policy “means by which tribes can realize the full potential of their sovereign powers.”107 Through this movement, tribal leaders have tried to move the federal government to restore the tribes’ power, stop interfering with self-government, and recognize their sovereignty.108 One of the results of the movement was the Indian Child Welfare Act of 1978, which recognized tribal courts as the primary and ultimate forum for welfare and custody cases concerning native children.109 Despite these efforts, the biggest problem with this movement is obvious: tribes must rely on the taker of their power’s willingness to relinquish it. In other words, they must rely on the Courts and Congress to be willing to represent their interests. Many tribes have also simply sought to get federal acknowledgement from the government.110 In this way, they can reclaim land and rights lost.

### This relationship with the indigenous positions ourselves against them – loss of cultural diversity directly corresponds to loss of biodiversity – only retrieval of this knowledge can address the ongoing conquest of nature

**Friedburg 00**

(Lilian, author, activist, Masters in Humanities from University of Chicago, “Dare to Compare: Americanizing the Holocaust,” *American Indian Quarterly* 24.3 Summer 00, PJ Muse)

Collective indifference to these conditions on the part of both white and black America is a poor reﬂection on the nation’s character. This collective refusal to acknowledge the genocide further exacerbates the aftermath in Native communities and hinders the recovery process. This, too, sets the American situation apart from the German-Jewish situation: Holocaust denial is seen by most of the world as an affront to the victims of the Nazi regime. In America, the situation is the reverse: victims seeking recovery are seen as assaulting American ideals. But what is at stake today, at the dawn of a new millennium, is not the culture, tradition, and survival of one population on one continent oneitherside of the Atlantic. What is at stake is the very future of the human species. LaDuke, in her most recent work, contextualizes the issues from a contemporary perspective: Our experience of survival and resistance is shared with many others. But it is not only about Native people. . . . In the ﬁnal analysis, the survival of Native America is fundamentally about the collective survival of all human beings. The question of who gets to determine the destiny of the land, and of the people who live on it—those with the money or those who pray on the land—is a question that is alive throughout society.57 “There is,” as LaDuke reminds us, “a direct relationship between the loss of cultural diversity and the loss of biodiversity. Wherever Indigenous peoples still remain, there is also a corresponding enclave of biodiversity.”58But, she continues, The last 150 years have seen a great holocaust. There have been more species lost in the past 150 years than since the Ice Age. (During the same time, Indigenous peoples have been disappearing from the face of the earth. Over 2,000 nations of Indigenous peoples have gone extinct in the western hemisphere and one nation disappears from the Amazon rainforest every year.)59 It is not about “us” as indigenous peoples—it is about “us” as a human spe- cies. We are all related. At issue is no longer the “Jewish question” or the “Indian problem.” We must speak today in terms of the “human problem.” And it is this “problem” for which not a “ﬁnal,” but a sustainable, viable solution must be found—because it is no longer a matter of “serial genocide,” it has become one of collective suicide. As Terrence Des Pres put it, in The Survivor: “At the heart of our problems is that nihilism which was all along the destiny of Western culture: a nihilism either unacknowledged even as the bombs fell or else, as with Hitler or Stalin, demonically proclaimed as the new salvation.”60 All of us must now begin thinking and acting in the dimension and in the interest of the human species—an intellectual domain of vita activa that indigenous people have inhabited since time immemorial. It is this modality of thought as a process of reﬂection that the “civilized” nations must learn from the “savage” ones. Vine Deloria, in “Native American Spirituality,” has attempted to clarify this distinction: American Indians look backwards in time to the creation of the world and view reality from the perspective of the one species that has the capability to reﬂect on the meaning of things. This attitude is generally misunderstood by non-Indians who act as if reﬂection and logical thought were synonymous. But reﬂection is a special art and requires maturity of personality, certainty of identity, and feelings of equality with the other life forms of the world. It consists, more precisely, of allowing wisdom to approach rather than seeking answers to self-generated questions. Such an attitude, then, stands in a polar- ized position to the manner in which society today conducts itself.61 It is not a matter of moral bookkeeping or of winners and losers in the battle of the most martyred minority. It is not a matter of comparative victimology, but one of collective survival. The insistence on incomparability and “unique- ness” of the Nazi Holocaust is precisely what prohibits our collective compre- hension of genocide as a phenomenon of Western “civilization,” not as a re- iterative series of historical events, each in its own way “unique.” It is what inhibits our ability to name causes, anticipate outcomes, and, above all to en- gage in preemptive political and intellectual action in the face of contemporary exigencies.

### This genocide against the natives precedes all other impacts – prioritize their survival**Harff and Gur 81**

 (Harff and Gur, Northwestern, HUMANITARIAN INTERVENTION AS A REMEDY FOR GENOCIDE, 1981, p. 40)

One of the most enduring and abhorrent problems of the world is genocide, which is neither particular to a specific race, class, or nation, nor is it rooted in any one, ethnocentric view of the world. **Prohibition of genocide and affirmation of its opposite,the value of life, are an eternal ethical verity, one whose practical implications necessarily outweigh possible theoretical objections and as such should lift it above prevailing ideologies or politics. Genocide concerns and potentially effects all people.** People make up a legal system, according to Kelsen. Politics is the expression of conflict among competing groups. Those in power give the political system its character, i.e. the state. The state, according to Kelsen, is nothing but the combined will of all its people. This abstract concept of the state may at first glance appear meaningless, because in reality not all people have an equal voice in the formation of the characteristics of the state. **But I am not concerned with the characteristics of the state but rather the essence of the state – the people. Without a people there would be no state or legal system. With genocide eventually there will be no people. Genocide is ultimately a threat to the existence of all.** True, sometimes only certain groups are targeted, as in Nazi Germany. Sometimes a large part of the total population is eradicated, as in contemporary Cambodia. Sometimes people are eliminated regardless of national origin – the Christians in Roman times. Sometimes whole nations vanish – the Amerindian societies after the Spanish conquest. And sometimes religious groups are persecuted – the Mohammedans by the Crusaders. The culprit changes: sometimes it is a specific state, or those in power in a state; occasionally it is the winners vs. the vanquished in international conflicts; and in its crudest form the stronger against the weaker. **Since virtually every social group is a potential victim, genocide is a universal concern.**

## Solvency 1AC

### Indian Reservation tax credits can be used for infrastructure investment

http://thomas.loc.gov/cgi-bin/query/z?c108:H.R.+388:

ALLOWANCE OF INDIAN RESERVATION CREDIT- Section 46 of the Internal Revenue Code of 1986 (relating to investment credits) is amended by striking `and' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting `, and', and by adding after paragraph (3) the following new paragraph: `(4) the Indian reservation credit.'. (b) AMOUNT OF INDIAN RESERVATION CREDIT(1) IN GENERAL- Section 48 of such Code (relating to the energy credit and the reforestation credit) is amended by adding after subsection (b) the following new subsection: `(c) INDIAN RESERVATION CREDIT`(1) IN GENERAL- For purposes of section 46, the Indian reservation credit for any taxable year is the Indian reservation percentage of the qualified investment in qualified Indian reservation property placed in service during such taxable year, determined in accordance with the following table: `In the case of qualified Indian reservation property which is-The Indian reservation percentage is- Reservation personal property 10 New reservation construction property 15 Reservation infrastructure investment 15 `(2) QUALIFIED INVESTMENT IN QUALIFIED INDIAN RESERVATION PROPERTY DEFINED- For purposes of this subpart-`(A) IN GENERAL- The term `qualified Indian reservation property' means property-`(i) which is-`(I) reservation personal property; `(II) new reservation construction property; or `(III) reservation infrastructure investment; and `(ii) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 465(b)(3)(C)). The term `qualified Indian reservation property' does not include any property (or any portion thereof) placed in service for purposes of conducting or housing class I, II, or III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

### Federal funding is key to recovery of Native transportation infrastructure

**Rickert 11** (Rickert, Levi, editor in chief of Native Currents. “Senators Told: ‘Roads in Indian Country are not Safe.’” <http://www.nativenewsnetwork.com/senators-told-roads-in-indian-country-are-not-safe.html>)

"Roads in Indian Country are not safe," testified Tribal Chairman Charles W. Murphy of the Standing Rock Sioux Tribe before the US Committee on Indian Affairs on Thursday during the "Transportation: Paving the Way for Jobs, Infrastructure, and Safety in Native Communities" hearing. That message was heard over and over by those who made testimony. "Many resemble those found in developing countries; not the most powerful nation in the world. The United States must help Indian Country recover its lost transportation infrastructure," continued Chairman Murphy. Two-thirds of roads on Indian reservations are unpaved. Twenty-seven percent bridges have been deemed structurally deficient. Floods, snow and other natural disasters have made roads and bridges worse on several reservations in Indian Country. It would take 28 years of continuous development and repairs to bring roads in Indian Country up to where they need to be. The lack of funding contributes to the transportation disparity in Indian Country. "States governments spend between $4,000 and $5,000 per road mile on state road and highway maintenance. In contrast, road maintenance spending in Indian Country is less than $500 per road mile," testified Jefferson Keel, president of the National Congress of American Indians. "Indian Country has an unmet immediate need of well over $258 million in maintenance funding for roads and bridges." Tragically, the poor roads in Indian Country result in traffic deaths that occur at rates of two to three times the national average. During the past five years, the number of fatal crashes has declined by 2.2 percent nationally. By contrast, in Indian Country, the number of fatal crashes has increased 52.5 percent during the same time period. One positive note to come out the Senate hearing was the fact that some 6,500 construction jobs were created from the American Recovery Act, commonly referred to as the Economic Stimulus Package. Even with the positive note, there is still a lot of work to be done in Indian Country to improve the roads.

# \*\*Inherency\*\*

## Inherency – Funding Backlog Now

### There’s a massive funding backlog now—only increases solve

**NCAI 12** [National Congress of American Indians, “Indian Country Budget Request”, http://www.ncai.org/resources/ncai-publications/indian-country-budget-request/fy2013/FY2013\_Budget.pdf]

The officials at the Departments of the Interior and Transportation have recognized that transportation systems within Indian Country are suffering from a nearly $40 billion construction backlog. An equally daunting backlog exists for deferred maintenance for tribal transportation facilities. Rising construction inflation rates continue to diminish the purchasing power of the limited federal funds currently provided to the IRR Program and other tribal transportation programs. Even solid tribal roads and bridges fall into disrepair and require costly reconstruction years before the end of their design life due to a lack of more cost-effective maintenance funding. Under any assessment, tribal transportation programs remain severely underfunded and the construction and maintenance funding backlog will only get worse without significant funding increases during the next highway reauthorization period.

### Status quo governmental policy fail to take into account natives way of life

Boyles et. Al, 7-

(Benjamin, Metapress, May 4, 2007, “Native American Transit Current Practices, Needs, and Barriers,” <http://trb.metapress.com/content/qu42054t10716818/fulltext.pdf>)

Inadequate Representation and Funding A lack of representation in local, state, and federal politics has led to countless policies and programs that are counter to the Native American way of life. Without a voice at all levels of government, programs and policies will not be indicative of the goals and objectives at the tribal level. The 1990 U.S. Census failed to count 12% of all people living on reservations, diminishing all tribal funding allocations that are based on population counts (16). Without accurate data and adequate representation, the social status of Native Americans remains tenuous at best.

### Status quo transit policies towards natives fail

Boyles et. Al, 7-

(Benjamin, Metapress, May 4, 2007, “Native American Transit Current Practices, Needs, and Barriers,” <http://trb.metapress.com/content/qu42054t10716818/fulltext.pdf>)

Insufficient Local Expertise Few local tribal governments have an in-house source of expertise for transportation planning, leading to the need for an outside consultant. An outside planner may bring potentially inhibiting obstacles. Plans that are formulated by outsiders are often greeted with skepticism, increasing the probability of not implementing them. An outside planner also lacks the knowledge of the idiosyncrasies and political climate that currently exists within a tribe. This can restrict public involvement and participation, causing plans not to be representative of the entire population. Planning Process Neglect The idea of long-range land use planning differs greatly between tribes and municipalities. Most communities use a comprehensive planning process to guide transportation planning. Future land use drives the planning efforts in these municipalities (17). Because the federal government holds tribal lands in trust, reservations lack incentives to focus on land use planning. Therefore, tribal planning is often shortsighted and project oriented, causing less attention to be paid to future land use and transportation patterns. Without this necessary focus, reservations continue to be at a disadvantage when it comes to being equipped to handle the needs of their residents. Government-to-Government Relations Tribes must work independently with many different levels of government to make transportation projects a reality. Cities, counties, 106 Transportation Research Record 1956 states, BIA, and councils of governments are just some of the various agencies and levels of government with which a tribe must interact. The government-to-government relations that are supposed to exist between tribal nations and the federal government are complex, and the processes involved in these relations often are not understood by key decision makers.

# \*\*\*Rights Advantage\*\*\*

## I/L – Racism

### Racism is systemic – poor transportation is one of the hallmarks

Bullard 2 [Robert D. Ph.D. Environmental Justice Resource Center Clark Atlanta University. A Discussion Paper prepared for the National Black Environmental Justice Network (NBEJN) Environmental Racism Forum World Summit on Sustainable Development (WSSD) Global Forum Johannesburg, South Africa July 2, 2002 POVERTY, POLLUTION AND ENVIRONMENTAL RACISM: STRATEGIES FOR BUILDING HEALTHY AND SUSTAINABLE COMMUNITIES. http://www.ejrc.cau.edu/PovpolEj.html]

Environmental racism is a form of institutionalized discrimination. Institutional discrimination is defined as "actions or practices carried out by members of dominant (racial or ethnic) groups that have differential and negative impact on members of subordinate (racial and ethnic) groups." The United States is grounded in white racism. The nation was founded on the principles of "free land" (stolen from Native Americans and Mexicans), "free labor" (African slaves brought to this land in chains), and "free men" (only white men with property had the right to vote). From the outset, racism shaped the economic, political and ecological landscape of this new nation. Environmental racism buttressed the exploitation of land, people, and the natural environment. It operates as an intra-nation power arrangement--especially where ethnic or racial groups form a political and or numerical minority. For example, blacks in the U.S. form both a political and numerical racial minority. On the other hand, blacks in South Africa, under apartheid, constituted a political minority and numerical majority. American and South African apartheid had devastating environmental impacts on blacks. Environmental racism also operates in the international arena between nations and between transnational corporations. Increased globalization of the world's economy has placed special strains on the eco-systems in many poor communities and poor nations inhabited largely by people of color and indigenous peoples. This is especially true for the global resource extraction industry such as oil, timber, and minerals. Globalization makes it easier for transnational corporations and capital to flee to areas with the least environmental regulations, best tax incentives, cheapest labor, and highest profit. The struggle of African Americans in Norco, Louisiana and the Africans in the Niger Delta are similar in that both groups are negatively impacted by Shell Oil refineries and unresponsive governments. This scenario is repeated for Latinos in Wilmington (California) and indigenous people in Ecuador who must contend with pollution from Texaco oil refineries. The companies may be different, but the community complaints and concerns are very similar. Local residents have seen their air, water, and land contaminated. Many nearby residents are "trapped" in their community because of inadequate roads, poorly planned emergency escape routes, and faulty warning systems. They live in constant fear of plant explosions and accidents.

### The federal government has a moral obligation to ensure the well-being of Native Americans

**Berry et al 3** - Professor of American Social Thought and Professor of History at the University of Pennsylvania (Mary, US Commission on Civil Rights, “A Quiet Crises: Federal Funding and Unmet Needs in Indian Country”, <http://www.usccr.gov/pubs/na0703/na0731.pdf>)

\*Mary Berry is the chairperson of the commission

A quiet crisis is occurring in Indian Country. Whether intentional or not, the government is failing to live up to its trust responsibility to Native peoples. The federal government undertook a legal and moral obligation to make up for what had been taken from Native Americans and to ensure their well-being. This obligation is rooted in the history of displacement of entire tribes and the confiscation of natural resources that they depended upon for their livelihood. Perennial government failure to compensate Native Americans and the residual effects of the nation’s long history of mistreatment of Native peoples have increased the need for federal assistance even further. Efforts to bring Native Americans up to the standards of other Americans have failed in part because of a lack of sustained funding. The failure manifests itself in massive and escalating unmet needs in areas documented in this report and numerous others. The disparities in services show evidence of discrimination and denial of equal protection of the laws.

### US federal government has an obligation to support Native Americans – that obligation is not being met now

**Berry et al 3** - Professor of American Social Thought and Professor of History at the University of Pennsylvania (Mary, US Commission on Civil Rights, “A Quiet Crises: Federal Funding and Unmet Needs in Indian Country”, <http://www.usccr.gov/pubs/na0703/na0731.pdf>)

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The federal government has a long-established special relationship with Native Americans characterized by their status as governmentally independent entities, dependent on the United States for support and protection. In exchange for land and in compensation for forced removal from their original homelands, the government promised through laws, treaties, and pledges to support and protect Native Americans. However, funding for programs associated with those promises has fallen short, and Native people continue to suffer the consequences of a discriminatory history. Federal efforts to raise Native American living conditions to the standards of others have long been in motion, but Native Americans still suffer higher rates of poverty, poor educational achievement, substandard housing, and higher rates of disease and illness. Native Americans continue to rank at or near the bottom of nearly every social, health, and economic indicator.

Small in numbers and relatively poor, Native Americans often have had a difficult time ensuring fair and equal treatment on their own. Unfortunately, relying on the goodwill of the nation to honor its obligation to Native Americans clearly has not resulted in desired outcomes. Its small size and geographic apartness from the rest of American society induces some to designate the Native American population the “invisible minority.” To many, the government’s promises to Native Americans go largely unfulfilled. Thus, the U.S. Commission on Civil Rights, through this report, gives voice to a quiet crisis.

Over the last 10 years, federal funding for Native American programs has increased significantly. However, this has not been nearly enough to compensate for a decline in spending power, which had been evident for decades before that, nor to overcome a long and sad history of neglect and discrimination. Thus, there persists a large deficit in funding Native American programs that needs to be paid to eliminate the backlog of unmet Native American needs, an essential predicate to raising their standards of living to that of other Americans. Native Americans living on tribal lands do not have access to the same services and programs available to other Americans, even though the government has a binding trust obligation to provide them.

### The US has an obligation to compensate Native Americans for past injustices

**Berry et al 3** - Professor of American Social Thought and Professor of History at the University of Pennsylvania (Mary, US Commission on Civil Rights, “A Quiet Crises: Federal Funding and Unmet Needs in Indian Country”, <http://www.usccr.gov/pubs/na0703/na0731.pdf>)

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The federal obligation to Native Americans is a matter of both moral and legal imperative. 2 For centuries, Native Americans ceded or were displaced from culturally and historically vital territories on the agreement that the federal government would, in perpetuity, assume trust responsibility for them. 3 The United States’ authority and obligation to provide programs and services to Native Americans have long been established in laws, treaties, jurisprudence, and the customary practices of nations. Although Congress originally established treaties with various indigenous nations to meet the federal government’s trust obligations to Native Americans, more recent laws also augment “Indian self determination” by linking it with services. 4 As this report will demonstrate, however, federal funding for services purported to compensate Native peoples for their sacrifices is unequal to the task. The current federal funding of Native American programs is tethered to and built upon a past in which federal obligation to Native Americans was clearly established.

A Persistent History

Dating back to the country’s earliest days, indigenous peoples have suffered gross injustices because of government-sanctioned policies. 5 The birth of the nation rested upon the “discovery” and annihilation of its original inhabitants. Forty years before Christopher Columbus’ voyage, Pope Nicholas V issued a law declaring war against non-Christians worldwide. The law allowed and promoted the conquest, colonization, and exploitation of non-Christian nations. In 1493, the year after Columbus returned, Pope Alexander VI issued a law granting Spain dominion over all lands that Columbus had located (except those previously located by Christian nations).

### Natives peoples and the federal government have a trust relationship that requires the US ensure the welfare of Native Americans.

**Berry et al 3** - Professor of American Social Thought and Professor of History at the University of Pennsylvania (Mary, US Commission on Civil Rights, “A Quiet Crises: Federal Funding and Unmet Needs in Indian Country”, <http://www.usccr.gov/pubs/na0703/na0731.pdf>)

\*Mary Berry is the chairperson of the commission

The Trust Relationship

The dispossession of Native peoples from their lands, in conjunction with the decimation of game and other foodstuffs, during the 18th, 19th, and 20th centuries denied them their primary method of sustenance, the freedoms enjoyed by other groups in the United States, and basic civil rights. Agreements between Native Americans and the United States came at a high price for Native peoples—a price they are still paying. The special government-to-government relationship, or trust relationship, between Native Americans and the United States that has evolved is upheld by the U.S. Constitution, as well as numerous Supreme Court decisions, treaties, and legislation. For example, binding agreements between the Cherokee Nation and the United States stipulate what the government owes the Cherokee today and henceforth for surrendering their land and all associated benefits, including access privileges and resources. 13

In short, the federal government has obligations to tribes on the basis of agreements and treaties that were established when tribes relinquished their lands in exchange for services and other protections. The federal government, as trustee, thus has a responsibility to protect tribal lands, and holds title to ensure against their divestiture from tribal governments. 14 Three components define the trust relationship: land, self-governance, and social services. According to the American Indian Policy Review Commission, the most important aspect of the trust relationship is its potential to improve the welfare of Native peoples:

The purpose behind the trust is and always has been to ensure the survival and welfare of Indian tribes and people. This includes an obligation to provide those services required to protect and enhance Indian lands, resources, and self-government, and also includes those economic and social programs that are necessary to raise the standard of living and social wellbeing of the Indian people to a level comparable to the non-Indian society. 15

# \*\*\*Infrastructure Advantage\*\*\*

## Transpo Infrastructure Good—Native Economies

### Transpo infrastructure key to native empowerment—critical for economic development

Akaka, ’11 [9/15/11, HEARING before the COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE ONE HUNDRED TWELFTH CONGRESS FIRST SESSION, “OPENING STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR FROM HAWAII”, http://www.gpo.gov/fdsys/pkg/CHRG-112shrg73248/html/CHRG-112shrg73248.htm]

Investment in transportation and infrastructure projects is critical to bringing economic development opportunities to States and local jurisdictions across the Country. Nowhere is this more evident than in Indian Country. As you can see by the chart we have here, the Indian Reservation Roads program has grown significantly since the last Surface Transportation bill was enacted, going from approximately 63,000 road miles in 2005 to nearly 144,000 road miles today. The current transportation needs of Tribes have grown along with the program. Current backlog to bring the road inventory to adequate conditions is approximately $69 billion. One in every four BIA bridges is structurally deficient. And the annual fatality rate on Indian reservation roads continues to be three times the national average. These are the roads that Native children rely on to get to school, that emergency responders must navigate, and that Tribal and local employees drive to get to and from work. The President's proposed American Jobs Act has a strong emphasis on investments for highway projects, transit, highway safety and other transportation-related activities. It is critical that Tribal transportation programs be part of any surface transportation reauthorization considered by the Congress. Tribes must be empowered to build the programs in a way that makes Tribal members safer, brings jobs and economic development to Native communities and allows Tribal governments to work in partnership with State and local governments. This last part, working with State and local governments, is crucial. The roads in Native communities serve the whole community, not just the Tribal members. Improvements to Tribal roads benefit everyone. And investments in infrastructure bring jobs and economic development opportunities to Tribal and nonTribal members alike. In May, this Committee held a Tribal transportation roundtable, which was attended by over 65 Tribal leaders, transportation planners and congressional staff. We will use the information obtained at that roundtable, along with this hearing record, to write a Tribal transportation bill. So I encourage any of you that are here today and any other interested parties to submit written testimony for the record with recommendations.

## Transpo Infrastructure Good—Safety

### Greater infrastructure necessary for native safety--

Rickert, ’11 [9/16/11, Levi Rickert, editor-in-chief in Native Currents, “Senators Told: "Roads in Indian Country Are Not Safe"”, http://www.nativenewsnetwork.com/senators-told-roads-in-indian-country-are-not-safe.html]

WASHINGTON - "Roads in Indian Country are not safe," testified Tribal Chairman Charles W. Murphy of the Standing Rock Sioux Tribe before the US Committee on Indian Affairs on Thursday during the "Transportation: Paving the Way for Jobs, Infrastructure, and Safety in Native Communities" hearing. That message was heard over and over by those who made testimony. "Many resemble those found in developing countries; not the most powerful nation in the world. The United States must help Indian Country recover its lost transportation infrastructure," continued Chairman Murphy. Two-thirds of roads on Indian reservations are unpaved. Twenty-seven percent bridges have been deemed structurally deficient. Floods, snow and other natural disasters have made roads and bridges worse on several reservations in Indian Country. It would take 28 years of continuous development and repairs to bring roads in Indian Country up to where they need to be. The lack of funding contributes to the transportation disparity in Indian Country. "States governments spend between $4,000 and $5,000 per road mile on state road and highway maintenance. In contrast, road maintenance spending in Indian Country is less than $500 per road mile," testified Jefferson Keel, president of the National Congress of American Indians. "Indian Country has an unmet immediate need of well over $258 million in maintenance funding for roads and bridges." Tragically, the poor roads in Indian Country result in traffic deaths that occur at rates of two to three times the national average. During the past five years, the number of fatal crashes has declined by 2.2 percent nationally. By contrast, in Indian Country, the number of fatal crashes has increased 52.5 percent during the same time period. One positive note to come out the Senate hearing was the fact that some 6,500 construction jobs were created from the American Recovery Act, commonly referred to as the Economic Stimulus Package. Even with the positive note, there is still a lot of work to be done in Indian Country to improve the roads.

## Transpo Infrastructure Good—Living Conditions

Keel, ’11 [9/15/11, HEARING before the COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE ONE HUNDRED TWELFTH CONGRESS FIRST SESSION, “Prepared Statement of Hon. Jefferson Keel, President, National Congress of American Indians”, http://www.gpo.gov/fdsys/pkg/CHRG-112shrg73248/html/CHRG-112shrg73248.htm]

Transportation infrastructure development is critical to economic development, creating jobs, and improving living conditions for individuals and families in Indian Country, and the millions of Americans who travel through our reservations every day. Construction of transportation systems that allows for safe travel and promotes economic expansion will help us strengthen our Tribal communities while at the same time making valuable contributions to much of rural America. Surface transportation in Indian Country involves thousands of miles of roads, bridges, and highways. It connects and serves both Tribal and non-Tribal communities. Currently, there are over 140,000 miles of Indian reservation roads with multiple owners, including the Bureau of Indian Affairs, Indian Tribes, states and counties. Indian reservation roads are still the most underdeveloped road network in the nation however; it is the principal transportation system for all residents of and visitors to Tribal and Alaska Native communities. Approximately eight billion vehicle miles traveled on Indian Reservation Roads (IRR) Program system annually. Many road conditions on Indian reservations are unsafe, inequitable and it is the primary barrier to economic development and improvement of living conditions. For example, more than 60 percent of the system is unimproved earth and gravel, and approximately 24 percent of IRR bridges are classified as deficient. American Indians have the highest rates of pedestrian injury and vehicle deaths per capita of any racial or ethnic group in the United States. These conditions make it very difficult for residents of Tribal communities to travel to hospitals, stores, schools, and employment centers. The passage of a new transportation authorization is imperative for Indian Country for construction of roads and bridges; and the generation of jobs in Indian Country. As you are aware, Tribal communities have faced Depression level unemployment for generations. In 2000, when the national unemployment rate was less than 3.5 percent, the on-reservation unemployment rate was 22 percent. \1\ The Economic Policy Institute reports that the Native unemployment rate has risen at a rate 1.6 times the size of the white increase during the recession (to 15.2 percent for all Native people). \2\ Jobs and unemployment are important issues for this Administration and Tribal leaders, and next transportation authorization will help address these concerns for Indian and Alaskan Native communities. Jobs In Tribal Transportation Transportation infrastructure development not only provides economic development but it also provides access to job training and employment in transportation related field. Unfortunately, there are not adequate unemployment data to show the depiction of accurate numbers of unemployment for every Indian Tribes and Alaska Native villages. And, it is particularly concerning to us that the Bureau of Labor Statistics does not include on-reservation unemployment rates (often at levels well beyond 50 percent) in their monthly employment reports. This absence means that the unemployment rate for states with high Native populations is likely considerably understated, whether states with higher than average unemployment rates (as in Michigan or Oregon at 14.1 and 12.1 percent, respectively) or lower than average (as in Arizona or Montana, at 8.2 or 6.2 percent respectively). The role of this data in directing federal appropriations and guiding federal, Tribal and state policymaking underscore the importance of remedying this situation.

## Transpo Infrastructure K2 Natives

### Transportation infrastructure is the lynchpin to solving all their problems

Marchand 2 (Michael E., Confederated Tribes of the Colville Reservation, “The Need for Tribal Participation in Transportation Policy”, September, <http://onlinepubs.trb.org/onlinepubs/circulars/ec039.pdf>)

For me, the backbone for development is transportation systems, resources, and labor. You have to have all these ingredients, but the real backbone for everything is the transportation system. Many tribes are lucky: they have a system that is useable. Other tribes maybe have some of their needs met, although probably most do not. If you have the world’s most beautiful tourist resort spot in the world, it is not going to do you a lot of good if you cannot get a road to it or if you have tribal allotments scattered over a 1,000 mi 2 . If you cannot dig the roads and get anyone to work, that will not help you. Roads are critical. This is where the Transportation Equity Act for the 21st Century (TEA-21) comes in. Most tribes are still relatively undeveloped, so most tribes still do not have their infrastructure in place. We have a real opportunity as tribes to do things right. The tribes really need to spend some time figuring out what they want. I was raised with everyone saying, “We need more jobs, we need more businesses, and we need to make more money.” I have spent most of my life doing that, and I know how to do that. I have started multimillion-dollar businesses. We have these things going, and we are figuring out how to do those things, but we need to step back and ask, “Where is this all taking us? Where do we really want to go?” I do not think that we have done enough of that kind of thing; at least our tribe has not.

### Status quo efforts fail

Boyles and Brinton et. al 6 (Benjamin Boyles, Erin Brinton, Anne Dunning, Angela Mathias, and Mark Sorrell, Metapress & The Native American Transportation Issues Committee sponsored publication of this paper. “Native American Transit Current Practices, Needs, and Barriers”, 2006, trb.metapress.com/content/qu42054t10716818/fulltext.pdf)

CURRENT STATE OF RESERVATION TRANSIT Currently, only 18 of the 562 federally recognized tribes have public transportation systems that receive any form of public monies from FTA’s Section 18 program (6). The Section 18 program provides funding for both capital and operating assistance. Section 18 funding requires a 20% local match for capital funds and a 50% local match for operating funds (7). It is likely that this requirement of a local matching contribution is a significant reason that tribes seeking to establish, continue, or expand tribal transit programs have limited access to self-funding sources. Existing transit systems are often merely extensions of human service provisions, like Head Start or a health services program. In recent years, tribes have been able to increase their public transit offerings through the Tribal Transit Technical Assistance Program, which is funded through the Rural Business Cooperative Service of the U.S. Department of Agriculture. Reservations are forced to provide minimal services with vehicles that are often shared. Providing transit in this fashion truly is better than nothing, but it does little for conveying a sense of permanence and reliability in the local transit program.

## Impact - Pedestrian Deaths/Living Conditions

### Current conditions hinder improvements in living conditions and cause pedestrian and vehicle deaths

National Congress of American Indians 2011 (“SENATE COMMITTEE ON INDIAN AFFAIRS HEARING: Oversight hearing on tribal transportation: Paving the way for Jobs, Infrastructure, and Safety in Native Communities”, September 15th, <http://www.indian.senate.gov/hearings/upload/Jefferson-Keel-FINAL-testimony.pdf>)

Currently, there are over 140,000 miles of Indian reservation roads with multiple owners, including the Bureau of Indian Affairs, Indian tribes, states and counties. Indian reservation roads are still the most underdeveloped road network in the nation however; it is the principal transportation system for all residents of and visitors to tribal and Alaska Native communities. Approximately eight billion vehicle miles traveled on Indian Reservation Roads (IRR) Program system annually. Many road conditions on Indian reservations are unsafe, inequitable and it is the primary barrier to economic development and improvement of living conditions. For example, more than 60 percent of the system is unimproved earth and gravel, and approximately 24 percent of IRR bridges are classified as deficient. American Indians have the highest rates of pedestrian injury and vehicle deaths per capita of any racial or ethnic group in the United States. These conditions make it very difficult for residents of tribal communities to travel to hospitals, stores, schools, and employment centers.

## Impact – Stimulus/Jobs

The plan leads to more jobs and better quality of life – also reduces accident rates

NCAI 8 (National Congress of American Indians, The oldest and most representative American Indian and Alaska Native organization serving the interests of tribal governments and communities, “Indian Country Economic Recovery Plan,” December 17th, http://www.nativecontractors.org/media/pdf/NCAI\_Economic\_Stimulus\_Proposal.pdf)

Tribal governments and the Native American communities they support should be included as eligible recipients for transportation new construction and maintenance. Inclusion would create a large number of immediate jobs, contracting opportunities, and related procurement. Funding would also help to save lives by improving road safety among a population with the highest transportation accident rates. iii According to BIA officials, tribal communities have an unmet immediate need of well over $258 million in maintenance funding for roads and bridges and $310 million in unmet new roads and bridges projects. These projects will immediately over 21,500 jobs and will inject a much-needed stimulus into the Native American economy. The Tribal Transit Grant Program has been highly successful in its early years. However, the funding awarded has not met the transit needs for tribal communities. Funding for transit projects not only creates immediate jobs and contracting opportunities, but will also improve citizen participation in the economic system. According to the Federal Transit Administration (FTA), applicants for FY2006 and FY2008 a total of $66 million was requested with $30 million funded. We are requesting the $36 million in unfunded need for tribal transit.

### Plan provides jobs and a stimulus effect

NCAI 8 (National Congress of American Indians, The oldest and most representative American Indian and Alaska Native organization serving the interests of tribal governments and communities, “Indian Country Economic Recovery Plan,” December 17th, http://www.nativecontractors.org/media/pdf/NCAI\_Economic\_Stimulus\_Proposal.pdf)

The Bureau of Indian Affairs has proposed very significant funding for the Indian Land Consolidation Program to stimulate reservation economies, and NCAI strongly agrees with this proposal. Although it is not a traditional infrastructure program, it is even more fundamental to stimulating reservation economies. Over 5 million acres of Indian owned land is locked up in unproductive status because the ownership of each tract is divided among dozens, hundreds, or thousands of owners. Economic activity on these lands has become impossible because of the inability to gain the consent of the owners. Consolidation of these tracts into tribal ownership results in immediate economic gains by putting the land into productive use – largely in timber and agricultural production, but also in creating new opportunities for commercial development and tribal government construction. The Indian Land Consolidation Program has both short-term and long-term beneficial impacts on the economy, on the tribes, and on the federal government. First, the Program is able to purchase lands and disburse funds within a six week timeframe. The average payment to each Indian landowner is approximately $3000, which, because of low income levels, quickly goes into circulation in reservation and surrounding economies. Second, the consolidated lands are immediately available for agriculture, timber sales, and other activities that produce jobs and income on the reservations. The importance of job creation on reservations cannot be overstated. Third, the Program is leveraged. The last four years of experience have shown surprisingly high rates of return on consolidated lands, and this income is under a lien and returned into the program for consolidation of more lands. Fourth, there is no program which will do more to solve the long-term trust management problems at the Department of Interior. Land consolidation is critical for addressing trust management problems created by fractionation. Over 4 million ownership interests in 130,000 tracts of land have created a title, management, and accounting nightmare for the federal government and enormous difficulties for Indian land owners in putting land to economic use. Land consolidation improves federal administration and management, and saves substantial federal dollars that currently go to tracking tiny land interests. The investment in land consolidation will do more to save on future trust administration costs than any other item in the trust budget. Land ownership and land tenure is the fundamental infrastructure of reservation economies. The Bureau of Indian Affairs has estimated the consolidation program at $700 billion. To begin addressing land consolidation, we are requesting $400 million in immediate funding, 10% of the overall need.

## Impact – Extermination of Native Life

### The ongoing extinction of native life is intimately tied to issues of transportation and mobility - increasing access is a critical source of native empowerment

Boyles and Brinton et. al 6 (Benjamin Boyles, Erin Brinton, Anne Dunning, Angela Mathias, and Mark Sorrell, Metapress & The Native American Transportation Issues Committee sponsored publication of this paper. “Native American Transit Current Practices, Needs, and Barriers”, 2006, trb.metapress.com/content/qu42054t10716818/fulltext.pdf)

Native Americans have long faced a limited number of mobility options, and these limited options have adversely affected their quality of life through a lack of access to employment centers, health care, education, and other necessary services. The federal government has recently become involved in providing funding for mass transit on reservations, with much of the responsibility for the transportation system focused on the tribes. American Indians face many difficulties while attempting to provide transit for their communities. This paper, in part, examines the current state of tribal transportation and the nature of some of those difficulties. The survival of Native Americans has been linked to mobility for centuries. From crisscrossing the Great Plains in search of buffalo to traversing the Great Lakes country in search of fur, the need for transportation has been essential for the sustainability of these indigenous peoples. Before the arrival of the colonialist Europeans, Native American tribes were able to traverse the land in search of safety and sustenance. The continued immigration of Europeans put increasing pressure on Native Americans to retain their heritage and way of life. The creation of the reservations has isolated Native Americans from vital services. Today, the need for mobility is no less important to the survival and quality of life of American Indians; however, the environment in which they exist has greatly changed. No longer are tribes able to ride through the countryside or migrate along riverbeds. As automobiles became the mode of choice, land use development followed, leading to sprawling cities and towns, creating even more reliance on the automobile. Unable to access an automobile because of either inadequate funds or a lack of history with this mode, many Native Americans must rely on transit services for their basic mobility needs. Paratransit or scheduled vans, buses, and personal vehicles are the types of transit services offered through the transportation system to move the public. Although the demand for a transit service might be present, the supply is not. This paper examines tribal transit by discussing the historical context, the need for transit, current practice, barriers to providing transit, legislation and funding, and suggestions for increased transit planning implementation. HISTORICAL PERSPECTIVE To understand the current transportation situation that Native Americans find themselves in today, one must explore the evolution of policy and legislation that continues to color their environment. As post– colonial America grew and expanded, the conflict between the indigenous peoples and the former Europeans grew ever more intense. President Andrew Jackson spearheaded the Indian Removal Act of 1830 as a way to separate American Indians from the white population and eventually assimilate them into the new white American culture **(1).** This act permitted the forcible removal of Native Americans from their land and sent them westward; more than 70,000 people were removed during the first 10 years(1). The movement west brought famine, disease, and humiliation to the Cherokee, Choctaw, and many other tribes that later found themselves prisoners on isolated reservations. Even today, reservations are usually far away from central city employment, education, and other services, contributing to the high rates of unemployment and the poor health displayed by this population. DEMOGRAPHICS The 2000 U.S. Census reported 2,475,956 people of American Indian and Alaska Native racial background alone, not in combination with another race (2). Individuals within this population are counted as either a member of a federally recognized tribe or a member of a tribe with no federal recognition. The focus of this paper is on federally recognized tribes. Documentation about tribal transit is difficult to find, and most of it is exclusively about federally recognized tribes. Many federal programs offer assistance in the form of funds, technical assistance and support, and consultation for tribes that choose to implement transportation plans. This paper focuses on the deficiency of access to public transportation for those Native Americans living on rural reservation lands. The national poverty level in 1999 was 12.4% for the general population, but it was 24.5% for Native Americans (3, 4 ). This difference results from the high rates of unemployment present on Indian reservations. The unemployment rate for all reservations is 13.6%, which is significantly higher than recent national unemployment figures. Yet, on some reservations, like the Rosebud and Pine Ridge Lakota Indian Reservations in South Dakota, unemployment figures are cited at 80% (5). It is difficult for individuals to effect positive changes in their economic status without employment. Access to public transportation could be a source of empowerment through access to jobs. Education levels also indicate the poor socioeconomic status of Native Americans. Of all Native Americans ages 18 to 24 years, 63.2% have graduated from high school, whereas the national average high school graduation rate is 76.5% (1). For Native Americans 25 years and older, “9.4 percent have completed four or more years of college, compared with 20.3 percent nationally” (1). A college education is not necessary for employment; however, it often leads to higher-paying employment. Many young Native Americans who leave reservations to attend college do not return. The tribes lose the education, leadership skills, and other benefits that their children have acquired. Non-Native American people may fill positions left in tribal management, which does little to elevate the overall socioeconomic status of reservation residents. Low levels of education limit Native Americans to low-income jobs. Recent trends have leaned toward the service sector because of the introduction of casinos and accompanying businesses like hotels and restaurants. These trends further exacerbate the relegation of Native Americans to low incomes. Service jobs are an essential link to a higher standard of living, yet some remain a link to low-income status. In America, an education remains one of the most viable means to employment at positions that pay better than minimum wage.

## Impact – Education + HC

### Transportation infrastructure is critical to the sustainability of native life – education, health, and basic necessities

Boyles and Brinton et. al 6 (Benjamin Boyles, Erin Brinton, Anne Dunning, Angela Mathias, and Mark Sorrell, Metapress & The Native American Transportation Issues Committee sponsored publication of this paper. “Native American Transit Current Practices, Needs, and Barriers”, 2006, trb.metapress.com/content/qu42054t10716818/fulltext.pdf)

WHY TRANSIT IS NEEDED Stunning Statistics • Native Americans have a lower life expectancy and are “more than twice as likely as the general population to face hunger” (8). • The Rosebud and Pine Ridge Lakota Indian Reservations are in two of the poorest counties in the United States, with 80% unemployment (5). • The federal government spends 60% less per capita on health care for Native Americans than for the average American and 50% less for Native Americans than for Medicaid recipients or prisoners (8). • The fatality rate on reservation roads is four times the annual national average, as of 1999 (9). According to Lorenzo Black Lance, a Brule Sioux who runs the Native American Heritage Association (NAHA) in Rapid City, South Dakota, “Transportation is one of the most critical needs for our people. It’s right up there with food, clothing, and heat. Transportation unlocks opportunity” (5). Improved mobility allows access to employment, medical treatment, and education. Meeting these essential needs increases the population’s economic vitality. With a better economy, there will be an increase in job opportunities, creating an ability to pay for education, medical needs, groceries, bills, and yes, transportation. Education Children should be given every opportunity to attend and complete school. Because much of Indian Country is in widespread rural areas, it can be difficult to provide transportation to and from school. Attending and succeeding in college or a technical school is not always easy, especially with Native American students persistently scoring lower in basic levels of reading, math, and history and being more likely to drop out of school than any other racial–ethnic group (3). The American Indian–Alaska Native Branch funds more than 145 Head Start programs and 40 Early Head Start programs in 26 states, with more than 20,000 Native American children enrolled in one of these programs (10). Head Start focuses on preparing children of low-income families to enter school. Under the federal Head Start program, low-income children and their families are provided “a range of individualized services in the areas of education and early childhood development; medical, dental, and mental health; nutrition; and parent involvement,” while still being conscientious of each child’s “cultural, and linguistic heritage” (10). Grants are given directly to the tribal government to foster community involvement in operating the program (10). For 2005, $456,003,000 was appropriated to Native Americans for the Head Start program (10). Transportation is a necessity for the families of these small children to reach the services provided by these federal programs. In addition, the Head Start vehicles can provide additional transportation for other aspects of the Native American community since the vehicles have a limited period of usage. Medical Care Reliance on family and friends for transportation to medical centers may be the norm for many Native Americans; however, this is not always possible, nor should it be the only available option. On many reservations, like those of the South Dakota Sioux, most families live 50 or even 100 mi from the nearest hospital (11). Access to ambulances or other vehicles accessible according to Americans with Disabilities Act (ADA) requirements needs to be provided for emergency use, regular medical care, and crucial treatments like chemotherapy and dialysis. A person’s health and welfare rely on the ability to get to medical centers for treatments. Shopping Without a form of transportation, it would be nearly impossible to buy food and clothes for one’s family. Some families do not own vehicles, and many more must spread small amounts of money for gasoline over entire months. The addition of a public transit system may provide Native Americans with improved access so that they may shop for their basic needs.

### More ev that lack of transportation is the root cause of native’s low standard of living

Boyles and Brinton et. al 6 (Benjamin Boyles, Erin Brinton, Anne Dunning, Angela Mathias, and Mark Sorrell, Metapress & The Native American Transportation Issues Committee sponsored publication of this paper. “Native American Transit Current Practices, Needs, and Barriers”, 2006, trb.metapress.com/content/qu42054t10716818/fulltext.pdf)

Employment In the 1990s, the University of Minnesota’s Center for Urban and Regional Affairs conducted a survey of 1,200 Native American households in the states of Minnesota, North Dakota, Wyoming, Utah, and Colorado. The purpose of the survey was to evaluate the impact that low levels of access to public transportation had on Native Americans. The survey found that because of a lack of transportation • 25% lost a job, • 36% turned down a job, • 29% experienced difficulty during a medical crisis, and • 27% lost an educational opportunity. More than half of the respondents stated that transportation would improve their lives “a great deal” (8). These findings indicate that effective transit has a significant ability to affect the quality of life for many Native Americans. Access to transit could serve as a vital link to employment, medical attention, and education, which are critically important in effecting an improved standard of living. Across the nation, Native Americans encounter above-average unemployment rates. This is due, in part, to a lack of available transportation to work. When a person does not have reliable transportation, it can be difficult to hold a job. Public transit allows a person to arrive at work everyday and not fear for a way to return home. Public transit not only provides mobility but also creates jobs. According to the Bureau of Indian Affairs (BIA) of the U.S. Department of the Interior, “a tribal transit program includes the planning, administration, acquisition of vehicles, and the operation and maintenance of a mass transit system associated with the public movement of people served within a community or network of communities on or near Indian reservations, lands, villages, communities, and pueblos” (12). A transit system requires jobs to plan, administrate, operate, and maintain it. Employees are needed to construct transit system facilities and infrastructure, including offices, roadways, and storage and maintenance facilities. Additional jobs are created so that people can manage, maintain, and operate the system. New jobs will be available for drivers, mechanics, dispatchers, managers, and a variety of other occupations. Supporting businesses will provide fuel, parts, and contract services, such as accounting and design services. In addition, people must be educated and trained to fulfill the skills demanded. Local educational facilities may be started or expanded to train future employees, which requires teaching positions.

## Impact – Native Culture

### Plan increases culture heritage in native communities

Boyles and Brinton et. al 6 (Benjamin Boyles, Erin Brinton, Anne Dunning, Angela Mathias, and Mark Sorrell, Metapress & The Native American Transportation Issues Committee sponsored publication of this paper. “Native American Transit Current Practices, Needs, and Barriers”, 2006, trb.metapress.com/content/qu42054t10716818/fulltext.pdf)

Cultural Activities Another important reason for transit is to provide Native Americans with the opportunity to learn and experience the traditional aspects of their community. Although most cultural learning is found within the home, much can be learned and shared through the community. Transit helps gather people together to share in their cultural heritage. Recreation Recreation is closely related to cultural activities, but it encompasses additional activities that can increase quality of life. Transit can help provide easy access for trips to swimming pools, parks, community centers, and other recreational locations.

### Addressing tribal inequality is an ethical obligation

FCNL ’05 (Friends Committee on National Legislation; Third Quarter “India Report: INDIAN NATIONS’ GROWING AUTONOMY LEADS TO ECONOMIC GAINS” http://fcnl.org/assets/pubs/indian\_report/IR.3rdQtr05.pdf)

The devastation wreaked by Hurricane Katrina has thrust poverty, race, unfairness, and skewed budget priori- ties to the forefront. These topics must rise to the top Congress’s legislative agenda. Powerless groups in urban and rural settings—the desti- tute, the disabled, the elderly, the invisible—are often left behind in this society. They come to public attention only when there is a horrific event—havoc on the Gulf Coast caused by Katrina or multiple killings on the Red Lake reservation in Minnesota earlier this year. OUT-OF-SIGHT AND MIND. Why does it take extraordinary circumstances to highlight inequality, vulnerability, or human needs such as adequate housing, transportation, and mental health programs? African- Americans, Native Americans, and other disadvantaged racial and ethnic groups suffer from 1) higher rates of poverty, disease, unemployment, and crime victimization; 2) inadequate education and transportation; and 3) missing infrastructure. Too often these groups are blamed for their situation. The hurricane in New Orleans could not have been prevented by any government. But the extremity of the tragedy is a result of decades of governmental neglect and indifference. When the federal agencies finally did respond, they demonstrated how quickly the government can provide immediate relief and economic development funds when it chooses to act.

### Transportation infrastructure provides natives with roads --- that is key to their economy and improve overall life for the natives

**NCAI 2012** (National Congress of American Indians, “Indian Country Budget Request FY 13,” http://www.ncai.org/resources/ncai-publications/indian-country-budget-request/fy2013/FY2013\_Budget\_Transportation.pdf)

Surface transportation in Indian Country involves thousands of miles of roads, bridges, and highways, and connects and serves both tribal and non-tribal communities. Millions of Americans and eight billion vehicles travel reservation roads annually. Despite being the principal transportation system for all residents of and visitors to tribal communities, reservation roads are still the most underdeveloped road network in the nation. Currently, there are over 140,000 miles of Indian reservation roads with multiple owners, including the Bureau of Indian Affairs, American Indian tribes, states, and counties. Construction of transportation systems that allow for safe travel and promote economic expansion will help strengthen tribal communities, while also making valuable contributions to much of the surrounding rural America. Maintenance and enhancement of transportation infrastructure is critical to economic development, job creation, and improving living conditions for individuals and families throughout Indian Country. Deficient transportation infrastructure is a barrier which impedes economic development in Native communities. Tribal governments are working to improve public safety, education, health care, and housing, and generate jobs through economic development. These worthy objectives are more difficult to achieve when transportation infrastructure in Indian Country continues to lag behind the rest of the nation. Tribal nations require sustained and adequate federal transportation appropriations to address the large backlog of deferred road and bridge construction and road maintenance needs. Investing in tribal transportation will create jobs and make Native economies stronger. Key Recommendations DEPARTMENT OF TRANSPORTATION Transportation, Housing and Urban Development Appropriations Bill Indian Reservation Roads (IRR) Programs • Provide $500 million for the Indian Reservation Roads Programs. • Provide $20 million for the Indian Reservation Roads Bridge Program. The officials at the Departments of the Interior and Transportation have recognized that transportation systems within Indian Country are suffering from a nearly $40 billion construction backlog. An equally daunting backlog exists for deferred maintenance for tribal transportation facilities. Rising construction inflation rates continue to diminish the purchasing power of the limited federal funds currently provided to the IRR Program and other tribal transportation programs. Even solid tribal roads and bridges fall into disrepair and require costly reconstruction years before the end of their design life due to a lack of more cost-effective maintenance funding. Under any assessment, tribal transportation programs remain severely underfunded and the construction and maintenance funding backlog will only get worse without significant funding increases during the next highway reauthorization period.

### Current policy gives natives lack of transportation means that is critical to the survival of native populations

Boyles et. Al, 7-

(Benjamin, Metapress, May 4, 2007, “Native American Transit Current Practices, Needs, and Barriers,” <http://trb.metapress.com/content/qu42054t10716818/fulltext.pdf>)

For years, a lack of transportation options has held Native Americans captive. Without access to services and employment, this subset of the population has a history of high unemployment, poor health, and a lack of education. Public transit is viewed as a way to address this mobility challenge; however, many barriers to the provision of tribal transit exist. This paper examines the current state of transit on reservations through historical and environmental contexts, discusses the necessity of transit for Native Americans, examines case studies, and describes funding and legislative frameworks with the goal of presenting ideas on how Native Americans might overcome the barriers to transit provision. Native Americans have long faced a limited number of mobility options, and these limited options have adversely affected their quality of life through a lack of access to employment centers, health care, education, and other necessary services. The federal government has recently become involved in providing funding for mass transit on reservations, with much of the responsibility for the transportation system focused on the tribes. American Indians face many difficulties while attempting to provide transit for their communities. This paper, in part, examines the current state of tribal transportation and the nature of some of those difficulties. The survival of Native Americans has been linked to mobility for centuries. From crisscrossing the Great Plains in search of buffalo to traversing the Great Lakes country in search of fur, the need for transportation has been essential for the sustainability of these indigenous peoples. Before the arrival of the colonialist Europeans, Native American tribes were able to traverse the land in search of safety and sustenance. The continued immigration of Europeans put increasing pressure on Native Americans to retain their heritage and way of life. The creation of the reservations has isolated Native Americans from vital services. Today, the need for mobility is no less important to the survival and quality of life of American Indians; however, the environment in which they exist has greatly changed. No longer are tribes able to ride through the countryside or migrate along riverbeds. As automobiles became the mode of choice, land use development followed, leading to sprawling cities and towns, creating even more reliance on the automobile. Unable to access an automobile because of either inadequate funds or a lack of history with this mode, many Native Americans must rely on transit services for their basic mobility needs. Paratransit or scheduled vans, buses, and personal vehicles are the types of transit services offered through the transportation system to move the public. Although the demand for a transit service might be present, the supply is not. This paper examines tribal transit by discussing the historical context, the need for transit, current practice, barriers to providing transit, legislation and funding, and suggestions for increased transit planning implementation. HISTORICAL PERSPECTIVE To understand the current transportation situation that Native Americans ﬁnd themselves in today, one must explore the evolution of policy and legislation that continues to color their environment. As post– colonial America grew and expanded, the conﬂict between the indigenous peoples and the former Europeans grew ever more intense. President Andrew Jackson spearheaded the Indian Removal Act of 1830 as a way to separate American Indians from the white population and eventually assimilate them into the new white American culture (1). This act permitted the forcible removal of Native Americans from their land and sent them westward; more than 70,000 people were removed during the ﬁrst 10 years (1). The movement west brought famine, disease, and humiliation to the Cherokee, Choctaw, and many other tribes that later found themselves prisoners on isolated reservations. Even today, reservations are usually far away from central city employment, education, and other services, contributing to the high rates of unemployment and the poor health displayed by this population.

### Survival of Native culture solves human extinction—it’s key to every other impact

Weatherford, 94-

(Jack, Anthropologist, Savages and Civilization: Who Will Survive?, pp. 287-291)

Today we have no local and regional civilizations. The world now stands united in a single, global civilization. Collapse in one part could trigger a chain reaction that may well sweep away cities across the globe. Will the fate of Yaxchilán be the fate of all cities, of all civilization? Are they doomed to rise, flourish, and then fall back into the earth from which they came? Whether we take an optimistic view or a pessimistic one, it seems clear that we stand now at the conclusion of a great age of human history. This ten-thousand-year episode seems to be coming to an end, winding down. For now, it appears that civilization has won out over all other ways of life. Civilized people have defeated the tribal people of the world who have been killed or scattered. But just at the moment when victory seems in the air for civilization, just at the moment when it has defeated all external foes and made itself master of the world, without any competing system to rival it, civilization seems to be in worse danger than ever before. No longer in fear of enemies from outside, civilization seems more vulnerable than ever to enemies from within. It has become a victim of its own success. In its quest for dominance, civilization chewed up the forest, leeched the soil, stripped the plains, clogged the rivers, mined the mountains, polluted the oceans, and fouled the air. In the process of progress, civilization destroyed one species of plant and animal after another. Propelled by the gospel of agriculture, civilization moved forcefully across the globe, but it soon began to die of exhaustion, leaving millions of humans to starve. Some of the oldest places in the agricultural world became some of the first to collapse. Just as it seems to have completed its victory over tribal people, the nation-state has begun to dissolve. Breaking apart into ethnic chunks and cultural enclaves, the number of states has multiplied in the twentieth century to the point that the concept of a nation-state itself starts to deteriorate. The nation-state absorbed the remaining tribal people but has proven incapable of incorporating them fully into the national society as equal members. The state swallowed them up but could not digest them. The state could destroy the old languages and cultures, and it easily divided and even relocated whole nations. But the state proved far less effective at incorporating the detribalized people into the new national culture. Even though the state expanded across the frontier, it could not make the frontier disappear. The frontier moved into the urban areas with the detribalized masses of defeated nations, emancipated slaves, and exploited laborers. After ten thousand years of struggle, humans may have been left with a Pyrrhic victory whose cost may be much greater than its benefits. Now that the victory has been won, we stoop under the burdensome costs and damages to a world that we may not be able to heal or repair. Unable to cope with the rapidly changing natural, social, and cultural environment that civilization made, we see the collapse of the social institutions of the city and the state that brought us this far. The cities and institutions of civilization have now become social dinosaurs. Even though we may look back with pride over the last ten thousand years of evolution and cite the massive number of humans and the ability of human society and the city to feed and care for all of them, one major fluctuation in the world might easily end all of that. The civilization we have built stretches like a delicate and fragile membrane on this Earth. It will not require anything as dramatic as a collision with a giant asteroid to destroy civilization. Civilization seems perfectly capable of creating its own Armageddon. During the twentieth century, civilization experience a number of major scares, a series of warning shots. Civilization proved capable of waging world war on itself. Toward that end, we developed nuclear energy and came close to provoking a nuclear holocaust, and we may well do so yet. When we survived World War I, then World War II, and finally the nuclear threat of the Cold War, we felt safe. When catastrophe did not follow the warning, we felt relief, as though the danger had passed, but danger still approaches us. Civilization experienced several “super plagues” ranging from the devastating world influenza epidemic early in the century to AIDS at the close of the century. These may be only weak harbingers of the epidemics and plagues to come. Even as life expectancy in most countries has continued to climb throughout the twentieth century, diseases from cancer to syphilis have grown stronger and more deadly. If war or new plagues do not bring down civilization, it might easily collapse as a result of environmental degradation and the disruption of productive agricultural lands. If the great collapse comes, it might well come from something that we do not yet suspect. Perhaps war, disease, famine, and environmental degradation will be only parts of the process and not the causes. Today all of us are unquestionably part of a global society, but that common membership does not produce cultural uniformity around the globe. The challenge now facing us is to live in harmony without living in uniformity, to be united by some forces such as worldwide commerce, pop culture, and communications, but to remain peacefully different in other areas such as religion and ethnicity. We need to share some values such as a commitment to fundamental human rights and basic rules of interaction, but we can be wildly different in other areas such as life-styles, spirituality, musical tastes, and community life. We need to find a way for all of us to walk in two worlds at once, to be part of the world culture, without sacrificing the cultural heritage of our own families and traditions. At the same time we need to find ways to allow other people to walk in two worlds, or perhaps even to walk in four or five worlds at once. We cannot go backwards in history and change one hour or one moment, but we do have the power to change the present and thus alter the future. The first step in that process should come by respecting the mutual right of all people to survive with dignity and to control their own destinies without surrendering their cultures. The aborigines of Australia, the Tibetans of China, the Lacandon of Mexico, the Tuareg of Mali, the Aleuts of Alaska, the Ainu of Japan, the Maori of New Zealand, the Aymara of Bolivia, and the millions of other ethnic groups around the world deserve the same human rights and cultural dignity as suburbanites in Los Angeles, bureaucrats in London, bankers in Paris, reporters in Atlanta, marketing executives in Vancouver, artists in Berlin, surfers in Sydney, or industrialists in Tokyo. In recent centuries, Western civilization has played the leading role on the stage of human history. We should not mistake this one act for the whole drama of human history, nor should we assume that the present act is the final one just because it is before us at the moment. Much came before us, and much remains yet to be enacted. We must recognize the value of all people not merely out of nostalgic sentiment for the oppressed or merely to keep them like exhibits in a nature park. We must recognize their rights and value because we may need the combined knowledge of all cultures if we are to overcome the problems that now threaten to overwhelm us. At first glance, the Aleuts who hunt seals on isolated islands in the Bering Sea may seem like unimportant actors on the world stage of today, but their ancestors once played a vital role in human survival of the Ice Age. The Quechua woman sitting in the dusty market of Cochamba may seem backward and insignificant, but her ancestors led the way into an agricultural revolution from which we still benefit. Because we do not know the problems that lie ahead of us, we do not know which set of human skills or which cultural perspective we will need. The coming age of human history threatens to be one of cultural conflicts between and within countries, conflicts that rip cities apart. If we continue down the same path that we now tread, the problems visible today in Tibet or Mexico may seem trifling compared with the conflicts yet to come. If we cannot change our course, then our civilization too may become as dead as the stones of Yaxchilán, and one day the descendants of some alien civilization will stare at our ruined cities and wonder why we disappeared.

### Current commitment by the government is a violation of basic native American civil rights

USCCR, 3-

(United States Commission of Civil Rights, “A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country,” <http://www.usccr.gov/pubs/na0703/na0731.pdf>)

The federal government’s failure to avail Native Americans of services and programs available to other Americans violates their civil rights. This report demonstrates that funding for services critical to Native Americans—including health care, law enforcement, and education—is disproportionately lower than funding for services to other populations. For example, the federal government’s rate of spending on health care for Native Americans is 50 percent less than for prisoners or Medicaid recipients, and 60 percent less than is spent annually on health care for the average American. Underfunding violates the basic tenets of the trust relationship between the government and Native peoples and perpetuates a civil rights crisis in Indian Country. For more than 40 years, the U.S. Commission on Civil Rights has documented the dismal conditions in Native communities. Sadly, conditions in Indian Country are current-day reflections of some of the Commission’s earliest works, despite continued funding and promises to improve. To what degree the federal government has failed to live up to its obligations and the implications of that failure are questions to which the Commission now addresses itself. In every area reviewed—health, housing, law enforcement, education, food distribution—funding and services are inadequate, as they have been historically. Some observers have labeled the economic condition in Indian Country “termination by funding cuts,” 28 as funding has so severely limited the ability of tribal governments to provide the services needed to sustain life on reservations.

## Transpo Investment Key to Economic Development

**Transportation investment creates economic development in reservations**

**ICF 3** – (ICF Consulting, Prepared by the Federal Highway Administration, “Transportation Investments and Tourism Development at the Pine Ridge Indian Reservation”, May 2003, http://www.fhwa.dot.gov/planning/economic\_development/technical\_and\_analytical/pineridge.cfm)

This study focuses on the Pine Ridge Indian Reservation in South Dakota, an area with limited private economic activity and a transportation network that suffers from chronic under funding of construction and maintenance needs (as determined by the Bureau of Indian Affairs). The transportation conditions facing Pine Ridge Reservation do not currently support opportunities for economic development. Specifically, the sub-system of the reservation transportation infrastructure needs improvement in order to provide both efficient linkages to the regional system and internal connectivity. Not only does the resulting lack of accessibility hinder residents' access to goods and services, but also the ability of the area to realize the economic gains that improved accessibility can support.

This study establishes a framework for analyzing the linkages between transportation investments and economic development by focusing the analysis on tourism, a key sector that offers great potential for economic development and that is dependent on improvements to transportation infrastructure. The study pursues a five-step approach that focuses on determining the transportation needs of the tourism sector and evaluating the economic impacts of sector development that are linked to highway investments.

Existing socio economic conditions

Pine Ridge Reservation, situated in the southwestern region of South Dakota, is home to the Oglala Lakota/Sioux. The reservation boasts a rich culture and history, as well as stunning natural scenery. The north part of the reservation includes the South Unit of Badlands National Park, which is an area of dramatic ridges, peaks, and mesas.

Despite the cultural and natural assets of the reservation, socio-economic indicators demonstrate a profound need for economic development. In 1989, Shannon County, which is entirely within the boundaries of the reservation, was the lowest-income U.S. County with 63% of the population below the poverty line (1). By 1999, this had improved only marginally, with 53.4% of the population continuing to live below the poverty line, compared to 13.2% for the state as a whole (2). According to a 1995 Statistical Brief by the U.S. Census, 18.2% of native American households living on the Pine Ridge Reservation lack complete kitchen facilities, and 58.6% do not have a telephone in their homes (3). Furthermore, there are limited opportunities for residents and visitors to spend money on the reservation, resulting in excessive leakage from the economy and limited circulation of money within the economy. The Rapid City SMA is the center of the Region's economy, accounting for 92% of total personal income and 93% of total employment in the three-county region of Jackson, Pennington and Shannon (4).

With limited resources, few reservation employment opportunities, excessive leakage of dollars from the reservation economy, elevated unemployment, and the majority of the population living below the poverty line, improving the quality of life for the approximately 20,000 reservation residents represents a challenge.

STUDY APPROACH

The study examines how transportation investments can support local economic development. As depicted in Exhibit 1, rather than starting with a set of pre-defined transportation improvements and estimating the associated economic benefits, the approach used in this study seeks first to examine the region's economic development strategy, and then to determine the transportation investments that would be needed to support this strategy. In this study, investment in transportation infrastructure is treated as a necessary, but not sufficient, condition for economic development. Our approach estimates the benefits of a realistic scenario of economic activity that could be generated in a key sector (tourism), assuming that all necessary factors have been implemented, and discusses the transportation infrastructure that would be necessary to support that sector.

**Improving transportation infrastructure creates a successful tourism sector – the Pine Ridge reservation proves**

**ICF 3** – (ICF Consulting, Prepared by the Federal Highway Administration, “Transportation Investments and Tourism Development at the Pine Ridge Indian Reservation”, May 2003, http://www.fhwa.dot.gov/planning/economic\_development/technical\_and\_analytical/pineridge.cfm)

Improvements in transportation infrastructure represent one of the key investments that would support development of a successful tourism sector. The study assumes that without the identified highway improvements, a mature tourism sector at Pine Ridge would not develop. Capturing the full benefits of tourism is therefore linked to and dependent on these transportation improvements. However, as highway economic development studies have shown, improved highways need to be part of a suite of investments, programs, and policies that together can generate sustained economic development benefits. As such, the study also examines the additional features of a successful tourism sector.

Findings

To develop a tourism sector that attracts one million tourists per year, local BIA roads on the Pine Ridge Indian Reservation will need to be upgraded and maintained. Therefore, realizing the full economic benefits of a mature tourism sector is, in part, dependent on transportation improvements that form a core tourism asset network (see Exhibit 6).

By enhancing accessibility to the Pine Ridge Indian Reservation and internal connectivity within the reservation, transportation improvements can help the reservation capitalize on its comparative advantage in tourism. Improved accessibility will support an increased number of tourists and total spending within the local economy, enhance residents' access to basic goods and services, and support the long-term development of other industries, thereby promoting economic development.

Adequate transportation infrastructure necessary for tribal economic development

NCAI 11 – (National Congress of American Indians, “Transportation”, http://www.ncai.org/resources/ncai-publications/indian-country-budget-request/fy2012/FY2012\_Budget\_Transportation.pdf)

Tribes must have transportation infrastructure that permits safe travel and promotes economic development. Transportation infrastructure is critical to linking people within tribal communities and to other surrounding areas in order to strengthen economic development and improve the delivery of tribal government services. Within the Indian reservation roads Program (IRR), there are more than 120,000 miles of roads in Indian Country owned by the BIa, Indian tribes, states, and counties. However, these roadways still comprise the most underdeveloped road network in the nation, even though it is the primary transportation network for all residents of and visitors to American Indian and Alaska Native communities. More than 60 percent of the system is unimproved earth and gravel, and approximately 8,000 IRR bridges (24 percent) are classified as deficient.

Theses inadequate road conditions make it very difficult for tribal community residents to travel to hospitals, stores, schools, and employment centers. The poor condition of these roads, bridges, and transit systems jeopardizes the health, safety, security, and economic well-being of tribal members and the traveling public. tribal roads and bridges are often in such disrepair that children are prevented from attending school, sick and injured people cannot reach hospitals, and emergency responders cannot provide timely assistance to people in need.

**Transportation infrastructure is key to economic development – creates the necessary preconditions for economic expansion**

**Keel 11** - Jefferson Keel is Lieutenant Governor of the Chickasaw Nation, is a retired U.S. Army officer, Commissioner on the Tribal Law and Order Commission (Senate Committee of Indian Affairs, National Congress of Native Americans, “Senate Committee On Indian Affairs Hearing”, September 15, 2011, http://www.indian.senate.gov/hearings/upload/Jefferson-Keel-FINAL-testimony.pdf)

Transportation infrastructure development is critical to economic development, creating jobs, and improving living conditions for individuals and families in Indian Country, and the millions of Americans who travel through our reservations every day. Construction of transportation systems that allows for safe travel and promotes economic expansion will help us strengthen our tribal communities while at the same time making valuable contributions to much of rural America. Surface transportation in Indian Country involves thousands of miles of roads, bridges, and highways. It connects and serves both tribal and non-tribal communities.

Currently, there are over 140,000 miles of Indian reservation roads with multiple owners, including the Bureau of Indian Affairs, Indian tribes, states and counties. Indian reservation roads are still the most underdeveloped road network in the nation however; it is the principal transportation system for all residents of and visitors to tribal and Alaska Native communities. Approximately eight billion vehicle miles traveled on Indian Reservation Roads (IRR) Program system annually. Many road conditions on Indian reservations are unsafe, inequitable and it is the primary barrier to economic development and improvement of living conditions. For example, more than 60 percent of the system is unimproved earth and gravel, and approximately 24 percent of IRR bridges are classified as deficient. American Indians have the highest rates of pedestrian injury and vehicle deaths per capita of any racial or ethnic group in the United States. These conditions make it very difficult for residents of tribal communities to travel to hospitals, stores, schools, and employment centers.

The passage of a new transportation authorization is imperative for Indian Country for construction of roads and bridges; and the generation of jobs in Indian Country. As you are aware, tribal communities have faced Depression level unemployment for generations. In 2000, when the national unemployment rate was less than 3.5 percent, the on-reservation unemployment rate was 22 percent. 1 The Economic Policy Institute reports that the Native unemployment rate has risen at a rate 1.6 times the size of the white increase during the recession (to 15.2 percent for all Native people). 2 Jobs and unemployment are important issues for this Administration and tribal leaders, and next transportation authorization will help address these concerns for Indian and Alaskan Native communities.

JOBS IN TRIBAL TRANSPORTATION

Transportation infrastructure development not only provides economic development but it also provides access to job training and employment in transportation related field. Unfortunately, there are not adequate unemployment data to show the depiction of accurate numbers of unemployment for every Indian tribes and Alaska Native villages. And, it is particularly concerning to us that the Bureau of Labor Statistics does not include on-reservation unemployment rates (often at levels well beyond 50 percent) in their monthly employment reports. This absence means that the unemployment rate for states with high Native populations is likely considerably understated, whether states with higher than average unemployment rates (as in Michigan or Oregon at 14.1 and 12.1%, respectively) or lower than average (as in Arizona or Montana, at 8.2 or 6.2% respectively). The role of this data in directing federal appropriations and guiding federal, tribal and state policymaking underscore the importance of remedying this situation.

### Transportation is good for Native Americans

NCAI 12 – National Congress of American Indians [NCAI, 2012, “Indian Country Budget Request FY 13,” <http://www.ncai.org/resources/ncai-publications/indian-country-budget-request/fy2013/FY2013_Budget_Transportation.pdf>]

Surface transportation in Indian Country involves thousands of miles of roads, bridges, and highways, and connects and serves both tribal and non-tribal communities. Millions of Americans and eight billion vehicles travel reservation roads annually. Despite being the principal transportation system for all residents of and visitors to tribal communities, reservation roads are still the most underdeveloped road network in the nation.

Currently, there are over 140,000 miles of Indian reservation roads with multiple owners, including the Bureau of Indian Affairs, American Indian tribes, states, and counties. Construction of transportation systems that allow for safe travel and promote economic expansion will help strengthen tribal communities, while also making valuable contributions to much of the surrounding rural America. Maintenance and enhancement of transportation infrastructure is critical to economic development, job creation, and improving living conditions for individuals and families throughout Indian Country.

Deficient transportation infrastructure is a barrier which impedes economic development in Native communities. Tribal governments are working to improve public safety, education, health care, and housing, and generate jobs through economic development. These worthy objectives are more difficult to achieve when transportation infrastructure in Indian Country continues to lag behind the rest of the nation.

Tribal nations require sustained and adequate federal transportation appropriations to address the large backlog of deferred road and bridge construction and road maintenance needs. Investing in tribal transportation will create jobs and make Native economies stronger.

### Native transportation is failing now – programs exist but are underfunded

NCAI 10 National Congress of American Indians [NCAI, 10/15/2010, “Senate Committee on Indian Affairs Field Hearing: ‘To Examine Tribal Transportation in Indian Country’,” <http://www.indian.senate.gov/public/_files/JeffersonKeeltestimony00.pdf>]

Indian Reservation Roads comprise over 120,000 miles of public roads with multiple owners, including the Bureau of Indian Affairs, Indian tribes, states and counties. Indian Reservation Roads are the most underdeveloped road network in the nation 1 —yet it is the primary transportation system for all residents of and visitors to American Indian and Alaska Native communities. Over 66 percent of the system is unimproved earth and gravel. Approximately 24 percent of Indian Reservation Roads Program (IRR) bridges are classified as deficient. These conditions make it very difficult for residents of tribal communities to travel to hospitals, stores, schools, and employment centers. 2

In 2005, the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, authorized the U.S. Department of Transportation (USDOT) to administer and distribute billions of dollars of highway, transit and other transportation-related funding to federal, Tribal, state and local transportation departments. Included in SAFETEA-LU were several significant tribal provisions: providing an increase in funding for Indian Reservation Roads Program; creating a new specific funding set-aside to address the condition of bridges on tribal lands; initiating a new tribally-specific transit program that would provide much needed funding for tribes; and establishing within the office of the Transportation Secretary, a Deputy Assistant Secretary for Tribal Government Affairs to plan, coordinate, and implement the Department of Transportation policy and programs. In addition, SAFETEA-LU provided important changes in the IRR program. IRR funding can now be provided through a funding agreement in accordance with the Indian Self-Determination and Education Assistance Act as long as the requesting tribal government has satisfactorily demonstrated financial stability and financial management to the Secretary of Transportation.

Transportation infrastructure development is critical to economic development, creating jobs, and improving living conditions for individuals and families in Indian Country. Construction of transportation systems that allows for safe travel and promotes economic expansion will help us strengthen our tribal communities while at the same time making valuable contributions to much of rural America. Surface transportation in Indian Country involves thousands of miles of roads, bridges, and highways. It connects and serves both tribal and non-tribal communities.

FUNDING

In SAFETEA-LU, tribal transportation programs within the Department of Transportation have received the following funding levels. Funding for the Indian Reservation Roads Program (IRR) was $300,000,000 for fiscal year 2005, and steadily increased each fiscal year to $450,000,000 for fiscal year 2009; funding for the IRR Bridge Program stayed at $14 million for fiscal years 2005 through 2009; Public Transportation on Indian Reservations Section 5311(c), was funded at $8,000,000 for fiscal year 2006, and gradually increased each fiscal year to $15,000,00 for fiscal year 2009. These funding levels were maintained in FY 2010 for tribal transportation programs through DOT.

Indian Reservation Roads Program:

The officials at the Departments of Interior and Transportation have recognized that transportation systems within Indian Country are suffering from a nearly $40 billion construction backlog. An equaling distressing deferred maintenance backlog exists for Tribal transportation facilities. Rising construction inflation rates continue to diminish the purchasing power of the limited federal funds currently provided to the IRR Program and other Tribal transportation programs. Even solid Tribal roads and bridges fall into disrepair and require costly reconstruction years before the end of their design life due to a lack of more cost-effective maintenance funding. Under any assessment, Tribal transportation programs remain severely underfunded and the construction and maintenance funding backlog will only get worse without significant funding increases during the next highway reauthorization period.

### Safety funding is low – we need to boost it

NCAI 10 National Congress of American Indians [NCAI, 10/15/2010, “Senate Committee on Indian Affairs Field Hearing: ‘To Examine Tribal Transportation in Indian Country’,” <http://www.indian.senate.gov/public/_files/JeffersonKeeltestimony00.pdf>]

SAFETY

State governments spend between $4,000 and $5,000 per road mile on maintaining state roads and highways. While in Indian Country, by contrast, road maintenance funding is less than $500 spent per road mile. Indian Country has an unmet immediate need of well over $258 million in maintenance funding for roads and bridges, and $310 million in unmet need for new roads and bridges projects.

Tribal members and communities are threatened by unsafe and often inaccessible roads, bridges and ferries. Indian people suffer from injury and death by driving and walking along reservation roadways at rates far above the national average. Data shows 5,962 fatal motor vehicle crashes were reported on Indian reservation roads between 1975 and 2002 with 7,093 lives lost. 3 The trend is on the increase, up nearly 25% to over 284 lives lost per year in the last five years of study. While the number of fatal crashes in the nation during the study period declined 2.2 percent, the number of fatal motor vehicle crashes per year on Indian reservations increased 52.5 percent. American Indians also have the highest rates of pedestrian injury and death per capita of any racial or ethnic group in the United States.

Tribal communities share many similar concerns and obstacles as rural communities in addressing how to improve the safety needs. NCAI has worked diligently with tribal governments to find solutions for improving the safety and infrastructure of Indian Country. Presently, tribes receive a two-percent set aside of the total allocation from the National Highway Traffic Safety Administration; the funding is then allocated to BIA where the BIA Highway Indian Safety Program administers the programs. The purpose of this program is to assist tribes with their proposed highway safety projects, which are intended to reduce traffic crashes and impaired driving crashes; increase occupant protection education; provide emergency medical service training; and increase police traffic services. The two percent set aside is equivalent to $14 million annually, and it is a competitive grant process. NCAI has received concerns from tribal leaders about the inadequate effectiveness of the BIA Highway Indian Safety Program. In the past, there has been turnover of the directorship of the office and lack of guidance and support to tribes. For example, tribes have been denied the grant funding but they were not informed of the reasons for the denial, and tribes have contacted the office, and no one seems to be returning their phone calls.

NCAI recommends Congress assist in confronting the high injury and fatalities on tribal roadways and to resolve the concerns about the BIA Highway Indian Safety Program by establishing a 2% Tribal funding set-aside within the High Risk Rural Roads Program, and create a new Tribal Traffic Safety Program within the FHWA-Federal Lands Highways office and within NHTSA, each funded at $50 million annually to dramatically reduce the incidence of death and injury on America’s Indian reservation roads. The creation of these new programs would help to reduce the safety and behavioral problems that contribute to the high rates of death and injury on Indian reservation roads.

### Status quo methods fail – a new strategy is needed

NCAI 10 National Congress of American Indians [NCAI, 10/15/2010, “Senate Committee on Indian Affairs Field Hearing: ‘To Examine Tribal Transportation in Indian Country’,” <http://www.indian.senate.gov/public/_files/JeffersonKeeltestimony00.pdf>]

Funding for Tribal Transportation Systems:

The current scheme for funding surface transportation in the United States is based on a federal-state motor fuel taxation regime that precludes tribes from participating in the system on an equitable basis. While the system of using federal fuel tax revenue for road construction and state fuel tax revenue for maintenance has worked to dramatically improve roads in many parts of the nation, it has failed miserably in Indian Country.

Like states, Indian tribes receive some funding for road construction from the federal Highway Trust Fund, but the amount given to tribes is much less than what states receive. Currently, Indian Reservation Roads make up nearly three percent of federal roadways, but they receive less than 0.5 percent of total federal highway funding. 11 At the current funding levels, the IRR program receives only about half the amount per road mile that states receive.

The federal government also makes some funds available to tribes for IRR maintenance under the BIA Maintenance Program. This Program is also woefully inadequate. The BIA spends less than $1000 per mile for road maintenance, compared to estimates of $4000-$5000 per mile used by states to fund non-IRR maintenance. 12 Moreover, the states, who receive federal funding for their own roads that fall within reservations, frequently shirk their obligation to improve or maintain these roads and instead siphon off the funds for use elsewhere. 13

Faced with a severe inadequacy of funding from federal and state sources, tribal governments have looked for other sources of revenue, including levying their own motor fuel taxes. While tribes have the same authority as other governments to collect taxes, the ability of tribes to tax fuel on tribal lands has been severely diminished by the Supreme Court. The Court has upheld the authority of the states to reach onto tribal land to collect a state motor fuel tax. The dual taxation that would result if both states and tribes impose a motor fuel tax makes it impractical for tribes to generate revenue through motor fuel taxes. Although some tribes and states have been able to negotiate motor fuel tax revenue-sharing agreements, those cases are the exception rather than the rule. In most areas, the state governments’ collection of motor fuel taxes in Indian country displaces the ability of tribal governments to collect motor fuel taxes.

Native American Transportation infrastructure is failing and underfunded

NCAI ’12 (National Congress of American Indians, “ Transportation”, <http://www.ncai.org/resources/ncai-publications/indian-country-budget-request/fy2013/FY2013_Budget_Transportation.pdf>)

The officials at the Departments of the Interior and Transportation have recognized that transportation ¶ systems within Indian Country are suffering from a nearly $40 billion construction backlog. An equally daunting ¶ backlog exists for deferred maintenance for tribal transportation facilities. Rising construction inflation rates ¶ continue to diminish the purchasing power of the limited federal funds currently provided to the IRR Program ¶ and other tribal transportation programs. Even solid tribal roads and bridges fall into disrepair and require ¶ costly reconstruction years before the end of their design life due to a lack of more cost-effective maintenance ¶ funding. Under any assessment, tribal transportation programs remain severely underfunded and the ¶ construction and maintenance funding backlog will only get worse without significant funding increases during ¶ the next highway reauthorization period.

### Transportation infrastructure is key to the Indian economy-new infrastructure key to solve

NCAI ’11 (National Congress of American Indians, “SENATE COMMITTEE ON INDIAN AFFAIRS HEARING: Oversight hearing on tribal transportation: Paving the way for Jobs, Infrastructure,

and Safety in Native Communities”, September 15, 2011, [http://www.indian.senate.gov/hear ings/upload/Jefferson-Keel-FINAL-testimony.pdf](http://www.indian.senate.gov/hear%20ings/upload/Jefferson-Keel-FINAL-testimony.pdf))

Transportation infrastructure development is critical to economic development, creating ¶ jobs, and improving living conditions for individuals and families in Indian Country, and ¶ the millions of Americans who travel through our reservations every day. Construction of ¶ transportation systems that allows for safe travel and promotes economic expansion will ¶ help us strengthen our tribal communities while at the same time making valuable ¶ contributions to much of rural America. Surface transportation in Indian Country ¶ involves thousands of miles of roads, bridges, and highways. It connects and serves both ¶ tribal and non-tribal communities. ¶ Currently, there are over 140,000 miles of Indian reservation roads with multiple owners, ¶ including the Bureau of Indian Affairs, Indian tribes, states and counties. Indian ¶ reservation roads are still the most underdeveloped road network in the nation however; ¶ it is the principal transportation system for all residents of and visitors to tribal and ¶ Alaska Native communities. Approximately eight billion vehicle miles traveled on Indian ¶ Reservation Roads (IRR) Program system annually. Many road conditions on Indian ¶ reservations are unsafe, inequitable and it is the primary barrier to economic development ¶ and improvement of living conditions. For example, more than 60 percent of the system ¶ is unimproved earth and gravel, and approximately 24 percent of IRR bridges are ¶ classified as deficient. American Indians have the highest rates of pedestrian injury and ¶ vehicle deaths per capita of any racial or ethnic group in the United States. These ¶ conditions make it very difficult for residents of tribal communities to travel to hospitals, ¶ stores, schools, and employment centers. ¶ The passage of a new transportation authorization is imperative for Indian Country for ¶ construction of roads and bridges; and the generation of jobs in Indian Country. As you ¶ are aware, tribal communities have faced Depression level unemployment for ¶ generations. In 2000, when the national unemployment rate was less than 3.5 percent, the ¶ on-reservation unemployment rate was 22 percent.¶ 1¶ The Economic Policy Institute ¶ reports that the Native unemployment rate has risen at a rate 1.6 times the size of the ¶ white increase during the recession (to 15.2 percent for all Native people).¶ 2¶ Jobs and ¶ unemployment are important issues for this Administration and tribal leaders, and next ¶ transportation authorization will help address these concerns for Indian and Alaskan ¶ Native communities.

# \*\*\*Solvency/Mech\*\*\*

## Solvency – NMTC’s

### NMTC’s are perfect to generate funding and create infrastructure for Indian country

Tex Hall ’12 (Tex Hall is government leader who currently serves as the Chairman of the Mandan, Hidatsa and Arikara Nation. He serves on the Travois New Markets advisory board and has served on other CDE advisory boards in the past, “Position Your Tribal Community as a New Market”, Indian Country, <http://indiancountrytodaymedianetwork.com/ict_sbc/position-your-tribal-community-as-a-new-market>)

Late last month the U.S. Treasury announced $3.6 billion in [New Markets Tax Credit](http://cdfifund.gov/what_we_do/programs_id.asp?programID=5) (NMTC) allocations. Now the dust has settled and project sponsors—cities, counties, private developers, non-profits and others—are positioning their projects to take advantage of NMTC financing. Now is the time for tribal leaders to do the same. As a Tribal Chairman I am always looking for new ways to attract outside capital to my reservation and neighboring community. I can use the NMTC to offer an incentive that makes my tribe’s lands stand out to potential private investors. The NMTC was just replenished, but it remains a very scarce resource. In fact, unless Congress acts to re-authorize the program this ninth annual allocation will be the last. That means project sponsors—Tribes, non-profits serving Native communities, Alaska Native Corporations, Native Hawaiian groups, individual Native Entrepreneurs—must move quickly to tap this resource. Tribal leaders need to discuss NMTC re-authorization in all of their conversations with Congress. Also, moving quickly to take advantage of NMTC opportunities in Indian Country will create even more NMTC availability for tribal economic development projects. In other words, what in NMTCs we don’t use, we may lose. When seeking NMTC financing, Indian country has a built-in advantage: community development entities (CDE)—the organizations that receive the NMTC allocations and direct them to projects—have strong incentives to work in rural areas. That’s of course [Indian Country](http://indiancountrytodaymedianetwork.com/). Tribes can use the NMTC as an incentive to do the following: attract outside employers to locate on your reservation, complete a project-in-progress that has a funding gap, obtain working capital or construction financing for a new tribal business or a new tribal community facility or infrastructure project. CDEs are actively seeking rural projects. You can use your rural location to attract NMTC interest and then use the NMTC financing to create new development and employment opportunities for your people and for your off-reservation neighbors.

### Empirics prove-NMTC can do infrastructure

Tex Hall ’12 (Tex Hall is government leader who currently serves as the Chairman of the Mandan, Hidatsa and Arikara Nation. He serves on the Travois New Markets advisory board and has served on other CDE advisory boards in the past, “Position Your Tribal Community as a New Market”, Indian Country, <http://indiancountrytodaymedianetwork.com/ict_sbc/position-your-tribal-community-as-a-new-market>)

Organizations across Indian country have already used the NMTC to do amazing things. By working with CDEs like Travois New Markets (Travois.com) and NMTC investors like US Bancorp Community Development Corporation, Indian Ventures and Wells Fargo Bank, Tribes, Alaska Native groups and Native Hawaiian organizations have built businesses, community facilities and infrastructure. Those project sponsors, Little Big Horn College for example, get the benefit of a private sector transaction (quick delivery of funding) with the oversight of a federal community development program (the Treasury monitors CDEs and holds them accountable to their project communities).

### Indian Country is able to attract NMTC’s because of its benefits

Peter J Kulick ‘11 (Kulick is a tax and gaming attorney with Dickinson Wright PLLC, “Financing Through the New Market Tax Credit”, April 1, 2011,http://www.casinoenterpris

emanagement.com/articles/april-2011/financing-through-new-market-tax-credit)

The above observations demonstrate the limitations and challenges with New Market Tax Credit financings. But while the deals are complex, the benefits are significant. The New Market Tax Credit program allows eligible borrowers to obtain financing at interest rates well below typical market interest rates. The reduced interest rates can often serve as the requisite financial incentive to deal with the attendant restrictions and complications with closing a financing and during the credit recapture period. For Indian country, the New Market Tax Credit program presents an opportunity. While gaming facilities and golf courses are not eligible activities to be financed, many other economic development projects in Indian country could benefit from New Market Tax Credit financings. Indian country is placed in a desirable category because it has been identified as a targeted population eligible for New Market Tax Credit investments. Thus, facilities such as mixed-use developments, housing projects and other tribal businesses could be prime candidates for a New Market Tax Credit financing. Other types of tribal projects that could benefit from the New Market Tax Credit program are business activities that are ancillary to casino developments— just remember that golf courses are ineligible. The economic climate appears to show signs of life, but with so many false starts and the prospect for continuing setbacks, even the most optimistic seem to have adopted a reserved view of the what the near-term future may bring. While capital has become more readily available in 2011, the cost of funds can still carry a substantial interest rate for the gaming industry and Indian country. Indian country is acutely aware of the challenges of obtaining financing. The Recovery Act offered a short-term solution to eliminate the disparity for Indian tribes to issue bonds on a tax-exempt basis. Congress has not, however, recently shown any indication that it will seek a long-term solution to this disparity. While Indian country has some, albeit more limited, access to the tax-exempt bond market, other financing tools exist that may prove beneficial to Indian country. The New Market Tax Credit program is one such example. Indian country has been identified as a targeted population eligible for New Market Tax Credit investments. Hence, Indian country has the ability to clear an obstacle that often presents challenges to other projects seeking New Market Tax Credit financing—satisfying that the project is located in qualified low-income community. The potential benefit for Indian country is the ability to access capital for much-needed economic development projects at lower—and potentially significantly lower—borrowing costs. A basic understanding and awareness of the tax credit financing program is the first step to identifying potentially eligible projects and exploring whether a New Market Tax Credit financing makes sense.

### NMTC’s are able to generate capital for projects

Valerie Red Horse ’08 (owns Red-Horse Financial Group, o ering securities through the Tribal Finance Division of Western International Securities, “New Market Tax Credits: A Creative Financing

Solution for Tribal Enterprises”, Indian Gaming Magazine, http://www.indiangaming.co m/istore/Sep08\_Red-Horse.pdf)

To coin an old cliché, “When the going gets tough, the tough get going.” Sleeves must be rolled up and alternative sources of capital must be sought. Unique and creative funding solutions are available to tribal enterprises that are not available to the other types of businesses, but in times of healthy markets, this capital might seem too difﬁcult or complicated to explore. In the current market crunch, it is recommended that you review any viable and legitimate possibility; it could be a long wait otherwise. Tribal nations should consider and explore the possibility of utilizing New Market Tax Credits (NMTCS) to meet a portion of their funding requirements. NMTCS is a federal government mandated program, created in an effort to provide funding for certain areas of America that need economic development – and almost all reservation lands qualify. The qualiﬁcation is based on the census tract of the geographic location where the enterprise to be funded is located. The premise of NMTCS is simple, but the process is complicated. Therefore there are organizations called CDE’s (Community Development Enterprises) that are established to assist borrowers with the process. Basically, the government allows certain investors to invest into a qualifying project for approximately 20-25% of the overall cost of the project in exchange forreceiving tax credits that willreduce that investor’s income tax liability (typically a corporate or institutional entity). The borrower (eventually the tribal enterprise) will receive the funding at a very low cost interest rate (right now quotes on most projects are 3%) for seven years interest only, whereby then the funding is converted into equity in the project so there is no principal repayment of that portion, i.e. “free money” for all intents and purposes. The other 75-80% of the project’s funding will come from traditional lending sources (banks or bonds), but with 20-25% funded, that money is much easier accessed and if utilizing the NMTCS process, several lenders are already identiﬁed and comfortable with the program.

### Tribal new market tax credits-solve infrastructure

Tom Daschle ’11 (Senator of South Dakota, April 11, 2011, <http://health-equity.pitt.edu/93/1/sd_nativeAm_ecodev.html>)

The Tribal New Market Tax Credit (TNMTC) would expand the existing New Market Tax Credit Program by authorizing $50 million in tax credits for people who make capital investments on Indian reservations with poverty rates over 40 percent. These tax credits, which would be awarded through a competitive application process run by the Department of Treasury, would provide investors the incentives they need to invest in reservations, and help create jobs that otherwise would not exist. Closely related to the TNMTC is a provision that would give tribal governments the authority to issue the same type of tax-exempt bonds that state and local governments use to finance infrastructure and economic development efforts. The ability to issue these bonds would create a new source of funding for tribes trying to improve their reservation =s infrastructure or undertake new development initiatives.

### NMTC can help generate capital for infrastructure projects

Travois ’12 (Travois has been the leading housing and economic development financing firm in Indian Country,“About New Markets Tax Credits”, <http://www.travois.com/?page=newmarkets>)

The New Markets Tax Credit (NMTC) can provide millions of dollars in economic development funds on Indian Reservations. Money generated from the NMTC program can be used to build medical clinics, manufacturing facilities, retail stores and businesses. Travois New Markets can help you navigate this program to expand economic opportunities on your reservation.¶ Travois New Markets has received three allocations of NMTCs: In 2007, it was awarded a $30 million allocation of NMTCs, which it invested in three qualified projects. In 2009, Travois New Markets was awarded an $80 million allocation, which it dedicated exclusively to projects benefiting American Indian, Alaska Native and Native Hawaiian communities. It also recently received an additional $70 million allocation in 2012.¶ Signed into law in 2000, the NMTC is doing for economic development what the LIHTC has done for affordable housing development. Operating on the same basic principle as that of the LIHTC, the NMTC can attract equity to close the financing gaps that keep many Indian Country business deals and community economic development projects from getting off the ground.¶ In order to receive the credit, investors must make equity investments in Community Development Entities (CDEs) like Travois New Markets. CDEs serve a range of markets: urban and rural towns across the country. Travois New Markets is dedicated exclusively to serving Indian Country. An allocation of NMTCs allows a CDE to receive equity investments from NMTC investors. CDEs use that equity to arrange financing for qualified active low-income community businesses (QALICBs). The QALICB must operate in a low-income community and have a substantial connection to that community.¶

### NMTC used for transportation infrastructure

NMTCC ’08 (New Markets Tax Credit Coalition “50 Projects – 50 States: South Dakota” http://nmtccoalition.org/wp-content/uploads/2009/10/50-Projects-50-States-Report.pdf)

The construction of a grain terminal in Cresbard, South Dakota will greatly improve the receiving, storage, and drying facilities of grain in a remote part of the state where farmers have little access to commercial storage and grain origination and transportation. The CDE, Rural Development Partners (RDP), used its New Markets Tax Credit (NMTC) allocation to provide a $14.25 million loan to fill a financial gap and make the Cresbard project the first large-scale project the community has seen in over a decade.

### Also for a Chicago project

NMTCC ’08 (New Markets Tax Credit Coalition “50 Projects – 50 States: South Dakota” http://nmtccoalition.org/wp-content/uploads/2009/10/50-Projects-50-States-Report.pdf)

Formerly a vacant brownfield, the newly constructed Bethel Center is located in the West Garfield and Austin community, 5 miles west of downtown Chicago. Today, the 23,000 square foot Bethel Center houses employment services, child development facilities as well as a community technology center and six commercial storefronts (including a full service bank). The Center also serves as an anchor at a major transit stop which had previously been slated for closure by the City. But for this project the community would have been resigned to a contaminated vacant lot and a loss of vital transportation into the City center. The CDE, Bethel New Life used its New Markets Tax Credit (NMTC) allocation to provide a $1.3 million construction loan for this project.

### NMTCs can be directed for transportation

Needham 11 (Vicki, “House Democrats introduce legislation to provide infrastructure financing,” March 10th, http://thehill.com/blogs/on-the-money/budget/148707-house-democrats-introduce-legislation-to-provide-infrastructure-financing)

House Ways and Means Committee Democrats introduced legislation Thursday to provide financing for infrastructure investments around the nation. The measure extends eight bond, tax credit and loan guarantee programs for states and municipalities, anchored by the Build America Bonds (BAB) program, which helped finance $181 billion in infrastructure projects in the past two years, according to the committee. “These proven programs are vital in our effort to rebuild America’s infrastructure and economy," said Ways and Means Ranking Member Sander Levin (D-Mich.). “There are still far too many states and municipalities, in addition to the 14 million unemployed Americans, struggling to regain their footing after the Great Recession, and this legislation gives them the tools to make long-needed investments." There is an appetite in the Senate to finance an overhaul of the nation's infrastructure that could align with the Obama administration's $556 billion proposal, or at least provide some funding for the projects included in the fiscal year 2012 budget request. Transportation Secretary Ray LaHood has said he'd like to see a six-year transportation infrastructure bill ready before the August recess. Sens. Ron Wyden (D-Ore.) and John Thune (R-S.D.) have recently discussed renewing the BAB program, which expired Dec. 31, with a focus on transportation projects to attract a broader range of support. The White House and lawmakers are uncertain how they would pay for hundreds of billions in transportation investment and several Republicans recently chided LaHood for a lack of ideas, especially as the highway trust fund's deficit mounts. The Building American Jobs Act of 2011 includes: • Build America Bonds — extend the program through 2012, with a 32 percent subsidy rate in 2011, and 31 percent subsidy rate in 2012. • Recovery Zone Bonds — make an additional allocation of Recovery Zone bonds to ensure each local municipality receives a minimum allocation equal to at least its share of national unemployment in December 2009. The bill would also extend the authorization for issuing bonds through 2011. • Water & Sewer Bonds — exclude bonds financing facilities that furnish water and sewage facilities from state volume caps. The bill would also exclude bonds financing facilities that furnish water and sewage facilities from certain limitations on tribal government issuances. • AMT/Private Activity Bonds — extend both provisions for one year (i.e., exempt from AMT tax-exempt private activity bonds issued in 2011 and current refunding of private activity bonds issued after 2003 and refunded during 2011). • New Markets Tax Credit — allow NMTC to be claimed against the AMT with respect to qualified investments made between March 15, 2010 and January 1, 2012. • Federal Home Loan Bank Bond Guarantees — extends ability of FHLBs to guarantee tax-exempt bonds through 2011. • Small Issuer Exception for Bank-Qualified Bonds — extends the ability of financial institutions to purchase tax-exempt bonds of up to $30 million per issuer (from $10 million) through 2011. • Low-Income Housing Tax Credit (LIHTC) Exchange Program — extends the ability of states to receive a portion of their LIHTC allocation as a direct payment through 2011.

## Fed Key – Autonomy

### Fed gov’t policy empirically restored tribal autonomy

Cornell and Kalt ’10 (November, Stephen (University of Arizona) and Joseph P. (Harvard University) “American Indian Self-Determination: The Political Economy of a Successful Policy” JOPNA Discussion Papers for Peer Review and Comment http://nni.arizona.edu/pubs/jopna-wp1\_cornell&kalt.pdf)

The public policy effect of the federal policy of self-determination for federally recognized American Indian tribes has not only been greater control for tribal citizens and their governments over the management of tribal affairs, but greater control over the institutions of governance—all with the attendant overriding goal of better meeting the federal government’s interest in and obligations to the promotion and ensuring of tribal socio-economic development and well-being.48 In short, federal policy has been aimed specifically at placing tribal governments in the capacity previously occupied by the federal government, i.e., as the agent by which tribal citizens can choose, design, implement, and enforce those policies and functions deemed necessary to create an environment in which public affairs and private commerce can flourish. As we have seen, while problems remain and legacies of past social and economic stress are prominent, policies of self-determination have spurred development progress in Indian Country.

## Fed Key – Signaling

**US treatment of Native Americans serves as a model internationally**

**Hamer 9 –** M.D. and writes human & animal rights essays(Mary, “Apology To The Native American Indians”, 12/8/9, http://www.countercurrents.org/hamer081209.htm)

I, Mary Hamer, apologize on behalf of Christopher Columbus, the American & European governments, the European settlers & descendents, Christian churches, multiple U.S. Presidents, the U.S. Supreme Court of 1832, U.S. Generals, U.S. Governors, Captains, several Catholic Popes, The American Boarding School system for Native children, and other perpetrators & complicit bystanders for the genocide, the forced removal from ancient lands, the child kidnapping, & other forms of cruelty & hate committed against the Native American Indians for the last 500+ years.

\*Christopher Columbus & President George Washington: I hold two people mainly responsible for the injustices inflicted upon the Native Americans: Christopher Columbus & President George Washington, the first European conqueror & the first U.S. President. Columbus & President Washington were the first role models to set the standards for moral codes of conduct towards the Native Peoples. Note: Regarding the butterfly theory: The long-term outcome of a dynamic system is dependent upon initial conditions. (2)

\*I will take a legal approach focusing on the rule of law & a human rights perspective in this paper. I will show evidence for crimes against humanity supported by U.S. Presidents, a U.S. Supreme Court Chief Justice, several U.S. Governors, Generals & Captains including genocide & killing by violent death & killing by neglect/deprivation. I will show intent to kill Native American Indians & intent to kill the Native culture. I will show disregard for the rule of law by Presidents of the United States. I will show violations committed by U.S. government officials of the 1st & 5th Amendments of the U.S. Constitution. I will show evidence of racism in the U.S. Declaration of Independence, racist beliefs of our founding fathers & evidence of state sponsored apartheid against the Native Americans. Ultimately, the United States war of extermination of Native Americans served as a role model for Hitler’s racism, concentration camp strategy & genocide against the Jews.

**Hitler used the treatment of Native Americans as justification**

**Greyfalcon 12** – (“Adolf Hitler: A True American”, Date last modified: 6/10/12, http://ahitler.greyfalcon.us/american.html)

But Hitler had a more immediate source for his genocidal beliefs than dusty chronicles of crusades and pogroms. He had only to note the self-righteous nation practicing ethnic cleansing across the sea. Yes, young Adolf was inspired by none other than the good ol' US of A.

Born in 1889, the year before Wounded Knee, Hitler was well aware of the American Holocaust. As Meier explains about the youngster in Hitler's Rise to Power:

His favorite game to play outside was cowboys and Indians. Tales of the American West were very popular among boys in Austria and Germany. Books by James Fenimore Cooper and especially German writer Karl May were eagerly read and re-enacted. May, who had never been to America, invented a hero named Old Shatterhand, a white man who always won his battles with Native Americans, defeating his enemies through sheer will power and bravery. Young Hitler read and reread every one of May's books about Old Shatterhand, totalling more than 70 novels. He continued to read them even as Führer. During the German attack on the Soviet Union he sometimes referred to the Russians as Redskins and ordered his officers to carry May's books about fighting Indians.

In American history, Hitler found justification for his dreams of Teutonic dominance. He spoke glowingly of the US, noting its "incomparable inner strength" (Mein Kampf, Volume 1, Chapter IV). America, he believed, showed what Aryan power and purity could achieve:

We must bear in mind that in the time when the American continent was being opened up, numerous Aryans fought for their livelihood as trappers, hunters, etc., and often in larger troops with wife and children, always on the move, so that their existence was completely like that of the nomads. But as soon as their increasing number and better implements permitted them to clear the wild soil and make a stand against the natives, more and more settlements sprang up in the land. (Mein Kampf, Volume 1, Chapter XI)

### Federal signal key to maintain trust doctrine between gov’t and tribes

Cornell and Kalt ’10 (November, Stephen (University of Arizona) and Joseph P. (Harvard University) “American Indian Self-Determination: The Political Economy of a Successful Policy” JOPNA Discussion Papers for Peer Review and Comment http://nni.arizona.edu/pubs/jopna-wp1\_cornell&kalt.pdf)

The U.S. federal government’s policy of self-determination through self-governance by American Indian nations has evolved and changed over the last forty years. Yet, at its core it has been consistently predicated on two principles: (1) providing greater control to tribal citizens and their governments in planning, designing, implementing, and con- trolling the public affairs of their respective tribes; and (2) maintain- ing the trust relationship between the federal government and American Indian tribes.32 The policy of self-determination, by extension, entails explicit federal promotion of government-to-government relations between tribes and the other governments in the U.S. system. It also entails minimization of the historically pervasive presence of the federal government and its trustee agents in the institutions of tribal governance, the provision of public services to Native Americans, and the selection, design and implementation of economic and community development plans and projects. At the same time, however, the federal government’s role is structured in a formal, legislatively and judicially enunciated “trust obligation.” Under this doctrine, the federal government is duty-bound as protector of financial and natural resource assets, which are held in trust on behalf of tribes and individual Native Americans. In particular, through the trust relationship, the federal government continues to have responsibility for economic development via regulation, including protection of the inalienability, of tribal trust lands.

## Funding Key

### Flexible funding key to sustainable tribal infrastructure development

NCAI ’08 (October 17, National Congress of American Indians “TRIBAL TRANSPORTATION PRIORITES” http://www.nijc.org/pdfs/TTAP/NCAITransportationLegislativePacketDec2008.pdf)

Include Flexible Financing provisions in ISDEA Agreements: In an era of rapidly rising construction costs and relatively low capital financing interest rates, the use of flexible financing techniques to advance the construction of Tribal transportation projects may make great economic sense for some Tribes. While a few Tribes have already been able to take advantage of flexible financing, the Department of the Interior’s current policy requiring Tribes to negotiate separate, project-specific flexible financing agreements is unnecessarily costly and inefficient. The U.S. Department of Transportation has included favorable flexible financing terms in its IRR Program Agreements, but the Interior Solicitor’s office has taken the position that the Interior Department is not legally authorized to include identical flexible financing provisions in ISDEAA contracts and compacts. The use of flexible financing instruments helps Tribes improve efficiencies in the construction of roads and mitigates the negative effects of skyrocketing inflation on the costs of road construction. Although the Joint Task Force believes that the Department of the Interior already has sufficient legal authority to include “financing-friendly” provisions in ISDEAA contracts and compacts, the Task Force requests that Congress expressly authorize the Secretary of the Interior to include such provisions – for example provisions that authorize the electronic transfer of IRR Program funds directly from the BIA to creditor institutions where the Tribe approves such transfers – in ISDEAA contracts and compacts, at the request of the Tribal government.

### NMTC empirically funded transportation projects

Higgins ’10 (August 23, Congressman Biran Higgins of Western New York “Higgins, Schumer, Teresi Break Ground on Historic Train Station Project in Jamestown” http://higgins.house.gov/2010/08/higgins-schumer-teresi-break-ground-on-historic-train-station-project-in-jamestown.shtml)

Today, Congressman Higgins joined Senator Schumer, Jamestown Mayor Sam Teresi, and Lee Harkness, Executive Director for Downtown Jamestown Development Corporation, to break ground on the historic Erie Lackawanna Train Depot, a project aimed at restoring a national landmark and supporting the regional economic development and tourism. “Through the relentless work of this community, we are beginning a project that will breathe new life into this 80 year old regional and national treasure to spur tourism and economic development,” said Congressman Higgins. This $8.5 million project received significant federal support including funding secured by Senator Schumer and Congressman Higgins in the transportation bill and New Market Tax Credits. Of that total, the project received $4.5M in Federal Transit Administration funds, $120,000 in CDBG funds and $1.4M in Historic Tax Credits; state funds and money from the Gebbie Foundation also contributed to project costs. Rehab will include structural stabilization, restoration/replacement of exterior doors and windows, exterior masonry and copper, roof replacement, haz mat abatement, HVAC installation and electrical repair and replacement. Built in the early 1930s, this site made its way to the National Register of Historic Places in 2003. This is the first Federal Transit Administration funded project to use New Markets Tax Credits, a program which promotes investment in historic structures by providing a credit against federal income taxes equity investments. During its heyday this station served as a stop along the Erie Railroad’s main line from New York to Chicago, brining visitors to the area and needed materials to local manufacturers. With this rehabilitation, the station will return to its roots, supporting economic development and tourism in the region as a centralized visitor welcome and information center within walking distance of Downtown business and shopping sites - serving a vital role in Jamestown’s ongoing efforts to revitalize its central business district.

### Sustainable federal funding necessary for community development

NCAI ’08 (December 17, National Congress of American Indians “Indian Country Economic Recovery Plan “ http://www.nativecontractors.org/media/pdf/NCAI\_Economic\_Stimulus\_Proposal.pdf)

Native American communities, whose infrastructure and economies are supported by Indian tribal governments, must be directly included in the upcoming economic recovery plan. Native American communities have the highest unemployment rates in the entire country and tribal governments have long had difficulty accessing and attracting capital to serve their citizen’s needs. To resolve these barriers to economic prosperity, NCAI, in collaboration with tribal government and organization partners, developed the Indian Country Economic Recovery Plan that includes ready-to-fund infrastructure projects and eases tribal government access to capital. Targeted ready–to-fund federal infrastructure spending, along with measures removing barriers to governmental access to credit and capital, would offer a viable opportunity for immediate job creation in Native American communities throughout the United Statesi. In order to capitalize on this opportunity, Congress needs to incorporate key Indian Country perspectives in addressing: (1) Infrastructure Spending and, (2) Access to Credit & Capital into any economic stimulus package.

### Financial investment doesn’t work – extending ISDEAA is key

NCAI ’08 (October 17, National Congress of American Indians “TRIBAL TRANSPORTATION PRIORITES” http://www.nijc.org/pdfs/TTAP/NCAITransportationLegislativePacketDec2008.pdf)

The ISDEAA should be extended to all Tribal transportation programs and funding agencies within the U.S. Department of Transportation and appropriate model agreements should be developed for their use. Currently Tribal governments, the Federal government and State governments expend far too much time, money and effort trying to deliver transportation services through multiple grants, contracts and funding agreements, many of which contain confusing and conflicting terms and conditions. NCAI Resolution DEN-07-065 urges the creation of a Tribal Transportation Self-Governance Program within the Department of Transportation and supports "the right and prerogative of any tribal government to enter into ISDEAA agreement under Title I or Title IV of the ISDEAA." Extending the ISDEAA to the Department of Transportation and its modal administrations will streamline the negotiation, execution and implementation of grant, contract and funding agreements for federal transportation program funding available to tribes and more effectively target program dollars to the improvement of our nation's transportation system. The extension of the ISDEAA to the Department of Transportation will provide an additional option for transferring funding to Tribes. The Task Force supports the funding vehicles that the DOT has already developed under existing law and affirms the Department’s ongoing efforts to develop additional Tribally-appropriate transfer agreements.

### Transportation Infrastructure in Native American reservations is key to economy

Keel 11 (Jefferson, President of the National Congress of American Indians (NCAI) Executive Committee, National Congress of American Indians, Senate Committee on Indian Affairs Hearing: Oversight hearing on tribal transportation: Paving the way for Jobs, Infrastructure,

and Safety in Native Communities, 9/15/12, <http://www.indian.senate.gov/hearings/upload/Jefferson-Keel-FINAL-testimony.pdf>)

Transportation infrastructure development is critical to economic development, creating jobs, and improving living conditions for individuals and families in Indian Country, and the millions of Americans who travel through our reservations every day. Construction of transportation systems that allows for safe travel and promotes economic expansion will help us strengthen our tribal communities while at the same time making valuable contributions to much of rural America. Surface transportation in Indian Country involves thousands of miles of roads, bridges, and highways. It connects and serves both tribal and non-tribal communities.

### Important for economic growth

Keel 11 (Jefferson, President of the National Congress of American Indians (NCAI) Executive Committee, National Congress of American Indians, Senate Committee on Indian Affairs Hearing: Oversight hearing on tribal transportation: Paving the way for Jobs, Infrastructure, and Safety in Native Communities, 9/15/12, <http://www.indian.senate.gov/hearings/upload/Jefferson-Keel-FINAL-testimony.pdf>)

All transportation infrastructures including transit are important to economic growth in Indian Country. Tribal transit is a necessary element to transportation infrastructure because it offers tribal members access to employment, health, education and commerce for tribes. Lack of employment has continuously been a difficult issue for tribes. Currently, the approximate unemployment rate for on reservation Indians is 18.6%, while for Alaska Native villages it is 25.1%. In addition, 15% of tribal members have to travel over 100 miles to access basic services such as a bank or ATM. The combination of high unemployment and the long distances to travel to access basic services result in a great need for public transportation infrastructure in Indian Country and surrounding non-Indian rural communities.

### Federal investment key

Keohane 6 (Jeff R., specializes in federal Indian and tribal law and land use and environmental law in the San Francisco office of Holland & Knight LLP. He previously practiced federal Indian law in the Office of General Counsel of the U.S. Environmental Protection Agency, Human Rights, “The Rise of Tribal Self-Determination and Economic Development,” Vol. 33 No. 2, Spring 2006, <http://www.americanbar.org/publications/human_rights_magazine_home/human_rights_vol33_2006/spring2006/hr_spring06_keohane.html>)

Lack of federal investment in basic services disadvantages tribes in economic and other immediate ways. For example, despite rates of preventable diseases many times higher than the general population, the federal government spends half as much per Indian Health Service beneficiary as it does per Medicaid beneficiary or federal prisoner and a third as much as aggregate per capita health care expenditures. Further, although the fatality rates on reservation roads are four times higher than on nonreservation roads due in large part to their deteriorated conditions and lack of safety features, Congress appropriates less than half of the amount for construction per mile than it does for state roads and one-fifth of what states spend per mile on maintenance. Such underinvestment shifts the bur­den for basic services to tribal governments. Yet, unlike states, tribes are limited in the taxes they can raise because of legal restrictions and still-low levels of economic activity. Low levels of service in tribal areas in turn impede tribal development, creating a vicious circle.

### Native American roads are in need of repair

Straub 7 (Noelle, she came to DC after earning degrees at the College of William and Mary and the Medill School of Journalism at Northwestern. She started at The Hill newspaper where she rose to become their lead Senate reporter. She later joined the Washington Bureau of the Boston Herald and then went on to Lee Enterprises where she now writes for six news papers in Montana and Wyoming. She now covers congressional delegations of those two states as well as a variety national issues of interest to the West, Star- Tribune Washington bureau, Trib.com, “Reservation roads suffer,” 7/13/07, <http://trib.com/news/state-and-regional/reservation-roads-suffer/article_2129fe92-4806-535f-8bda-0ee6aab20a81.html>)

WASHINGTON - With the fatality rate on reservation roads four times the national average and two-thirds of the roads unpaved, tribal leaders and federal officials agreed Thursday that the government has dangerously underfunded transportation needs in Indian Country.

"You drive in parts of this country and drive onto an Indian reservation, and you see third-world conditions with respect to their roads," said Senate Indian Affairs Chairman Byron Dorgan at an oversight hearing.

"Frankly, it's impossible to maintain the roads at safe levels with the tools we currently have," testified Jerry Gidner, deputy bureau director for Indian Services at the Bureau of Indian Affairs.

Nearly a quarter of the 4,500 bridges in Indian Country are classified as deficient, federal officials said.

About 76 percent of the 27,000 miles of BIA roads are dirt or gravel, federal officials testified. More than 66 percent of the entire Indian reservation roads system, which includes 82,000 miles of roads, are unimproved earth and gravel, they said.

The BIA spends less than $500 in maintenance per mile each year, a fraction of the $4,000 to $5,000 per mile spent each year on maintenance of state roads, Dorgan and tribal witnesses said.

Gidner said the administration gives BIA a target budget each year and that road maintenance must compete with all the other Indian Country priorities. He said some tribes have a "woefully insufficient" police presence, so law enforcement wins out over roads in the competition for funding.

"If I have to choose between suggesting more money for social workers to get children out of houses where they're being sexually abused, versus more road maintenance, I'll go with the children every time," Gidner said.

Budget requests and funding for road maintenance have been flat or declining, Gidner said. "Many of the roads are unsafe and deteriorating," he testified.

Sen. Jon Tester, D-Mont., told Gidner he should be "screaming, screaming, screaming" for more funding.

Asked by Dorgan if the BIA has internal debates over the funding levels, Gidner again noted competing priorities.

"We don't particularly like being in that situation ourself, but that's where we are," Gidner said. "If I use the word aggressive to describe our debates, it would be downplaying their intensity, to be honest."

Asked about solutions to the problem, Gidner said, "We all understand the amount of money is insufficient."

Four tribal leaders from across the country also testified, praising changes that have already been made in federal law and outlining efforts they are making to take on responsibility for the roads. But they all said government red tape and lack of funding have prevented them from making all the improvements they need.

Pete Red Tomahawk of the Standing Rock Sioux Tribe described many successful efforts by tribes to improve roads on their lands and expressed thanks for congressional efforts. But he called road maintenance a "silent killer" and said the annual $26 million in BIA road maintenance funding is a "national disgrace."

Tomahawk, who serves as chairman of the Indian Reservation Roads Program Coordinating Committee, asked for at least $150 million annually for road maintenance programs. He also encouraged Congress to make tribes eligible for other national highway safety programs, streamline the funding award process and carry out other reforms.

### Transportation infrastructure on Native American reservation is key to the economy and job development – underfunded in the status quo

NCAI 12 (National Congress of American Indians, founded in 1944, is the oldest, largest and most representative American Indian and Alaska Native organization serving the broad interests of tribal governments and communities, “Transportation” 2012, <http://www.ncai.org/resources/ncai-publications/indian-country-budget-request/fy2013/FY2013_Budget_Transportation.pdf>)

Surface transportation in Indian Country involves thousands of miles of roads, bridges, and highways, and connects and serves both tribal and non-tribal communities. Millions of Americans and eight billion vehicles travel reservation roads annually. Despite being the principal transportation system for all residents of and visitors to tribal communities, reservation roads are still the most underdeveloped road network in the nation. Currently, there are over 140,000 miles of Indian reservation roads with multiple owners, including the Bureau of Indian Affairs, American Indian tribes, states, and counties. Construction of transportation systems that allow for safe travel and promote economic expansion will help strengthen tribal communities, while also making valuable contributions to much of the surrounding rural America. Maintenance and enhancement of transportation infrastructure is critical to economic development, job creation, and improving living conditions for individuals and families throughout Indian Country. Deficient transportation infrastructure is a barrier which impedes economic development in Native communities. Tribal governments are working to improve public safety, education, health care, and housing, and generate jobs through economic development. These worthy objectives are more difficult to achieve when transportation infrastructure in Indian Country continues to lag behind the rest of the nation. Tribal nations require sustained and adequate federal transportation appropriations to address the large backlog of deferred road and bridge construction and road maintenance needs. Investing in tribal transportation will create jobs and make Native economies stronger. Key Recommendations DEPARTMENT OF TRANSPORTATION Transportation, Housing and Urban Development Appropriations Bill Indian Reservation Roads (IRR) Programs • Provide $500 million for the Indian Reservation Roads Programs. • Provide $20 million for the Indian Reservation Roads Bridge Program. The officials at the Departments of the Interior and Transportation have recognized that transportation systems within Indian Country are suffering from a nearly $40 billion construction backlog. An equally daunting backlog exists for deferred maintenance for tribal transportation facilities. Rising construction inflation rates continue to diminish the purchasing power of the limited federal funds currently provided to the IRR Program and other tribal transportation programs. Even solid tribal roads and bridges fall into disrepair and require costly reconstruction years before the end of their design life due to a lack of more cost-effective maintenance funding. Under any assessment, tribal transportation programs remain severely underfunded and the construction and maintenance funding backlog will only get worse without significant funding increases during the next highway reauthorization period. DEPARTMENT OF TRANSPORTATION Transportation, Housing and Urban Development Appropriations Bill Tribal Technical Assistance Programs • Provide $4.2 million for Tribal Technical Assistance Programs. The Tribal Technical Assistance Program is the only technical assistance program that provides much-needed education and training to tribal governments for transportation road projects. Education and certification is important to assist in building a viable tribal transportation workforce. In addition, having a skilled workforce enables American Indian tribes and Alaska Native villages to further develop tribal transportation infrastructure. DEPARTMENT OF TRANSPORTATION Transportation, Housing and Urban Development Appropriations Bill Tribal Transit Program • Provide $20 million for the Tribal Transit Program. The Tribal Transit Program provides transit funding through a national competitive grant process to federally recognized tribes. The Tribal Transit Program funding level began at $8 million for FY 2006 and increased to $15 million for FY 2010. Since the initiation of the Tribal Transit Program, the Federal Transit Administration has awarded approximately 236 grants to tribes totaling $60 million. However, the total amount requested by tribes who have applied for the Tribal Transit program is approximately $189 million. The awarded funding has been a positive first step in addressing the immense need for public transportation in Indian Country. However, the overall need still remains unmet.

### Lack of federal investment in Native American transportation infrastructure hurts the economy

NCAI 10 (National Congress of American Indians, Policy Research Center, “Investing in Tribal Governments An Analysis of Impact and Remaining Need Under The American Recovery and Reinvestment Act,” March 2010, <http://www.ncai.org/resources/ncai-publications/InvestinginTribalGovernmentsAnAnalysisofARRA.pdf>)

Transportation infrastructure is vital to tribal economies, education systems, and the delivery of health care and social services. Indian Reservation Roads (IRR) comprise over 104,000 miles of public roads and are owned by Indian tribes, the BIA, states, and counties. These roads are the primary transportation system for all residents of and visitors to American Indian and Alaska Native communities. But this system is also the most underdeveloped road network in the nation. More than 75 percent of the roads in this system are unimproved earth and gravel, and approximately 24 percent of 940 IRR bridges are classified as deficient. The inadequate road conditions—unsafe and often inaccessible—make it very difficult for residents of tribal communities to travel to hospitals, schools, stores, and places of employment. In addition, reservation residents suffer injury and death by driving and walking along reservation roadways at rates far above the national average. Over the past 25 years, 5,962 fatal motor vehicle crashes occurred on Indian reservation roads, with 7,093 lives lost. While the number of fatal crashes in the nation declined 2.2 percent during this time period, the number of fatal motor vehicle crashes per year on Indian reservations increased 52.5 percent. Significant changes and investments in federal transportation safety programs serving Indian Country are crucial. State governments spend between $4,000 and $5,000 per road mile on maintaining state roads and highways. In Indian Country, by contrast, less than $500 per road mile is spent on maintenance. Indian Country has an unmet immediate need of well over $258 million in maintenance funding for roads and bridges, and $310 million in unmet new roads and bridges projects. The Bureau of Indian Affairs Road Maintenance Program is responsible for 27,034 miles of BIA-owned roads and 926 bridges. In 2003, the BIA acknowledged that at least $120 million per year was needed to maintain BIA-owned roads and bridges to an adequate standard, and that $50 million per year was needed for bridge rehabilitation and replacement. Costs to maintain these roads have risen sharply in the past five years, due to high inflation costs for construction.

## Tribal Infrastructure Bank

### A Tribal infrastructure bank would solve the infrastructure problems

NCAI ’11 (National Congress of American Indians, “SENATE COMMITTEE ON INDIAN AFFAIRS HEARING: Oversight hearing on tribal transportation: Paving the way for Jobs, Infrastructure,

and Safety in Native Communities”, September 15, 2011, http://www.indian.se nate.gov/hearings/up load/Jefferson-Keel-FINAL-testimony.pdf)

Last week, the President proposed the “American Jobs Act” that included the establishment of a ¶ National Infrastructure bank. In the proposal, the President has asked Congress to fund the ¶ infrastructure bank with $10 billion to assist in leveraging with private and public capital to invest in 4 | P a g e¶ infrastructure projects. This would provide the ability to fund a broad range of infrastructure projects; ¶ it would make loans and loan guarantees and leverage private capital. It should be able to sell or issue ¶ general purpose bonds to raise funds for lending and investment, sell specific project bonds when ¶ necessary, and invite private investment, along with tribal government pension plan investments. ¶ To address tribal specific transportation infrastructure needs, NCAI would like Congress to establish a ¶ Tribal Infrastructure Bank with an initial capital investment of $10 million per year for five years. ¶ Section 350 of the National Highway System Designation Act of 1995, Public Law 104-59, authorized ¶ the U.S. Department of Transportation to establish the State Infrastructure Bank (SIB) Pilot Program. ¶ A SIB is a revolving fund mechanism for financing a wide variety of highway and transit projects ¶ through loans and credit enhancement. SIBs were designed to complement traditional Federal-aid ¶ highway and transit grants by providing States increased flexibility for financing infrastructure ¶ investments. Under the initial SIB Pilot Program, ten states were authorized to establish SIBs. In 1996 ¶ Congress passed supplemental SIB legislation as part of the DOT Fiscal Year (FY) 1997 ¶ Appropriations Act that enabled additional qualified states to participate in the SIB pilot program. ¶ This legislation included a $150 million General Fund appropriation for SIB capitalization. Since then, ¶ Congress has continued to support the SIB program, and specifically reauthorized it in SAFETEALU. ¶ The Tribal Infrastructure Bank (TIB) Pilot Program under which Tribes would be eligible to obtain ¶ infrastructure funds in the form of capital investments for use on authorized transportation projects. ¶ The TIB would operate much like the SIBs. The TIB would be initially funded with Federal start-up ¶ capital, with the goal of becoming self-sufficient through its capital lending program. Tribes would be ¶ eligible to leverage their IRR program and other Federal transportation funds to obtain financing from ¶ the TIB at reasonable rates as one preferred method of the flexible financing techniques described ¶ above. Loans from the TIB shall not exceed a 20 year period.

# \*\*\*Aff Answers\*\*\*

## AT: Fund States CP – Empirically Fails

### Current federal grant programs fail to address native needs --- also proves the state empirically don’t solve

USCCR, 3-

(United States Commission of Civil Rights, “A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country,” <http://www.usccr.gov/pubs/na0703/na0731.pdf>)

 Federal programs that rely on block grants to states frequently underpay Native American recipients. Unless Native Americans are specifically designated as eligible recipients of funds, tribes often must negotiate with state governments to receive a share. Additionally, while eligible, Native Americans often do not have access to programs dedicated to specific needs, because of geographic isolation or the complexity of application processes. Furthermore, most federal programs are directed to Indian Country and not urban areas with significant Native populations. A combination of unequal access to programs and the wrong impression among the general population that Native Americans have an array of self-run programs that serve their needs has created large pockets of impoverished and underserved Native Americans in major cities and reservation border towns. 19 All these factors complicate service delivery, making the receipt of services markedly more difficult for Native Americans than other populations

## AT: Tribal Transit Technical Assistant Program CP

### CP fails – it just reinforces the squo

Boyles and Brinton et. al 6 (Benjamin Boyles, Erin Brinton, Anne Dunning, Angela Mathias, and Mark Sorrell, Metapress & The Native American Transportation Issues Committee sponsored publication of this paper. “Native American Transit Current Practices, Needs, and Barriers”, 2006, trb.metapress.com/content/qu42054t10716818/fulltext.pdf)

CURRENT STATE OF RESERVATION TRANSIT Currently, only 18 of the 562 federally recognized tribes have public transportation systems that receive any form of public monies from FTA’s Section 18 program (6). The Section 18 program provides funding for both capital and operating assistance. Section 18 funding requires a 20% local match for capital funds and a 50% local match for operating funds (7). It is likely that this requirement of a local matching contribution is a significant reason that tribes seeking to establish, continue, or expand tribal transit programs have limited access to self-funding sources. Existing transit systems are often merely extensions of human service provisions, like Head Start or a health services program. In recent years, tribes have been able to increase their public transit offerings through the Tribal Transit Technical Assistance Program, which is funded through the Rural Business Cooperative Service of the U.S. Department of Agriculture. Reservations are forced to provide minimal services with vehicles that are often shared. Providing transit in this fashion truly is better than nothing, but it does little for conveying a sense of permanence and reliability in the local transit program.

## AT: Modernization DA

### Native Americans can maintain cultural ties while modernizing

Hosmer '09

[Brian C. Hosmer, associate professor of history and Native American studies at the University of Illinois at Chicago, April 2009, "American Indians in the Marketplace", pg. online @ www.kansaspress.ku.edu/hosame.html// bprp]

Although it is usually assumed that Native Americans have lost their cultural identity through modernization, some peoples have proved otherwise. Brian Hosmer explores what happened when cultural identity and economic opportunity converged among two Native American communities that used community-based industries to both generate income and sustain their cultures. Comparing a lumber business run by the Menominees of Wisconsin and a salmon cannery established by British Columbian and Alaskan Tsimshian communities known as Metlakatla, Hosmer reveals how each tribe responded to market and political forces over fifty years. Hosmer's innovative ethnohistory recounts how these Indians used the marketplace to maintain their distinctiveness to a far greater extent than those who became wage earners in the white man's world. Hosmer shows that, by selectively incorporating elements of American capitalism into their cultural lives, the Menominees and Metlakatlans came to view modernization less as a threat to their tribal life than as a means for maintaining their independence. These tribes embraced the same market accused of hastening the demise of native societies and became comparatively successful in American terms even as they both honored fundamental values and forged new cultural identities.

## AT: States/Lopez

### Federal government devolution to states fails

Boyles et. Al, 7-

(Benjamin, Metapress, May 4, 2007, “Native American Transit Current Practices, Needs, and Barriers,” <http://trb.metapress.com/content/qu42054t10716818/fulltext.pdf>)

The recent trend of the devolution of federal programs to the states places great importance on tribe–state relations. Because the government-to-government agreement is present only between the federal government and federally recognized tribes, tribes are forced to negotiate with local and state governments on a tribe-bytribe basis. These intergovernmental agreements are often difficult to arrange because of jurisdictional and institutional power struggles and the overlap that inherently exists between the state and the tribe. Tribes must compete for transit funds like any other transit agency within a state, which pressures tribal governments to use precious Indian Reservation Roads (IRR) Act funds for transit purposes. Communication between local governments and tribes also proves to be an even more complex task. A 1997 study prepared by the American Indian Research and Policy Institute revealed that “no formal venue exists for American Indian tribes to work with city, county, and local municipalities. As a result, communications about issues between tribes and their neighboring communities often occurs only when conﬂicts arise on a crisis-by-crisis basis” (18). This atmosphere causes an incremental planning paradigm to remain, inhibiting a sustainable long-range comprehensive transportation planning process.

### CP doesn’t solve the federal obligation of natives

USCCR, 3-

(United States Commission of Civil Rights, “A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country,” <http://www.usccr.gov/pubs/na0703/na0731.pdf>)

The federal obligation to Native Americans is a matter of both moral and legal imperative. 2 For centuries, Native Americans ceded or were displaced from culturally and historically vital territories on the agreement that the federal government would, in perpetuity, assume trust responsibility for them. 3 The United States’ authority and obligation to provide programs and services to Native Americans have long been established in laws, treaties, jurisprudence, and the customary practices of nations. Although Congress originally established treaties with various indigenous nations to meet the federal government’s trust obligations to Native Americans, more recent laws also augment “Indian selfdetermination” by linking it with services. 4 As this report will demonstrate, however, federal funding for services purported to compensate Native peoples for their sacrifices is unequal to the task. The current federal funding of Native American programs is tethered to and built upon a past in which federal obligation to Native Americans was clearly established.

### The federal government has the moral and legal right to carry out the plan --- states also fail because of encroachment on Native territory

USCCR, 3-

(United States Commission of Civil Rights, “A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country,” <http://www.usccr.gov/pubs/na0703/na0731.pdf>)

The dispossession of Native peoples from their lands, in conjunction with the decimation of game and other foodstuffs, during the 18th, 19th, and 20th centuries denied them their primary method of sustenance, the freedoms enjoyed by other groups in the United States, and basic civil rights. Agreements between Native Americans and the United States came at a high price for Native peoples—a price they are still paying. The special government-to-government relationship, or trust relationship, between Native Americans and the United States that has evolved is upheld by the U.S. Constitution, as well as numerous Supreme Court decisions, treaties, and legislation. For example, binding agreements between the Cherokee Nation and the United States stipulate what the government owes the Cherokee today and henceforth for surrendering their land and all associated benefits, including access privileges and resources. 13 In short, the federal government has obligations to tribes on the basis of agreements and treaties that were established when tribes relinquished their lands in exchange for services and other protections. The federal government, as trustee, thus has a responsibility to protect tribal lands, and holds title to ensure against their divestiture from tribal governments. 14 Three components define the trust relationship: land, self-governance, and social services. According to the American Indian Policy Review Commission, the most important aspect of the trust relationship is its potential to improve the welfare of Native peoples: The purpose behind the trust is and always has been to ensure the survival and welfare of Indian tribes and people. This includes an obligation to provide those services required to protect and enhance Indian lands, resources, and self-government, and also includes those economic and social programs that are necessary to raise the standard of living and social wellbeing of the Indian people to a level comparable to the non-Indian society. 15 Although the federal trust responsibility is rooted in the U.S. government’s obligation to compensate Native Americans, the unique government-to-government relationship that resulted has proven beneficial and detrimental. One benefit to tribes is the power to transact directly with the federal government and to receive federal funds without state involvement. However, some states have encroached on tribal sovereignty, primarily through attempts to limit tribal government jurisdiction and to tax and regulate tribal enterprise. A common misconception is that Native Americans do not pay taxes and thus should not benefit from state programs. While Native American lands are not taxed, Native Americans themselves pay considerable business, sales, and federal income taxes. 16 Denial of services based on this premise ignores the true character of tribes’ economic contributions to states. A study by the Arizona Commission of Indian Affairs found that for every dollar the state spent on a tribe, nearly $42 was returned to the state through taxes assessed on businesses that operated on reservations and sales taxes that Native Americans paid on goods purchased off the reservation. 17 Another study found that, in 1999, tribes contributed more than $1 billion to Washington State’s economy, much more than the state paid to provide services to Native Americans.

1

### State delegation creates a bureaucratic nightmare and subordinates tribal concerns.

NCAI 08 **[National Congress of American Indians, “Tribal Transportation Authorities: NCAI-ITA Highway Reauthorization Joint Task Force Draft Legislation” October 17th, 2008**

Rationale: The United States Department of Transportation currently requires applicants, including tribes, for Public Lands Highways Discretionary grants, to submit applications through State transportation departments. This requirement imposes an unnecessary administrative burden on tribal governments, particularly when Congress has already identified funding for a tribal project. The current practice also subordinates tribal transportation priorities to those of State transportation departments. This provision would streamline the application process by authorizing tribal governments to submit applications for PLH-D grants directly to the U.S. Department of Transportation.

**States don’t have the expertise.**

Migliaccio et al 10 [Giovanni, Geri Knoebel, Rebecca Martinez, Alliance for Transportation Research Institute”, The University of New Mexico, “Identification of Results-Oriented Public Involvement Strategies Between Transportation Agencies and Native American Tribal Communities”, National Cooperative Highway Research Project, http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\_w171.pdf]

Collaboration among stakeholders is crucial to project success. There are many barriers to effective collaboration between Tribes and transportation agencies that must be addressed in order to further these collaborative efforts and successful transportation initiatives. Recent federal legislation has mandated that Tribes be included in statewide long-range and strategic transportation planning processes. This had previously done by the BIA on behalf of Tribes. Lack of tribal transportation expertise is a barrier to full participation in these processes. From state perspective, many state agencies lack sufficient knowledge about tribes including sovereignty issues and cultural competency. These factors create barriers to effective collaboration in tribal transportation initiatives.

### Advantage

### Mechanism

#### Employment tax credit FYI – possible idea, not much transpo

2. Indian employment tax credit (sec. 45A)

In general, for taxable years beginning before January 1, 2012, a credit against income tax liability is allowed to employers for the first $20,000 of qualified wages and qualified employee health insurance costs paid or incurred by the employer with respect to certain employees.118 The credit is equal to 20 percent of the excess of eligible employee qualified wages and health insurance costs during the current year over the amount of such wages and costs incurred by the employer during 1993. The credit is an incremental credit, such that an employer’s current-year qualified wages and qualified employee health insurance costs (up to $20,000 per employee) are eligible for the credit only to the extent that the sum of such costs exceeds the sum of comparable costs paid during 1993. No deduction is allowed for the portion of the wages equal to the amount of the credit.

Qualified wages means wages paid or incurred by an employer for services performed by a qualified employee.119 A qualified employee means any employee who is an enrolled member of an Indian tribe or the spouse of an enrolled member of an Indian tribe, who performs substantially all of the services within an Indian reservation, and whose principal place of abode while performing such services is on or near the reservation in which the services are performed.120 An “Indian reservation” is a reservation as defined in section 3(d) of the Indian Financing Act of 1974 or section 4(1) of the Indian Child Welfare Act of 1978.121 For purposes of the preceding sentence, section 3(d) is applied by treating “former Indian reservations in Oklahoma” as including only lands that are (1) within the jurisdictional area of an Oklahoma Indian tribe as determined by the Secretary of the Interior, and (2) recognized by such Secretary as an area eligible for trust land status under 25 C.F.R. Part 151 (as in effect on August 5, 1997). An employee is not treated as a qualified employee for any taxable year of the employer if the total amount of wages paid or incurred by the employer with respect to such employee during the taxable year exceeds an amount determined at an annual rate of $30,000 (which after adjustment for inflation is currently $45,000).122 In addition, an employee will not be treated as a qualified employee under certain specific circumstances, such as where the employee is related to the employer (in the case of an individual employer) or to one of the employer’s shareholders, partners, or grantors.123 Similarly, an employee will not be treated as a qualified employee where the employee has more than a five percent ownership interest in the employer. Finally, an employee will not be considered a qualified employee to the extent the employee’s services relate to gaming activities or are performed in a building housing such activities.

#### Zones

3. Empowerment zones (secs. 1393(a)(4) and 1391(g)(3)(E))

Empowerment zones generally provide tax incentives for businesses that locate within certain geographic areas designated by the Secretaries of the Departments of Housing and Urban Development (“HUD”) and Agriculture. The targeted areas are those that have a condition of pervasive poverty, high unemployment, and general economic distress, and that satisfy certain eligibility criteria, including specified poverty rates and geographic size limitations. Empowerment zone designations generally remain in effect through December 31, 2011.124 The tax incentives include the empowerment zone employment credit, increased expensing under section 179, enterprise zone facility bonds, rollover of gain from the sale of empowerment zone assets, and an increased exclusion of gain from the sale or trade of qualified small business stock.

There have been three rounds of empowerment zone designations. The Omnibus Budget Reconciliation Act of 1993 authorized the designation of nine empowerment zones (“Round I empowerment zones”) and 95 enterprise communities to provide tax incentives for businesses to locate within targeted areas designated by the Secretaries of HUD and Agriculture.125 The Taxpayer Relief Act of 1997 (“1997 Act”) authorized the designation of two additional Round I urban empowerment zones, and 20 additional empowerment zones (“Round II empowerment zones”). The Community Renewal Tax Relief Act of 2000 authorized a total of nine new empowerment zones (“Round III empowerment zones”). Indian reservations were not permitted to qualify for the Round I designations.126 However, Indian reservations could be nominated for Rounds II and III.127 Part of Jackson County and all of Bennett and Shannon Counties in South Dakota comprise the Oglala Sioux Tribe Empowerment Zone.128

Credit for the production of Indian coal (sec. 45) A credit is available for the production of Indian coal sold to an unrelated third party from a qualified facility for a seven-year period beginning January 1, 2006, and ending December 31, 2012. The amount of the credit for Indian coal is $1.50 per ton for the first four years of the seven-year period and $2.00 per ton for the last three years of the seven-year period (adjusted for inflation; $2.267 per ton for coal sold in 2012).137 A qualified Indian coal facility is a facility placed in service before January 1, 2009, that produces coal from reserves that on June 14, 2005, were owned by a Federally recognized Indian tribe or were held in trust by the United States for an Indian tribe or its members. The credit is a component of the general business credit,138 allowing excess credits to be carried back one year and forward up to 20 years. The credit cannot be used to reduce alternative minimum tax liability.

## AT: Politics – Plan Popular

### The plan’s popular – public opinion proves

Capriccioso 11 – writer for Indian Country Today Media Network [Rob, 11/28/2011, Indian Country Today Media Network, “Zogby Poll Finds Support for Tribal Sovereignty,” <http://indiancountrytodaymedianetwork.com/2011/11/28/zogby-poll-finds-support-for-tribal-sovereignty-64808>, DS]

Results from a new poll by the IBOPE Zogby International polling firm indicate that an overwhelming majority of the American public supports tribal sovereignty—the well-established concept that tribes have the right to govern themselves. The poll, released in mid-November, found that 88 percent of the U.S. public supports a component of sovereignty for Native American tribes. The survey found that the overwhelming majority of respondents supported honoring longstanding treaties between the government and tribes. “This poll shows that almost 9 out of 10 Americans support honoring the sovereignty of Indian country, as established by treaties with the Federal government,” Montana state Democratic Sen. Jonathan Windy Boy, a member of the Chippewa-Cree Tribe, said in a statement accompanying the release of the data.

### Republicans support tribal policies

Cornell and Kalt ’10 (November, Stephen (University of Arizona) and Joseph P. (Harvard University) “American Indian Self-Determination: The Political Economy of a Successful Policy” JOPNA Discussion Papers for Peer Review and Comment http://nni.arizona.edu/pubs/jopna-wp1\_cornell&kalt.pdf)

It is true that the party affiliation of the Native electorate is predominantly Democratic,49 and discussions in the mainstream media commonly portray support for American Indians as a liberal cause. These perceptions, however, miss more subtle strains of support and influence. Late Senator Barry M. Goldwater of Arizona, frequently cited as “Mr. Conservative,” and the Republican presidential candidate in 1964, is still remembered by tribes in Arizona as a strong and early sup- porter of nascent pushes by tribal leaders for economic self-sufficiency and local tribal self-rule. The legacy in which Republicans are seen as strong supporters of tribal sovereignty persists in the state, with a former chairman of the Hopi Tribe, one of Arizona’s most traditional, serving in 2008 as the national chairperson of Indians for (Republican presidential nominee John) McCain. In fact, Senator McCain served as chair of the Senate Committee on Indian Affairs in 1995-96 and 2005- 06, and was regarded by tribes as generally quite strong in his support for policies of self-determination (even if he was seen as less supportive on issues of federal spending on Indian matters). The Committee was also chaired over 1997-01 and 2003-05 by Senator Ben Nighthorse Campbell, Democrat-turned-Republican from Colorado and, himself, the only American Indian (Northern Cheyenne) to serve in the Senate in the era of self-determination. Tellingly, the federal legislative foundations of tribal self-determination, including Public Law 95-638 and strengthening amendments, have remained intact in those periods over the last several decades in which Republicans have held majorities of one or both houses of Congress.

## Casino

**Casino creates economic self-sufficiency for Native Americans**

**Hamer 9 –** M.D. and writes human & animal rights essays(Mary, “Apology To The Native American Indians”, 12/8/9, http://www.countercurrents.org/hamer081209.htm)

C. ECONOMIC DEVELOPMENT:

\*Casinos: A Mystic Lake pamphlet states: “Tribal governments realize that casino gaming is not an end in itself. It is a means to achieve what no other federal economic development program has been able to (do) in more that 200 years – The return of self-respect & economic self-sufficiency to Indian people”. (216) “For many Native peoples gaming has become the method for building the strong economic base that they claim they need for independence. For others … gaming is a spiritual cancer eating away at … the soul of Native American communities”. (217)

# \*\*\*Negative\*\*\*

## AT: Solvency – Loans Fail

### Loans fail—unfairly biased

Migliaccio et al 10 [Giovanni, Geri Knoebel, Rebecca Martinez, Alliance for Transportation Research Institute”, The University of New Mexico, “Identification of Results-Oriented Public Involvement Strategies Between Transportation Agencies and Native American Tribal Communities”, National Cooperative Highway Research Project, http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\_w171.pdf]

Use of Loans for Funding OVERVIEW REDO: While almost 75% of the respondents have shown moderate or stronger agreement on the effectiveness of the given practice in presence of Monetary Issues FAIL: This practice is perceived as clearly ineffective and/or the responses largely differed among respondents in terms of its effectiveness when , there was a lack of consensus. At this regard, different comments were provided that suggested a different approach to the use of this practice. Therefore, a second round of Delphi is required to evaluate this revised formulation of the given practice. Cultural Competency, Protection/ Preservation of Tribal Sensitive Resources, Confidentiality, Land Ownership and/or Sovereignty Issues LESSONS LEARNED are present. • Loan money is often tied to specific agendas depending on the source of the loan. • Loans hardly ever work to the benefit of both parties. RECOMMENDATIONS • Loans need to be provided with “no strings attached”. • There should be grants, not loans. • Readily available tribal programs from agencies like the BIA and the National Park Service should be investigated and expanded as an alternative to loans

## AT: Solvency – Fed Fails

### Fed fails—history, coordination, and information overload

Granell and Grachen 05 [Jessica and Grachen, The Public Involvement in Transportation Committee “Strategies for Streamlined Participation

by Native American Governments in Federal Transportation Projects”, 2005, http://trb.metapress.com/content/q00r167gm7812428/fulltext.pdf

Creating an effective public involvement process in transportation planning and project development is a major challenge for transportation agencies. A meaningful and timely consultation process is especially challenging in projects that affect the cultural resources of Native American tribes. Public involvement with tribal governments is a complicated process for many reasons. Each federally recognized tribe is a sovereign government and has its own way of doing business, unique ﬁnancial situation, decision-making process, meeting schedules, and so forth. Many tribes are skeptical that they can inﬂuence the outcome of a transportation project. Additionally, there is a long history of lack of trust between Native American tribes and the federal government, and although this is changing, difficulties remain. In some cases, tribes do not reside in the states where the transportation projects or transportation plans are being carried out, making the process too abstract or too long-term to guarantee their attention. Information overload from all state and federal agencies (not only transportation agencies) in which tribes have had a presence is another problem. Federal, state, and local transportation legislation has emphasized strong tribal government involvement. States trying to comply with legislation sometimes overwork Native American governments with all the projects in their plans, making it difficult for tribes to identify which projects might affect or interest them. This paper is intended to help states in their efforts to streamline effective public involvement of Native American cultures in transportation planning and project development processes.

## States CP – AT: No Trust

### Close consultation ensures trust.

Granell and Grachen 05 [Jessica and Grachen, The Public Involvement in Transportation Committee “Strategies for Streamlined Participation

by Native American Governments in Federal Transportation Projects”, 2005, http://trb.metapress.com/content/q00r167gm7812428/fulltext.pdf

The history of lack of trust between Native American governments and the federal government is sometimes difficult to overcome. But this is changing in many states. The showcased states’ DOTs and FHWA representatives continue to work to establish better and closer relationships with tribal governments. Early and continuous contact ensures more trust. Most tribal governments trust face-to face contact or handshake agreements more than written documents. NYSDOT district officers work to establish closer personal contact that is the best way to ensure that trust built will last throughout the process

## States CP – AT: Paperwork Overload/Delay

### State memorandums of understanding solve delay.

Granell and Grachen 05 [Jessica and Grachen, “Strategies for Streamlined Participation

by Native American Governments in Federal Transportation Projects”, The Public Involvement in Transportation Committee2005, http://trb.metapress.com/content/q00r167gm7812428/fulltext.pdf

No federally recognized tribes live in the state of Georgia, but 15 nonresident tribes have expressed interest in Georgia Department of Transportation (GDOT) federal transportation plans because of ancestral linkage or cultural affiliation. GDOT consultation with tribal governments begins at the early stages of the transportation planning process. When a new STIP is approved, it is sent to these 15 tribes for their review and comment. They can check the plans and determine which projects are likely to affect their ancestral lands. To streamline the consultation process, the Georgia division of FHWA and GDOT have signed memoranda of understanding (MOU) regarding Section 106 consultation with seven federally recognized Indian tribes. Although these MOUs have some differences, in general they outline the project types, level of involvement, preferred consultation methods, time required for response, treatment of burials, and other related matters. The MOUs are intended to facilitate and ensure the participation of federally recognized tribes that have ancestral interests or homelands in the state in the planning and implementation on federal aid projects in Georgia. MOUs help reduce the amount of paperwork sent to the tribes and therefore allow them to focus on those undertakings that are most likely of interest or concern to them. Typically, these are projects such as widening and reconstruction, realignment, or facilities proposed on new locations that involve a high level of construction activity or ground disturbance. Other, more minor, projects like resurfacing or signalization projects that are not likely to affect any historic resources are exempted by the MOUs. The process to establish these MOUs began in 1999, and the ﬁrst MOU was signed in 2001. FHWA and GDOT are still working with tribes that have not signed an MOU.

### Targeted lists and MOU’s reduce consultation time.

Granell and Grachen 05 [Jessica and Grachen, “Strategies for Streamlined Participation

by Native American Governments in Federal Transportation Projects”, The Public Involvement in Transportation Committee2005, http://trb.metapress.com/content/q00r167gm7812428/fulltext.pdf

To reduce paperwork sent to tribes, with tribal assistance some transportation departments have created lists or matrices of the speciﬁc geographical areas of the state in which the various tribes have an interest. This ensures that the tribes receive information about only projects in the areas of concern. When a project is proposed, these lists allow the department of transportation to determine which project information is sent to which tribe. This information is also used to determine with which tribes a department of transportation should follow up closer on the projects in the area. As mentioned, NYSDOT sends tribes a list of projects that may need archaeological studies. This allows tribes to focus on these projects and ensures NYSDOT of tribal input and comment even before the archeological studies are carried out. Other states, like Georgia, have also addressed the paperwork overload by signing MOUs with the tribes, which allows the tribes to focus on those types of projects that have the greatest potential for interest and involvement. However, this process presents challenges.

## Colonialism K – 1NC

### **Links –**

### **Even if the affirmative wishes to help Natives, it views them as assimilated members of our public – that leads to homogenization and colonization**

Endres, prof communication, 9

Endres, Assistant Professor of Communication at the University of Utah, 2009

(Danielle, “The Rhetoric of Nuclear Colonialism: Rhetorical Exclusion of American Indian Arguments in the Yucca Mountain Nuclear Waste Siting Decision,” *Communication and Critical/Cultural Studies.* March, Vol. 6, No. 1, Page 50)

Instead of explicitly naming American Indians as “savages” (a common strategy indentified in the scholarship on rhetorical colonialism), this strategy names American Indian nations as part of the US public by denying government-to-government negotiations, forcing participation in the public comment period and describing all opponents as public critics. The simultaneously deflects the sovereignty of American Indians and hails the as assimilated members of the US public, resulting in the rhetorical exclusion of American Indians to participate in the public hearings also serves to exclude their arguments about land rights, sovereignty and government-to-government negotiations because, as discussed above, current models of public participation exclude non-scientific arguments**.** Although American Indian nations had asserted their land rights and political sovereignty in the public comment period, they and their arguments were rhetorically erased by a discourse naming them part of the US public. This strategy is crucial to the perpetuation of nuclear colonialism because it allows the federal government to use the national interest as a justification for unclear policies. If we consider American Indian nations to be sovereign nations, they have their own national interest which is often at odds with the national interest of the US. For instance, the national interest of the Western Shoshone to regain control of their treaty land is a direct threat to the Yucca Mountain project. Indigenous claims to treaty and land rights can pose a serious threat to US nuclear policies if the indigenous nations do not want to use their land for the nuclear production process. When indigenous people are recognized as sovereign nations, their arguments have the potential to pose a significant threat to the policies of nuclear colonialism. However, if indigenous people are named as part of the public of the colonizing nation, then their arguments can be redefined as coming from an interest group or ethnic group within the nation and the group can be asked to sacrifice their lands for the greater good of the nation.

### **Attempts at self-determination are still fundamentally colonialist – they still position the federal government as powerful**

White 07

(Bristol Bay Native Association, July, “White Paper on the Native American Challenge Demonstration Project Act”)

Despite some improvement in recent decades in terms of various measures of economic and social well-being, America’s Native peoples --- American Indians, Alaska Natives and Native Hawaiians --- continue to suffer disproportionately high rates of unemployment and poverty, poor health, substandard housing, and associated social ills when compared to any other group in our nation.

This poor statistical profile plagues Native communities despite a rich cultural legacy and, in many instances, abundant natural resources on and under their lands and in their waters. Many Native communities own vast swaths of timber, huge reserves of coal, natural gas, and oil, fish and shellfish, and other natural amenities.

Nonetheless, geographic remoteness, distance from markets and population centers, poor physical infrastructure, and a lack of governmental transparency are among the reasons many Native American economies remain stagnant.

FEDERAL INDIAN POLICY SUCCESSES

In July 1970 President Nixon issued his “Special Message to Congress on Indian Affairs” which led to significant changes in how the United States helped Native communities cope with the many economic challenges they confronted.

Rejecting both the stifling paternalism of a welfare state and the harsh consequences of simply eliminating the Federal-tribal relationship, Indian Self Determination sought to rehabilitate tribal institutions by encouraging local political decision-making and economic self-sufficiency. Giving congressional ratification to Nixon’s bold new course, Congress passed the Menominee Restoration Act of 1973; the Native American Programs Act (42 USC 2992d et seq.) and Indian Financing Act (25 USC 1451 et seq.) of 1974; the Indian Education Assistance Act (25 USC 455 et seq.), and the most influential --- the Indian Self Determination and Education Assistance Act of 1975 (25 USC 450 et seq.).

Of these, the Indian Self Determination and Education Assistance Act (ISDEAA) has been particularly effective in devolving Federal decision-making and authority to administer programs and services from the United States to tribal governments. To date, one-half of all Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) functions are operated by tribal governments. This transfer of authority and resources has resulted in more effective and efficient program administration as well as the development of an Indian civil service whose skills are transferable to tribal economic development efforts.

This trend is entirely positive and laudable but the ISDEAA is, at the end of the day, a Federal contracting program for Indian tribes and tribal consortia. It is, put simply, tribal management of Federal funds and service programs. What is still sorely needed is the kind of local job creation and revenue generation that will serve to reinvigorate Native economies and communities.

### **Impacts**

### The death drive of colonialism perpetuates cycles of violence – the impact is extinction

Santos, professor at the University of Coimbra, School of Economics, 2003

(Sousa, professor at the University of Coimbra, School of Economics, April <http://bad.eserver.org/issues/2003/63/santos.html>)

According to Franz Hinkelammert, the West has repeatedly been under the illusion that it should try to save humanity by destroying part of it. This is a salvific and sacrificial destruction, committed in the name of the need to radically materialize all the possibilities opened up by a given social and political reality over which it is supposed to have total power. This is how it was in colonialism, with the genocide of indigenous peoples, and the African slaves. This is how it was in the period of imperialist struggles, which caused millions of deaths in two world wars and many other colonial wars. This is how it was under Stalinism, with the Gulag, and under Nazism, with the Holocaust. And now today, this is how it is in neoliberalism, with the collective sacrifice of the periphery and even the semiperiphery of the world system. With the war against Iraq, it is fitting to ask whether what is in progress is a new genocidal and sacrificial illusion, and what its scope might be. It is above all appropriate to ask if the new illusion will not herald the radicalization and the ultimate perversion of the Western illusion: destroying all of humanity in the illusion of saving it. Sacrificial genocide arises from a totalitarian illusion manifested in the belief that there are no alternatives to the present-day reality, and that the problems and difficulties confronting it arise from failing to take its logic of development to ultimate consequences. If there is unemployment, hunger and death in the Third World, this is not the result of market failures; instead, it is the outcome of market laws not having been fully applied. If there is terrorism, this is not due to the violence of the conditions that generate it; it is due, rather, to the fact that total violence has not been employed to physically eradicate all terrorists and potential terrorists. This political logic is based on the supposition of total power and knowledge, and on the radical rejection of alternatives; it is ultra-conservative in that it aims to reproduce infinitely the status quo. Inherent to it is the notion of the end of history. During the last hundred years, the West has experienced three versions of this logic, and, therefore, seen three versions of the end of history: Stalinism, with its logic of insuperable efficiency of the plan; Nazism, with its logic of racial superiority; and neoliberalism, with its logic of insuperable efficiency of the market. The first two periods involved the destruction of democracy. The last one trivializes democracy, disarming it in the face of social actors sufficiently powerful to be able to privatize the state and international institutions in their favor. I have described this situation as a combination of political democracy and social fascism. One current manifestation of this combination resides in the fact that intensely strong public opinion, worldwide, against the war is found to be incapable of halting the war machine set in motion by supposedly democratic rulers. At all these moments, a death drive, a catastrophic heroism, predominates, the idea of a looming collective suicide, only preventable by the massive destruction of the other. Paradoxically, the broader the definition of the other and the efficacy of its destruction, the more likely collective suicide becomes. In its sacrificial genocide version, neoliberalism is a mixture of market radicalization, neoconservatism and Christian fundamentalism. Its death drive takes a number of forms, from the idea of "discardable populations", referring to citizens of the Third World not capable of being exploited as workers and consumers, to the concept of "collateral damage", to refer to the deaths, as a result of war, of thousands of innocent civilians. The last, catastrophic heroism, is quite clear on two facts: according to reliable calculations by the Non-Governmental Organization MEDACT, in London, between 48 and 260 thousand civilians will die during the war and in the three months after (this is without there being civil war or a nuclear attack); the war will cost 100 billion dollars, enough to pay the health costs of the world's poorest countries for four years. Is it possible to fight this death drive? We must bear in mind that, historically, sacrificial destruction has always been linked to the economic pillage of natural resources and the labor force, to the imperial design of radically changing the terms of economic, social, political and cultural exchanges in the face of falling efficiency rates postulated by the maximalist logic of the totalitarian illusion in operation. It is as though hegemonic powers, both when they are on the rise and when they are in decline, repeatedly go through times of primitive accumulation, legitimizing the most shameful violence in the name of futures where, by definition, there is no room for what must be destroyed**. In today's version, the period of primitive accumulation consists of combining neoliberal economic globalization with the globalization of war. The machine of democracy and liberty turns into a machine of horror and destruction**

### **Legal inclusion is rhetorical colonialism – justifies the destruction of Indian nations**

Endres, prof communication, 9

Endres, Assistant Professor of Communication at the University of Utah, 2009

(Danielle, “The Rhetoric of Nuclear Colonialism: Rhetorical Exclusion of American Indian Arguments in the Yucca Mountain Nuclear Waste Siting Decision,” *Communication and Critical/Cultural Studies.* March, Vol. 6, No. 1, Page 50)

Colonialism in all its forms is dependent on the discursive apparatus that sustains it. Mary Stuckey and John Murphy point out that rhetorical colonialism recognizes that the language used by colonizers is a crucial justification for the colonial project. Caskey Russell argues that a “vast justification systems have been set up to keep colonizers from feeling guilty.” Indian law is an integral part of the discursive system of colonialism that is employed over an over again to grant political sovereignty while simultaneously restricting it. Political sovereignty for American Indians is a complex concept that reveals that US Indian Law views American Indian nations as colonized peoples. It is not based on the inherent sovereignty of American Indian nations but instead upon the laws of the US that grant political sovereignty to American Indians. Yet, when sovereignty is granted, it is dependent upon acknowledgment by the grantor and is therefore vulnerable to coercive restriction. Although the Constitution, hundreds of treaties, and US Supreme Court decisions affirm the political sovereignty of American Indian nations, this form of political sovereignty is egregiously and unilaterally limited by the US federal government through its laws and policies. Three Supreme Court decisions under Chief Justice John Marshall in the early 1800s solidified the assumption that Indian sovereignty is granted an introduced the concept of American Indian nations as “domestic dependent nations.” According to Wallace Coffey and Rebecca Tsosie of the Native American Rights Fund, “the concept of Indian tribes as ‘domestic dependent nations’ means that tribal governmental authority is to some extend circumscribed by federal authority.” The domestic dependent status defined by Supreme Court decisions in the 1860s discursively relegates American Indian nations to a partial and contingent nationhood. The term “domestic dependents” also calls forth paternalistic images of American Indians as child-like dependents who need to be protected by the federal government. Given these restrictions, if American Indian nations attempt to use Indian Law and its notion of sovereignty granted through federal law in their quest for more rights within Indian Law. Although political sovereignty may acknowledge that American Indians have distinct nations and governments, this sovereignty is always defined as dependent on and subordinate to the US federal government.

### Assimilation justifies destruction of American Indian Culture

Toshka, tribe leader, 94 – member of the La Huerta Cochimi Band

(Hummingbird, Network Katzlan, “The Genocide of Native Americans: A Sociological View”, <http://www.networkaztlan.com/history/genocide_of_native.html>)

The Europeans saw themselves as the superior culture bringing civilization to an inferior culture. The colonial world view split reality into popular parts: good and evil, body and spirit, man and nature, head and hear, European and primitive. American Indians spirituality lacks these dualism's; language expresses the oneness of all things. God is not the transcendent Father but the Mother Earth, the Corn Mother, the Great Spirit who nourishes all. It is polytheistic, believing in many gods and many levels of deity. "At the basis of most American Native beliefs is the supernatural was a profound conviction that an invisible force, a powerful spirit, permeated the entire universe and ordered the cycles of birth and death for all living things." Beyond this belief in a universal spirit, most American Indians attached supernatural qualities to animals, heavenly bodies, the seasons, dead ancestors, the elements, and geologic formations. Their world was infused with the divine - The Sacred Hoop. This was not at all a personal being presiding ominpotently over the salvation or damnation of individual people as the Europeans believed   For the Europeans such beliefs were pagan. Thus, the conquest was rationalized as a necessary evil that would bestow upon the heathen "Indians" a moral consciousness that would redeem their amorality. The world view which converted bare economic self interest into noble, even moral, motives was a notion of Christianity as the one redemptive religion which demands fealty from all cultures. In this remaking of the American Indians the impetus which drove the conquistador's invading wars not exploration, but the drive to expand an empire, not discovery of new land, but the drive to accumulate treasure, land and cheap labor.   CULTURE   Culture is the statement of a people's creativity -- everything they make which is distinctively theirs: language, music, art, religion, healing, agriculture, cooking style, the institutions governing social life. To suppress culture is to aim a cannonball at the people's heart and spirit. Such a conquest is more accomplished than a massacre. "We have seen the colonization materially kills the colonized. It must be added that it kills him spiritually.   Colonization distorts relationships, destroys and petrifies institutions, and corrupts....both colonizers and the colonized." Strategies of targeting American Indian children for assimilation began with violence. Forts were erected by Jesuits, in which indigenous youths were incarcerated, indoctrinated with non-indigenous Christian values, and forced into manual labor. Schooling provided a crucial tool in changing not only the language but the culture of impressionable young people. In boarding schools students could be immersed in a 24 hours bath of assimilation.   "The founder of the Carlisle Indian Industrial School in Pennsylvania , Capt. Richard H. Pratt, observed in 1892 that Carlisle has always planted treason to the tribe and loyalty to the nation at large. More crudely put, the Carlisle philosophy was, "Kill the Indian to save the man." At the boarding schools children were forbidden to speak their native languages, forced to shed familiar clothing for uniforms, cut their hair and subjected to harsh discipline. Children who had seldom heard an unkind word spoken to them were all too often verbally and physically abused by their white teachers. In short, "there was a full-scale attempt at deracination -- the uprooting or destruction of a race and its culture." A few American Indian children were able to run away, others died of illness and some died of homesickness.   The children, forcibly separated from their parents by soldiers often never saw their families until later in their adulthood, after their value-system and knowledge had been supplanted with colonial thinking. When these children returned from boarding schools they no longer knew their native language, they were strangers in their own world, there was a loss, a void of not belonging in the native world, nor the white man's world. In the movie "Lakota Women," these children are referred to as "Apple Children [red on the outside, white on the inside]" they do not know where they fit in, they were unable to assimilate into either culture. This confusion and loss of cultural identity, leads to suicide, drinking and violence. The most destructive aspect of alienation is the loss of power, of control over one's destiny, over one's memories, through relationships -- past and future.   Jose Noriega's well-documented historical account of the forced indoctrination of colonial thought into the minds of American Indian children as a means of disrupting the generational transmission of cultural values, clearly demonstrates the cultural genocide employed by the U.S. government as a means of separating the American Indians from their land.

### Assimilation is the equivalent of genocide

Freeman, Ph.D in govt, 95

U of Essex (Jstor, Michael, “Genocide, Civilization and Modernity,” The British Journal of Sociology, Vol. 46, No. 2, June, Page 218)

Machiavelli suggested that violent destruction is often a means to political construction. As rulers seek to establish, restore, maintain or increase the power of their political communities, they encounter resistance from others. Ruthless elimination of such resistance is often the most prudent policy. The two main political construction projects of history have been the nation-state and the empire, and the enemies who stand in the way of such projects may be external or internal. Many of the events that have been identified as genocide have been imperial-external (as in the campaigns of Genghis Khan), or national- internal (as in Cambodia during the Khmer Rouge regime) or both (as in the Nazi case). However, both these distinctions are open to question, in that nation-states and empires are not always distinguishable (e.g., the relation of the USSR to the Baltic republics) and genocidal wars may be fought because the combatants dispute the internal-external border (e.g., the wars between the USA and Native American tribes). Yet **locating the explanation of genocide in the context of political construction not only helps us to understand its motivation and its justifying ideologies but also shows how various forms of domination - extermination, subjugation, deportation, assimilation- may serve a similar purpose and how each may have a 'genocidal' quality even though it differs from the others. Total exterminations are rare, but massacres are common means to the ends of subjugation and deportation, and assimilation is often a very destructive process** (Liverani 1990: 127-9, 13840, 1434). Extermination is therefore one means to the end of political construction. Such projects may involve real conflicts of interest between peoples, for example competing claims to land, or conflicts that are ideologically constructed, for example when the perpetrators of genocide deem their victims to be unfit to participate in the new order.

**Native American assimilation causes cultural extinction**

Crow, 9

Anchorage Daily News and is from the Aleut Tribe

(Renee, Anchorage Daily News, 2-17-09, <http://tribalemployee.blogspot.com/2009/02/assimilation-of-native-americans.html>)

What is killing **our** Native cultures is **not our schools but** the breakdown of **our** families.When we choose to speak English **to our children** instead of our own language, we are choosing to allow our **language to die**. **When** we allow our children to watch hours of television or play video games instead of sharing **our** stories, we **allow our culture to die.** When we choose to buy meat at the stores instead of trapping, hunting and fishing with our children, we fail to teach them how**.** When we buy Doritos and frozen pizza instead of gathering eggs or berries, **we hurt our culture**. When we buy a hat **from the store** instead of sewing one, we fail **to teach our children.** When we go to bingo instead of playing our traditional games **with our children,** we fail.

### The mentality of assimilation is the root of every problem identified in the 1AC – means the K turns the case

**Thomas, 90**

(Lois, *St. Petersburg Times*, “Genocide Still Threatens Native Americans”, 29 March, Lexis)

Although the genocide of the Jews has been eliminated, the genocide of the American Indian continues. The American Indians are constantly subjected to historical presentations that cruelly remind them that they are the beaten people, the conquered nations. Archaeologists and historians refer to Indian culture in the past tense, rejecting the notion that the Indian people are still struggling to survive. Witness what is happening in Wisconsin with Chippewa treaty rights, or what is happening on the Navajo reservation in Arizona, the land called "Big Mountain." These are real situations, with real people, not re-enactments from a history book or parts of a Hollywood script. In January 1989, a new federal law went into effect. The law made genocide illegal. Part of the definition of genocide, as described in the law, reads, "subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part . " Denying the American Indians the right to live on their traditional lands, to follow their religion as they have for centuries, to deny their children the right to be proud of their heritage all these are examples of genocide. Ask the elders on Big Mountain in Arizona and they'll tell you about genocide. Ask the Navajo grandmother who wants to stay in her traditional hogan instead of government provided housing, she'll tell you about the destruction of her culture, about the need for the lands, the traditions, the way of life, to survive. Ask the U.S. government about Big Mountain, they'll talk of mining interests and doing what's best for the Indian. Ask the American Indians their opinion of the government's policy of providing for "the good of the Indian people." There are no gas chambers for the Indians to face. Their gas chambers were the U.S. Cavalryand the continued perpetuation of stereotypes and governmental intervention. There are no concentration camps, only Indian reservations. There are no secret police or storm troopers, but there is the Bureau of Indian Affairs and the Federal Bureau of Investigation. The Jew and the Indian have both suffered hatred and discrimination for centuries. The difference is that for the Jew, the self-image is one of a proud people able to rise above steep odds. The Jewish child does not have any problem with self-worth or self-esteem. For the Indian child, however, self-worth and self-esteem are virtually non-existent. He is constantly subjected to subtle degradation via the entertainment media, educational curriculum, and society attitude. The Indian child is constantly reminded that he is the "beaten people." He is the "savage," the "pagan," the "bad guy." He is not told that his people enabled the first colonists to survive, that his people (the Aztecs) gave the world a calendar more accurate than the one used today, that his people were responsible for the conception of the U.S. Constitution. Sociologists will tell you that self-worth and self-esteem are directly related to the incidences of substance abuse, alcoholism and suicide. The American Indian population has the highest unemployment, rate of alcoholism and rate of youth suicides, and the lowest life expectancy of any racial group in this country. This is what the practice of assimilation has done for the American Indian. On the other hand, Indian nations that have adopted programs reinforcing traditional teachings and lifestyles have chronicled remarkable improvements in the alcoholism and suicide ratios on those reservations. The American Indian wept along with the Jewish people for the horror of the Holocaust. The American Indian wept for the blacks over the sickness of racial bigotry. But who weeps for the American Indian? Tears are not enough now. The American Indian needs more than sympathy. The past cannot be changed, but the future can be. If our educational system needs to be changed to correct the distortions and stereotypes, then let's do it. If governmental policies and bureaucratic programs hurt rather than help, let's eliminate them. If the attitude of the general public is discriminatory and racist, let's change it. Let's make a difference in the lives of the American Indians, just as they made a difference in the lives of the first colonists. Our guest columnist is secretary-treasurer of the American Indian Issues and Action Committee in St. Petersburg.

### The mere criticism of this type of colonialist thinking is key to opening a space in the system of value-coding. Problem-solution thinking and calculative production that is separated from systematic analysis recreates hegemonic narratives and policy

Spivak 93 (Gayatri Spivak is a Professor of English and Comparative Literature at Columbia University, “Outside the Teaching Machine,” p.63-64, 1993 MAG)

The operation of the value-form makes every commitment negotiable, however urgent it might seem or be. For the long haul emancipatory social intervention is not primarily a question of redressing victimage by the assertion of (class- or gender- or ethnocultural) identity. It is a question of developing a vigilance for systemic appropriations of the unacknowledged social production of a differentialthat is one basis of exchange into the networks of the cultural politics of class- or gender*-*identification*.* In the field of ethnocultural politics, the postcolonial teacher can help to develop this vigilance rather than continue pathetically to dramatize victimage or assert a spurious identity. She says “no” to the “moral luck” of the culture of imperialism while recognizing that she must inhabit it, indeed invest it, to criticize it. (Indeed, the specificity of “postcoloniality” understood in this way can help us to grasp that no historically [or philosophically] adequate claims can be produced in any space for the guiding words of political, military, economic, ideological emancipation and oppression. You take positions in terms not of the discovery of historical or philosophical grounds, but in terms of reversing, displacing, and seizing the apparatus of value­coding. This is what it means to say “the agenda of ontocultural commit­ments is negotiable.” In that sense “postcoloniality,” far from being marginal, can show the irreducible margin in the center: We are always afterthe empire of reason, our claims to it always short of adequate. In the hands of identitarians, alas, this can lead to further claims of marginal­ity. “We are all postcolonials . . “)

## 1NC Case Defense

### Native economic development post-plan is impossible – cultural conflicts

Capriccioso ‘09, Washington staff reporter at Indian Country Today

(Robert Capriccioso, “A complex tale to be told” Indian Country Today, http://indiancountrynews.net/index.php?option=com\_content&task=view&id=1615&Itemid=84&limit=1&limitstart=0)

Upon learning the profits of the few tribes that have enjoyed considerable economic success in the gaming arena, some people, unfamiliar with tribal sovereignty, self-determination and other cultural and political issues involving American Indians, might wonder why all tribes haven’t jumped collectively onto the casino bandwagon. Beyond the obvious problems that would arise from market competition and saturation, tribal officials interviewed throughout the country say that an immense complicating factor is the unique political and social status of American Indians as a racial group in the U.S. Tribes not only have inherent rights under the U.S. Constitution, treaties, Supreme Court decisions, Presidential executive orders, and acts of Congress, their members also often have another set of decisions to consider based on their unique cultural beliefs and customs. Winnebago leaders, for example, say that the role of culture has long factored into their contemporary economic decision-making. “As early as 1989 efforts were made to identify ways to create jobs and provide money for the tribe,” according to the tribe’s Web site. “A driving force behind these efforts was Reuben Snake (Kikawa Unga), a Winnebago political and spiritual leader. Reuben encouraged the tribe to find new ways to provide jobs and to make profitable business entities, while also respecting the ways of the past and tribal tradition and culture.” All in all, it’s a business framework that would probably make Donald Trump squirm. “Economic development for American Indians is really very different than for other ethnic minority groups,” says Begay, who is of Navajo descent. “We hold different things sacred and we also sometimes hold similar things sacred.” (For many years prior to the 2000s, many members of the Navajo Nation resisted casino development on the basis of cultural objections.) “The strategy that’s selected by various tribes would need to consider what the cultural implications are for going one route over another,” says Begay. Simply put, Native Americans appear to have different goals than the average American. According to a study conducted by Harvard University, the most commonly self-reported goals of Native nations in the arena of economic development are not wealth and capitalistic riches. Instead, tribes often pursue economic development in order to have the freedom to control their own political, cultural and social destinies, and to have the ability to sustain communities where their citizens can and want to live. But decisions aren’t always so crystal clear. Cornish notes that it can sometimes be very difficult for tribes to contemplate the role of culture in the context of their economic decision-making. “There’s nothing in Indian Country that isn’t controversial,” he says. “Especially in economic development.” For instance, some tribes that have uranium resources under their reservations have been very reluctant to mine it in reverence to the Earth, although there is a feeling among some tribal members that the federal government might get involved, if Indians don’t act soon.

### Lack of qualified leadership hinders Native American economic development

Capriccioso ‘09, (July 09 Washington staff reporter at Indian Country Today

(Robert Capriccioso, “A complex tale to be told” Indian Country Today, http://indiancountrynews.net/index.php?option=com\_content&task=view&id=1615&Itemid=84&limit=1&limitstart=0)

Once a tribe has dipped its collective toes into the economic development waters – whether via a casino, tribal business, and/or support for Native entrepreneurs – leadership becomes a key ingredient in creating successful and sustained economic development, according to several researchers. But good leadership doesn’t come easy. Many tribal leaders have lacked educational opportunities, have never held a job, or have only held “work until the grant runs out” jobs, according to Kalt. “Of those that have substantial work experience, much of this has typically been in government rather than business,” he says. “With more control of tribal government comes increased responsibility and accountability. While leaders are seeing the consequences of their decisions and actions and learning from these experiences, more effort and opportunity must be directed to the capacity of tribal leadership.” “Recent economic growth in Indian Country is fragile, particularly so because it is founded on powers of self-determination that are under constant attack from certain state and federal quarters and because maintenance of such powers is not under the unilateral control of Native nations,” according to a section of The State of the Native Nations. “It is not coincidence that economic development has taken root where and when long-standing federal ‘project’ and ‘grant’ approaches to development have been replaced by tribes’ assertions of self-rule in the economic arena.” Begay says that pressure is increasingly felt on the shoulders of Indian governments to put in place the institutional infrastructures needed to channel human and financial resources into productive activities, so that the community is working to add to the economic “pie,” rather than squabbling over how to divide the pie. “There is a need to develop good political institutions to allow for economic development to take off,” says Begay. “Many tribes currently have governing structures that do not mesh very well with the contemporary needs and challenges of Indian nations.” Cornish suggests that more tribal leaders should be making partnerships with outside contractors to fill certain tribal business positions, at least in the short term. “Putting less than fully qualified tribal people in managerial roles isn’t a good idea,” he says. “Tribes have to determine that if they’re going to be successful, they have to hire the best talent. Then, they can get a return on their investment by having tribal members job-shadow and learn the ropes.” More than one researcher interviewed for this story said that tribal politics should be kept separate from day-to-day government decision-making and management in bureaucratic and business affairs. Comparative research involving multiple tribal leadership styles has found that successful economic development is most likely to occur when tribes effectively assert their sovereignty and back up such assertions with capable and culturally appropriate institutions of self-government. “Where these tribal government-oriented attributes are absent, tribal assets such as an educated citizenry, natural resources, and the like are more often squandered, failing to deliver sustainable economic performance or lasting improvements in community welfare,” according to Kalt’s research.

## Native PIC?

### The term Native American white washes history of Native – This allows us to deny the struggles of Indians, turning the case. Only using the term ‘Indian’ can we remember the cultural annihilation we committed

Berry ‘No Date (Christina “What's in a Name? Indians and Political Correctness” http://www.allthingscherokee.com/articles\_culture\_events\_070101.html)

There is, however, a very obvious problem with this term. Any person born in "America" is a native American. Rush Limbaugh and other staunch conservatives were quick to point this out. Though the intentions were good, the term Native American seemed to cause more problems than it fixed. It created in mainstream Americans a fear that they would look insensitive if they accidently used the wrong term and it made many Americans resentful of Indians for being too sensitive. Ironically, Indians, or American Indians (whichever you prefer), did not seem interested in changing their name. AIM, the American Indian Movement, did not begin calling itself NAM. The American Indian College Fund did not change its name. Many Indians continue to call themselves Indian or American Indian regardless of what the rest of America and the world calls them. Why? The reasons are diverse and personal, but there are two popular reasons. The first reason is habit. Many Indians have been Indians all their lives. The Native people of this continent have been called Indian throughout all of post-Columbian history. Why change now? The second reason is far more political. While the new politically correct terms were intended to help ethnic groups by giving them a name that did not carry the emotional baggage of American history, it also enabled America to ease its conscience. The term Native American is so recent that it does not have all the negative history attached. Native Americans did not suffer through countless trails of tears, disease, wars, and cultural annihilation -- Indians did. The Native people today are Native Americans not Indians, therefore we do not need to feel guilty for the horrors of the past. Many Indians feel that this is what the term Native American essentially does -- it white-washes history. It cleans the slate.

## Local CP

### Localized policies solve better – their solvency advocate

Suagee, ‘92, J.D. – University of North Carolina Law, LLM – American University, University of Michigan Journal of Law Reform

(Dean B, "Self-Determination For Indigenous Peoples At The Dawn Of The Solar Age", Spring and Summer 1992, 25 U. Mich. J.L. Reform 671, lexis)

Tribal leaders are well situated to fashion strategies to address these four critical needs. Because of their inherent sovereignty, tribal governments need not await the enactment of national legislation to take steps at the reservation level. Tribal leaders could fashion a wide range of measures to help expedite the transition to the solar age by drawing on their own experiences in promoting "economic development" in Indian country and on experiences from the Third World countries. They must continue to be mindful of tribal cultural values and use their native ingenuity and creativity. The remainder of this Article suggests a few of the possibilities.

## Tribal Autonomy Now

### Status quo solves autonomy args – it is literally a law that they have autonomy

(BIA = Bureau of Indian Affairs)

FHA '92

[Federal Highway Administration, US Department of Transportation, Memorandum of Agreement Between the Bureau of Indian Affairs and the Federal Highway Administration Relating To Indian Reservation Roads", pg. onling @ www.fhwa.dot.gov/agreements/headquarters/hflb1agr.htm// bprp]

 A program and policy review conference will be conducted as necessary. Information for such conferences will include the following: The BIA will provide: (1) a list of projects with supporting data that will best meet its transportation needs for the short- and long-range objectives; (2) status reports on transportation planning activities including State and local land and resource management planning for Indian land development which affect an existing or proposed road; and (3) identification of funding needs for special studies, research, surveys, and design. The FHWA will provide: (1) the latest information on available financing and its affects on the proposed program; (2) the status of existing projects and agreements and any supporting information that may be required in analysis and review of future projects; and (3) recommendations as to possible alternatives and changes that should be considered as a result of a review and analysis of data provided by BIA.

## Neg - Govt Action Fails

### Government funded transportation infrastructure fails

Boyles et. Al, 7-

(Benjamin, Metapress, May 4, 2007, “Native American Transit Current Practices, Needs, and Barriers,” <http://trb.metapress.com/content/qu42054t10716818/fulltext.pdf>)

BARRIERS TO TRANSIT PROVISION Many obstacles stand in the way of adequate transit provision in reservation communities. However, they all combine to put Native Americans at a disadvantage when it comes to mobility options and access to vital services and employment opportunities. Through a review of the literature, the following barriers proved to be the most crucial in tribal transportation planning initiatives: • Historical neglect, • A lack of funding and adequate representation, • Insufficient in-house transportation planning expertise, • Planning process neglect, • Government-to-government relations, and • Rural and remote locations of reservations.

## Neg – Government Programs Fail

### Government programs fail to meet natives needs and are discriminatory --- they still don’t receive all of the same support

USCCR, 3-

(United States Commission of Civil Rights, “A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country,” <http://www.usccr.gov/pubs/na0703/na0731.pdf>)

The federal government has a long-established special relationship with Native Americans characterized by their status as governmentally independent entities, dependent on the United States for support and protection. In exchange for land and in compensation for forced removal from their original homelands, the government promised through laws, treaties, and pledges to support and protect Native Americans. However, funding for programs associated with those promises has fallen short, and Native people continue to suffer the consequences of a discriminatory history. Federal efforts to raise Native American living conditions to the standards of others have long been in motion, but Native Americans still suffer higher rates of poverty, poor educational achievement, substandard housing, and higher rates of disease and illness. Native Americans continue to rank at or near the bottom of nearly every social, health, and economic indicator. Small in numbers and relatively poor, Native Americans often have had a difficult time ensuring fair and equal treatment on their own. Unfortunately, relying on the goodwill of the nation to honor its obligation to Native Americans clearly has not resulted in desired outcomes. Its small size and geographic apartness from the rest of American society induces some to designate the Native American population the “invisible minority.” To many, the government’s promises to Native Americans go largely unfulfilled. Thus, the U.S. Commission on Civil Rights, through this report, gives voice to a quiet crisis. Over the last 10 years, federal funding for Native American programs has increased significantly. However, this has not been nearly enough to compensate for a decline in spending power, which had been evident for decades before that, nor to overcome a long and sad history of neglect and discrimination. Thus, there persists a large deficit in funding Native American programs that needs to be paid to eliminate the backlog of unmet Native American needs, an essential predicate to raising their standards of living to that of other Americans. Native Americans living on tribal lands do not have access to the same services and programs available to other Americans, even though the government has a binding trust obligation to provide them.

## Alt Causes

### Way too many alt causes to poor infrastructure that tax credits cant overcome

Boyles and Brinton et. al 6 (Benjamin Boyles, Erin Brinton, Anne Dunning, Angela Mathias, and Mark Sorrell, Metapress & The Native American Transportation Issues Committee sponsored publication of this paper. “Native American Transit Current Practices, Needs, and Barriers”, 2006, trb.metapress.com/content/qu42054t10716818/fulltext.pdf)

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### Infrastructure building wont be successful – no expertise

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Insufficient Local Expertise - Few local tribal governments have an in-house source of expertise for transportation planning, leading to the need for an outside consultant. An outside planner may bring potentially inhibiting obstacles. Plans that are formulated by outsiders are often greeted with skepticism, increasing the probability of not implementing them. An outside planner also lacks the knowledge of the idiosyncrasies and political climate that currently exists within a tribe. This can restrict public involvement and participation, causing plans not to be representative of the entire population.

#### MAP 21 solves the aff

CRS ’11 (December 14 Report for Congress “Surface Transportation Reauthorization Legislation in the 112th Congress: Summary of Selected Major Provisions” http://sotfp.transportation.org/Documents/SurfaceTransportationLegislationRept121411R42120.pdf)

Section 1116 of MAP-21 would restructure the Federal Lands Highways Programs (Public Lands Highways, Indian Reservation Roads, Park Roads and Parkways, and Refuge Roads) by creating the Federal Lands and Tribal Transportation Program. The new program would have three main components: the Tribal Transportation Program; the Federal Lands Transportation Program; and the Federal Lands Access Program. MAP-21 proposes to fund the Tribal Transportation Program at $450 million annually. Funding for other federal lands programs would be $550 million annually. Among the changes in the Tribal Transportation Program is a new statutory formula for distributing funds among tribes based on road mileage and tribal population. Funding from the Federal Lands Access Program would be allocated among the states by a formula that takes into account the amount of federal land, the number of recreational visitors, the number of miles of federal roads, and the number of federally owned bridges.

#### MAP 21 has already allocated funding for tribal transportation

\_\_\_\_\_\_\_ ’12 (Conference Report House of Representatives Senate MAP 21 Passage http://docs.house.gov/billsthisweek/20120625/CRPT-112hrpt-HR4348.pdf)

FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.— (A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program under section 202 of title 23, United States Code, $450,000,000 for each of fiscal years 2013 and 2014. (B) FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Federal lands transportation program under section 203 of title 23, United States Code, $300,000,000 for each of fiscal years 2013 and 2014, of which $240,000,000 of the amount made available for each fiscal year shall be the amount for the National Park Service and $30,000,000 of the amount made available for each fiscal year shall be the amount for the United States Fish and Wildlife Service. (C) FEDERAL LANDS ACCESS PROGRAM.—For the Fed- eral lands access program under section 204 of title 23, United States Code, $250,000,000 for each of fiscal years 2013 and 2014.

#### Funding now solves infrastructure development

White House Gov ’11 (December 2011 White House Tribal Nations Conference Progress Report “ACHIEVING A BRIGHTER FUTURE FOR TRIBAL NATIONS” http://www.whitehouse.gov/sites/default/files/2011whtnc\_report.pdf)

In addition, over $142 million was provided through the Recovery Act to the BIA for road maintenance. The Department of Transportation (DOT) continues to support the development of critical transportation infrastructure in Indian Country through the Indian Reservation Roads program, which provided $450 million to Tribes for road projects this year. A total of $17 million was provided through the Recovery Act to the Federal Transit Administration (FTA) for the Tribal Transit Program. FTA will provide $15 million in competitive grants to improve public transportation on tribal lands this year. In the President’s FY 2012 Budget, the Administration proposed to fund the new Tribal Transportation Program at $600 million in FY 2012 (up from $450 million in FY 2011). DOT also received $310 million for the Indian Reservation Roads Program through the Recovery Act. DOT continues to work with tribes who received this funding, which has supported the development of over 8,500 jobs in Indian Country. In addition, the Department of Transportation supports highway safety in Indian Country through the development and implementation of a national tribal safety plan and technical assistance to several tribal governments nationwide. Safety summits in 11 states over the past two years have identified tribal safety priorities and strengthened partnerships to address safety challenges. Safety plans were developed with tribal leadership in places such as the Ft. Berthold Indian Reservation in North Dakota, where a dramatic increase in truck traffic has impacted the local community.

#### Federal policy doesn’t change Native American representation in politics

Cornell and Kalt ’10 (November, Stephen (University of Arizona) and Joseph P. (Harvard University) “American Indian Self-Determination: The Political Economy of a Successful Policy” JOPNA Discussion Papers for Peer Review and Comment http://nni.arizona.edu/pubs/jopna-wp1\_cornell&kalt.pdf)

The foregoing brief history highlights the bi-partisan strands in the federal policy of tribal self-determination. It is not plausible that the origins and staying power of this policy are the product of a broad, direct, and large political influence of tribes and/or Indian people. Not only is the Native voice weak within the maelstrom of American politics, but it is geographically spotty. Only in Alaska, Oklahoma, and New Mexico do Native Americans amount to more than 10 percent of the electorate; in 37 states the Native population is less than 2 percent of the state citizenry. The vast majority of U.S. Congressional Districts do not encompass Indian reservations, and 19 states have no federally- recognized tribes within them. To be sure, there are some well-known instances in which the Indian vote has been important, perhaps even determinative, of electoral outcomes. In the case of the election of Senator Timothy Johnson (Democrat) of South Dakota by 524 votes in 2002, for example, the Indian vote on some reservations was so concentrated at more than 90 percent in favor of Johnson that ultimately unsubstantiated concerns of electoral fraud were raised by the media. Similarly, a concentrated Indian vote played a role in 2000 in the removal by less than 2,300 votes of Senator Slade Gordon (Republican) of Washington state, long seen as hostile to Indians for his Senate votes and for his prior, long-running engagement as an opposing attorney in Pacific Northwest tribes’ assertions of treaty fishing rights. While newsworthy, these cases stand out precisely because they are so rare.