

**National Native American Economic Policy Summit
Policy Matrix**

This matrix of policy recommendations is a draft document meant for discussion purposes. Additional recommendations are continually being added.

PROBLEM/GOAL	POLICY SOLUTION	REGULATORY / LEGISLATIVE / OTHER MECHANISM	INFRASTRUCTURE/ CAPITAL & FINANCE/ BUS. DEVELOPMENT	REVENUE IMPACT AND ADDITIONAL INFORMATION
Lack of public awareness about Indian Country's impact on the national economy	Dedicate a hearing as part of the House Ways and Means Committee	Lobby effort	capital and finance	No revenue impact
Tribal bonds are subject to an essential government function test that chills the tribal tax-exempt bond market.	Give tribal bonds the same treatment as state/local bonds- no "essential government function" test. Treasury can issue regulations that take an expansive view of essential governmental function. The Regulations should state that "if a state or local government can finance a given activity with tax-exempt bonds, then a tribe should be able to finance the same type of activity." ALTERNATIVELY – legislation should be introduced that minimizes the application of the Essential Governmental Functions Test	Either- the Tribal Tax Status Act could be amended or the IRS could do this through their rule-making process	capital and finance	Legislation was previously introduced by Senators Smith and Baucus. Additionally, the Supreme Court stated in <i>Kelo v. City of New London</i> , (2005) "Promoting economic development is a traditional and long accepted governmental function, and there is no principled way of distinguishing it from the other public purposes the Court has recognized." 545 U.S. 469, 470. Additionally, Data suggests that this would actually raise additional revenue for the federal government.
American Indian Tribes are not included in the list of "accredited investors" under regulation D of the Securities Act of 1933. As a result, among American Indian-sponsored venture capital and private equity firms that are seeking to raise funds from prosperous American Indian Tribes, the practical effect of tribes being defined as "non-accredited investors" is to eliminate this important source of funding.	Amend Rule 501(a) of Regulation D of the Securities Act of 1933 to include in the list of accredited investors "Any American Indian Tribe, or any entity in which all of the equity interests are owned by an American Indian Tribe, with non-trust assets ² in excess of \$5 million". This will reduce cost of Regulations.	Federal rulemaking or Legislation	capital and finance	Private equity firms reinvest raised capital back into Indian Country projects, the effect of tribes being deemed non-accredited is to inhibit capital formation and investment in Indian Country. There are a number of way a private equity firm can avail itself of this filing exemption, however as a practical business matter, the pathway most commonly followed is to offer their securities ONLY to Accredited Investors. Rule 501(a) of Reg. D defines who is or is not an Accredited Investor under the Reg. D exemption. Private venture capital/equity companies are most desirous to sell securities ONLY to Accredited investors because, only under this scenario, are the companies assured of being in complete compliance with securities laws. While a private company may sell its securities to categories of investors other than accredited ones, these alternative scenarios create significant legal complexities and business risks which increase the costs of raising capital. So investment firms raising capital from non-accredited investors pay more for these funds. <i>This is revenue gene</i>
Title V energy bonding provision should be funded.	Appropriate funds for this program	Legislative	capital and finance	Revenue impact is unknown.
Lack of formal input by tribes in Treasury policy as required under E.O. 13750	Implement a Treasury wide consultation policy	Regulatory		IRS has a policy that has yet to be adopted Agency wide -- IRS policy is limited compared to other agencies. Revenue impact is unknown.

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Federal franchise taxes eliminate a potential competitive advantage for business investment in Indian Country	Eliminate tax	Legislative	capital and finance	This will be a revenue negative recommendation
Tribal members lack the ability to access capital for developing small on reservation businesses.	Increase funding for the Native CDFIs	Legislative	capital and finance	If the size of the Native set-aside was increased, this would be revenue neutral
Indian Country business cannot rely on the federal codes accelerated depreciation and Indian Country employee tax incentives.	Extend the tax credits for at least ten years instead of incremental extensions for only two years	Legislative	capital and finance	Scoring the incentives' cost is difficult because there are broad definitions of Indian Country for the purposes of this tax credit. Legislation already exists in this Congress to extend the incentives permanently. Revenue impact is unknown.
Tribes need to included in a comprehensive plan to standardize the collection of sales and use tax.	Tribes should be included in any federal legislation that will implement the Streamlined Sales and Use Tax Agreement to be treated as states and territories if they wish to collect sales and use tax.	Legislative	capital and finance	States have already resolved to include tribes in the governing board for the Streamlined Sales and Use Tax Agreement as a sovereign entity. There is no revenue impact.
Title V energy bonding provision should be funded.	Appropriate funds for this program	Legislative	capital and finance	Revenue impact is unknown.
Tribes need a model for tribal investment and collaboration on projects.	Develop model codes and investment structure for pooled investments or permanent fund	Other	capital and finance	There maybe models are already in existence. This is a revenue generator through increased capital access.
Members need access to small micro loans at a low cost to tribes.	Provide low cost micro loans for members	Other	capital and finance	Possibly partner with similar programs for process and documentation. Revenue impact is unknown.
Tribes need support for branding of "Native Grown" food products similar to organic labeling standards or the Indian Arts and Crafts Act.	Federal support for market research and collaboration	Legislative /Other	capital and finance	Examples are: Fish in Northwest, Buffalo in Mid West, Rice in Upper Mid West. Revenue impact is unknown.

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<p>The problems that plagued the creation of tribes' gaming operations were so publicized and well documented that it chilled potential partners appetite for doing business with the Tribe. It's been hard to overcome and the federal government, BIA and IHS do nothing to help the situation.</p>	<p>Eliminate those federal regulations that prohibit the BIA and IHS from being a partner to help economic development not hinder it by sharing expertise, instead of exhibiting institutional prejudices.</p>	<p>Regulatory</p>	<p>capital and finance</p>	<p>Ultimately, tribes have to be held responsible and accountable--but we need a partner to teach people how to do these things and unfortunately its always done by trial and error--which is usually costly to the tribe. Additionally, States could do a lot more to help economic development in Indian Country. There is no revenue impact.</p>
<p>Securities issued by states or local governments are generally exempt from the registration and reporting requirements of the Exchange Act. Tribal municipal debt, however, is not exempt from securities registration requirements and is thus less liquid than comparable municipal debt that is exempt from registration. This lack of an exemption is detrimental to tribes' abilities to employ debt finance, to perform the municipal functions they are required to perform, and to lay the foundations for tribes' economic development.</p>	<p>The SEC should change its rules to treat tribal bonds as municipal bonds. Additionally, the first sentence of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) should be amended by inserting "or by any Indian tribal government or subdivision thereof" (within the meaning of section 7871 of the Internal Revenue Code of 1986), after "or Territories".</p>	<p>Regulatory/Legislative</p>	<p>capital and finance</p>	<p>Registration of securities is an expensive proposition and the required reporting costs the issuing entity approximately two million dollars per year. As such, most tribes opt to issue municipal bonds in special transactions called private placements, which results in a less liquid market for their bonds because they can be offered only to certain "qualified institutional buyers" as defined under SEC Rule 144A or to a limited number of sophisticated investors as defined under SEC Rule 506. Privately placed bonds are also restricted in terms of resale, as they can typically be resold only to other qualified institutional buyers or in limited offering situations, since transactional exemptions such as a private placement do not make the underlying security exempt from registration. Because of these limitations, privately placed bonds will be somewhat less liquid than bonds sold as registered securities, and the investors who purchase tribal bonds in a private placement may charge the tribe a liquidity premium in the form of additional interest to offset their restrictions on resale. This is revenue neutral.</p>
<p>There is a pending IRS ruling that will address whether tribally owned enterprises are taxable. Currently there is a Revenue Ruling stating that Section 17 Corporations are not taxable. However, obtaining Section 17 Corporation status required approval by the Secretary of Interior, and such approvals are very slow.</p>	<p>Revenue Ruling: IRS should rule that tribally owned enterprises are not taxable by the state, local or other entities. Section 17 Corporation processing improvements: Interior should simplify a process to quickly approve Section 17 Corporations.</p>	<p>Regulatory</p>	<p>capital and finance</p>	<p>Revenue impact is unknown.</p>
<p>Dual Taxation discourages Indian Country business. In many cases resource development on reservations is taxed by the tribe, and taxes are also allowable by the state and in some cases counties and other local governments.</p>	<p>Local non-tribal governments should not be allowed to tax reservation based businesses, especially energy resource businesses. If any taxes are allowed, they should be allowed only to the extent the local government provides services to the reservation.</p>	<p>Legislative/Regulatory/ Other</p>	<p>capital and finance</p>	<p>Revenue impact is unknown.</p>

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<p>Many tribes have poor electric utility infrastructure and seek to create their own utilities to manage this issue.</p>	<p>Change Rural Utility Services loan policies: RUS prohibits loaning funds, or permitting the assignment of loans, in order to acquire facilities which are already the subject of an RUS loan. For this reason, new facilities must be built, or existing facilities purchased without the benefit of low cost federal loans. This policy protects existing utilities from being acquired by new utilities. The policy should be changed for facilities on reservations when the tribe or a tribally sanctioned entity is building or acquiring facilities.</p>	<p>Regulatory</p>	<p>capital and finance</p>	<p>In the Pacific Northwest, policies of the Bonneville Power Administration (BPA), called the "Standards for Service" limit the ability of tribes to form utilities. Nationwide, Rural Utility Services (RUS) loan policies limit the ability of tribes to obtain loans to buy facilities that already exist. Revenue impact is unknown.</p>
<p>Most tribes do not yet have sufficient internal capacity to manage their own complex energy resources and development opportunities, which leads to lost value and stunted economic development in the areas of energy development.</p>	<p>Existing programs with grant and loan provisions and voluntary Tribal Energy Resource Agreements (TERAs) should be made a priority to implement or fund.</p>	<p>Regulatory/ Legislative</p>	<p>capital and finance</p>	<p>Very few tribes have fully mature energy related organizations, energy related laws and taxes, energy related infrastructure, or energy related experts on staff. In most cases, technical work impacting energy development, such as administration of land records, mineral leasing regulation and administration, and the policing of mineral development by energy companies has been historically handled by the Bureau of Indian Affairs or other federal agencies. Revenue impact is unknown.</p>
<p>Many energy efficiency and conservation programs are not utilized on reservations because the programs are run through states or local utilities that do not focus programs on tribal lands.</p>	<p>Regulations should assure that federal and state programs and funds are available to tribes.</p>	<p>Regulatory/ Legislative</p>	<p>capital and finance</p>	<p>Revenue impact is unknown.</p>
<p>Many tribes wish to develop renewable energy projects such as wind, solar, and biomass. These projects are slow due to lack of transmission access, technical difficulties, and lack of access to long term financing.</p>	<p>Include biomass as an eligible for production tax credits (PTC) and renewable energy production incentives (REPI). Additionally, extend PTC and REPI for longer term of years -- at least ten years. Finally, create a bonding mechanism for constructing renewable projects on tribal lands. A new bonding program that is flexible and easily administered could be used to fund tribal renewable energy production.</p>	<p>Legislative</p>	<p>capital and finance</p>	<p>Revenue impact is unknown.</p>
<p>Tribal members lack the ability to access capital for developing small on reservation businesses.</p>	<p>increase funding for the Native CDFIs</p>	<p>Legislative</p>	<p>capital and finance</p>	<p>If the size of the Native set-aside was increased, this would be revenue neutral.</p>

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Tribal access to broadband is less than 10%- this severely hampers the ability of rural communities to compete and prosper in today's economy.	pass the Native American Connectivity Act	Legislative	physical infrastructure	Senator Inouye and Cantwell previously introduced Legislation. Revenue impact is unknown.
	expand the Universal Service Fund to include broadband	Legislative	physical infrastructure	there has been a great deal of debate about this in Congress. Revenue impact is unknown.
Tribes need access to spectrum.	amend the Telecommunications Act to define "underserved areas" as 15% below nationwide service penetration average for that service or 5% below nationwide rural area service penetration average for that service, or the higher of the two averages.	Legislative	physical infrastructure	Revenue impact is unknown.
	Comprehensive legislative proposal needs to be developed among tribes for future opportunities in Congress	Legislative/ Other	physical infrastructure	Revenue impact is unknown.
Diversity needs to exist in media ownership.	Work with regulators to develop outreach and education efforts to promote media ownership	Regulation	physical infrastructure	We need all of Indian country to know that their chance to get into media is now and they need to know how to do it. Revenue impact is unknown.
Government-to-Government Consultation on Telecomm/Broadband Issues between tribes and FCC, Congress and other agencies.	Enforce existing consultation policies to ensure that current efforts and policies for receiving tribal input are sufficient and comprehensive.	Regulation	physical infrastructure	Revenue impact is unknown.
	Shareable tax incentives for renewable energy need to exist.	Legislative	physical infrastructure	Revenue impact is unknown.
Transportation and Safety-LOU Reauthorization	legislate incentives tailored for cooperative development of renewable energy resources	Legislative	physical infrastructure	Revenue impact is unknown.
	Reauthorize legislation with tribal input	Legislative	physical infrastructure	Revenue impact is unknown.
Housing and NAHSDA Reauthorization	Reauthorize Legislation	Legislative	physical infrastructure	Revenue impact is unknown.
Comprehensive Planning needs to come before grant chasing for projects.	Increased effort among tribes for long term planning and federal programs to support proactive planning	Other	physical infrastructure	Revenue impact is unknown.

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<p>Improve relationship between the tribes and the Council of Infrastructure Finance Authorities (CIFA).</p>	<p>Increased effort among tribes for long term planning and federal programs to support proactive planning</p>	<p>Other</p>	<p>physical infrastructure</p>	<p>CIFA is member organization primarily comprised of state agencies or funding authorities who receive federal water/sewer grants. The trade organization holds a Spring conference in Washington, DC in early May. I believe the conference planning process could benefit from a discussion with CIFA or its members in relation to infrastructure financing in Indian country. Revenue impact is unknown.</p>
<p>Years of neglect and under investment in electric power delivery systems. Many Tribes have reached the capacity limits of the electric service systems that serve them and suffer from substandard and unreliable electric power service that limit not only new or expanded enterprise development but all new domestic and services that increase electricity demand in Tribal economies.</p>	<p>Work with regulators and legislature to develop programs that will expand capacity and delivery systems.</p>	<p>Legislative</p>	<p>physical infrastructure</p>	<p>Revenue impact is unknown.</p>
<p>Significant Tribal energy resources both conventional and renewable cannot be developed until transport infrastructure is built. New gathering systems for natural gas and coal bed methane, transmission lines for Tribal wind, geothermal and solar resources as well as for mine mouth clean-coal power plants and rail to bring Tribal coal resources into production.</p>	<p>Appropriate greater funding for transportation of specified energy resources.</p>	<p>Legislative</p>	<p>physical infrastructure</p>	<p>Revenue impact is unknown.</p>
<p>Mortgage Titling Process needs reform.</p>	<p>Uniform adoption of new TSR process throughout BIA regions to alleviate BIA backlog and speed process</p>	<p>Policy/Regulatory</p>	<p>Legal infrastructure</p>	<p>Revenue impact is unknown.</p>
<p>Mortgage Titling Process needs reform.</p>	<p>Support continued expansion of tribally operated Title Plants to alleviate BIA backlog and speed process</p>	<p>Policy/Regulatory</p>	<p>Legal infrastructure</p>	<p>Revenue impact is unknown.</p>

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	Support continued alternative models to address cumbersome and complex leasing and titling process: 1) Land Assignments versus leases 2) Other progressive trust reform.	Legislative	Legal infrastructure	Revenue impact is unknown.
One Stop Mortgage Initiative - Revisit and Update this project: 1) Lease lengths, 2) Time saving approval of HUD, VA and USDA Programs versus distinct issues of tribes 3) Normalizing Mortgage Ordinances (Security, Foreclosure and Eviction)	Establish a series of national meetings with agencies and tribes to develop agreements and generate support for collaboration.	Agency policy and MOUs	Legal infrastructure	This is a revenue neutral recommendation.
Secured Transaction Codes need to exist in tribal communities.	Not many tribes have laws/codes in place	Other	Legal infrastructure	Revenue impact is unknown.
Stringer tribal justice systems/tribal courts needs to exist.	Not much uniformity in laws/codes that have been enacted	Other	Legal infrastructure	Revenue impact is unknown.
Tribal Court Reform and Restructuring (Independent Tribal Courts)	Judicial curriculum development	Other	Legal infrastructure	Revenue impact is unknown.
Clarification of Tribally chartered non-profits	Resolve among tribal governments to re-examine capacity of tribal courts to achieve the demands of a diverse and growing tribal business sector.	Other	Legal infrastructure	Court reform and restructuring is the business of the Tribal government.
Protection of Tribal intellectual property	Legislate clear language in the Internal Revenue Code to protect such organization from costly IRS review.	Legislative	Legal infrastructure	Revenue impact is unknown.
There is a lack of data on current governance structure of Indian tribes and tribal capacity as it relates to basic tools (i.e. codes) necessary to strengthen infrastructure and activities.	Develop tribal codes that can be enforced in both federal and tribal courts.	Other	Legal infrastructure	Revenue impact is unknown.
Statutory limitations and funding focus for tribal work within DOJ-OJP.	Interagency Funding Project" - 2 year project with tribal, federal, state, Private Sector involvement in developing the survey instrument, etc.	Regulation/ Legislative	Legal infrastructure	This information is not housed in any particular agency but, if collected, would benefit many agencies. There will be a baseline to begin and information to justify resources toward code development and how a proposal could be developed; it would assist agencies to maximize limited federal resources and look toward sustainability of efforts over the long-term. To date, the Tiller Guide to Indian Country provides a wealth of information on tribal communities. Likewise the proposed data collection on tribes and economic development will provide a wealth of information on the general tribal capacity in Economic Development. Revenue required is \$520,000.00.
Tribal Court Jurisdiction issues (contracting, foreclosure, etc.)	Review existing statutes and proposals from tribal communities	Regulation/Legislative	Legal infrastructure	Revenue impact is unknown.
	Seek Legislative clarity that jurisdiction exists to address issues	Legislative	Legal infrastructure	Revenue impact is unknown.

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Good Governance issues that tribes need to address: Ethics, Contracting, Subcontracting & Transparency, HR Continuity and Equity, Workforce Protection, Compliance Issues, Share hold hire, civil jurisdiction etc.	Encourage internal review by tribal governments to ensure that sufficient protections for all sectors of the community are in place and available through the tribe's political process.	Other	Legal infrastructure	Revenue impact is unknown.
Good Business Practices need to be promoted.	Chambers of Commerce, Non-profit support, etc.		Legal infrastructure	Revenue impact is unknown.
Improve relationship between tribes and State legislatures, agencies, etc.	continue education and outreach efforts among law makers and policy staff in both tribal and state government. Additionally, increase tribal role in state and local elections.	Other	Legal infrastructure	Revenue impact is unknown.
Financing for scanning and digitizing Legal documents. Searchable data base of something of that sort. This will bring down transaction cost.	Call on tribal executives and planners to address issue. Additionally, partner with academic and private institutions to share technology.	Other	Legal infrastructure	Revenue impact is unknown.
Roads are inadequate (66% of reservation roads are unpaved).	Expansion of IRR program funds and coordinate other government programs needs to happen in this Congress.	Legislative (budget request)	Infrastructure	Increase expense with longer term development potentially bringing added commerce revenues.
Tribal access to broadband is less than 10%- this severely hampers the ability of rural communities to compete and prosper in today's economy.	Pass the Native American Connectivity Act	Legislative	infrastructure	Senator Inouye and Cantwell previously introduced legislation. Revenue impact is unknown.
	Expand the Universal Service Fund to include broadband	Legislative	infrastructure	There has been a great deal of debate about this in Congress. Revenue impact is unknown.
	Amend the Telecommunications Act to define "unserved areas" as 15% below nationwide service penetration average for that service or 5% below nationwide rural area service penetration average for that service, or the higher of the two averages.	Legislative	infrastructure	Revenue impact is unknown.
There is a lack of financial literacy in the general tribal population.	Develop a program to engage youth at an early age through a multi media - life stage approach	Administrative Effort	Infrastructure	Revenue impact is unknown.

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<p>Land ownership makes planning and development difficult, time consuming and costly due to checkerboard pattern of reservations, fractioned ownership and difficulty in moving lands into trust.</p>	<p>Streamlined process for allottee transfers and land into trust applications</p>	<p>Bureaucratic process changes</p>	<p>Infrastructure</p>	<p>Large issue but the cost to development has not been measured. Revenue impact is unknown.</p>
<p>Tribes are not well suited to respond to grassroots solutions that would improve economic success including: inter-tribal collaboration, tribal-private partnerships, partnerships with states and federal governments to improve local economies, transitions from governments programs to business enterprises, cottage industry development on reservations</p>	<p>Redesign tribes decision making bodies to ensure that tribes maintain a responsive and long-range plan. Support these redesigns with direct funding from the federal government for programs and policies that encourage proactive work and that does not respond to only support the poorest circumstances.</p>	<p>Other</p>	<p>infrastructure</p>	<p>A 2006 Northern Minnesota Reservation Economic Development Summit highlighted these issues. Revenue impact is unknown.</p>
<p>Trust lands are often ineligible for USDA conservation program funding</p>	<p>Trust lands need to be eligible for all conservation programs. Some programs require Legislatively attached easements to participate in program, effectively eliminating trust land participation.</p>	<p>Regulatory/ Legislative</p>	<p>Infrastructure</p>	<p>Revenue impact is unknown.</p>
<p>The trust status of lands and DOI's management of such lands creates problems for Indian people in obtaining vested rights in their lands and prohibits individuals on the reservation without an allotment from the benefit of property rights such as the right to the profits, manage, capital, residual interests, and standing to assert constitutional protections. Without these benefits individuals cannot leverage property for capital, lease out property, or enjoy the profits without fear of a takings by any government.</p>	<p>A congress review of the trust land definition that: allows tribes to determine how they structure property or land tenure rights, limits the Federal Government responsibility to title (deed) trust lands, and prohibits the transfer of trust land to non-Indians unless Congressional consent exists. Additionally, tribes should not have to depend on the status of their lands to be able to exercise their governmental authority. Secondly, Congress must declare tribes absolute sovereigns within defined boundaries without the threat that states will exercise concurrent jurisdiction over non-Indian lands.</p>	<p>Legislative</p>	<p>infrastructure</p>	<p>When individual tribes define the property rights for individual tribal members, the main objective should be to vest protected property rights with individual tribal members rather than the tribal governments and there should not exist a treat of termination or federal government support. There is no revenue impact.</p>

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<p>An adequate understanding of the challenges around land availability, working with planning departments and federal agencies, having sufficient manpower and funding at all phases of a project does not exist among federal offices.</p>	<p>Federal and tribal entities should meet to educate and help one another and eventually develop M.O.U.s</p>	<p>Regulatory</p>	<p>infrastructure</p>	<p>The revenue impact is minimal.</p>
<p>Delays in DOI Secretarial approval of federal leases, subleases and lease amendments.</p>	<p>Amend 25 CFR 415, Inorganic Chemicals Manufacturing Point Source Category, to provide for tribal approval of lease transactions within exterior boundary of trust land.</p>	<p>Regulatory</p>	<p>infrastructure</p>	<p>Although the lack of federal action would not trigger NEPA, opposition may arise with: environmental groups, the DOI Solicitor's office, and possible allottee and private fee land owner. There is no revenue impact</p>
<p>Low graduation rates and poor achievement creates a workforce with virtually no chance of competing in the 21st century global economy.</p>	<p>The Bureau of Indian Affairs, tribes and states must modernize education policy to include professional development, a digital curriculum in the classroom and broadband internet connectivity into the classroom and community for each student.</p>	<p>Regulatory/ Legislative</p>	<p>infrastructure</p>	<p>Attempts by states to upgrade school technology, such as Arizona's HB2742, do not get sufficient support in their legislatures. Revenue impact is unknown.</p>
<p>Internal governing documents prevent development of overall comprehensive and sustainable economic development. Tribal constitutions are boiler-plate and were not developed so as to allow the Indians to govern themselves, and to develop according to how they feel they should develop.</p>	<p>Legislation should reaffirm tribes sovereign authority to govern themselves and create their own internal systems or control.</p>	<p>Legislative</p>	<p>infrastructure</p>	<p>Planning is the only sure way to ensure institutional memory in our current tribal organizations, using long range visioning, and acceptance of the idea we learn from our mistakes so as not to repeat them. Tribes need to come with their own ways of developing, especially if it is non-renewable natural resources. Revenue impact is unknown.</p>
<p>Most tribes do not yet have sufficient internal capacity to manage their own complex energy resources and development opportunities, which leads to lost value and stunted economic development in the areas of energy.</p>	<p>All tribes with energy interests should have a federally funded energy office. Tribal These offices will pay for themselves by proper managing energy assets and by taking advantage of available programs, such as energy efficiency programs.</p>	<p>Regulatory/Legislative</p>	<p>infrastructure</p>	<p>Revenue impact is unknown.</p>

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<p>Most tribes do not yet have sufficient internal capacity to manage their own complex energy resources and development opportunities, which leads to lost value and stunted economic development in the areas of energy.</p>	<p>Energy laws and ordinances, including right of way laws, land use laws, energy development policies, zoning, and tax laws should be established and funded through intertribal organizations. Example policies that should be addressed: Clear policy on limited waivers of sovereign immunity; Clear policy on how disputes will be resolved including alternative dispute resolution, arbitration, mediation, negotiations; Codes for entity formation, corporations, LLC's, enterprises; Utility codes with franchise/licensing provisions; Codes for environmental protection and administration (Tribal Way Codes; Tribal Water Codes; incorporating policy, use rules, and administration</p>	<p>Other</p>	<p>infrastructure</p>	<p>Revenue impact is unknown.</p>
<p>Most tribes do not yet have sufficient internal capacity to manage their own complex energy resources and development opportunities, which leads to lost value and stunted economic development in the areas of energy.</p>	<p>Administration of laws and policies. Tribes must understand the importance of staff to administer and enforce laws that are passed. Each tribal entity must have clear operating structures and missions, and staff to run programs.</p>	<p>Other</p>	<p>infrastructure</p>	<p>Revenue impact is unknown.</p>
<p>Most tribes do not yet have sufficient internal capacity to manage their own complex energy resources and development opportunities, which leads to lost value and stunted economic development in the areas of energy.</p>	<p>Tribes, through their energy offices, can better coordinate with third party energy interests including: Understand and utilize Tribal-State PUC relationships; Understand and form cooperative relationships with existing energy service providers; Local unions; Energy companies doing business in the region; Join local energy/environmental related organizations.</p>	<p>Other</p>	<p>infrastructure</p>	<p>Revenue impact is unknown.</p>
<p>The jurisdiction of a tribe to regulate or operate utilities within the reservation is often questionable due to a myriad of legal decisions that base jurisdiction on land ownership.</p>	<p>Legislate a clarification of jurisdiction on Tribal lands. U.S. v. Montana, and subsequent cases create a lack of clarity over tribal jurisdiction on checker-boarded reservations. It is time to consider options to clarify this question.</p>	<p>Legislative</p>	<p>infrastructure</p>	<p>Revenue impact is unknown.</p>

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<p>Many tribes have poor electric utility infrastructure and seek to create their own utilities to manage this issue.</p>	<p>Make it easier to lease of utility facilities to form tribal utilities. Because lands are checker-boarded and tribal utilities may have jurisdiction to serve only customers on tribal lands, it would be most cost effective to share existing utility facilities through leases or other agreements for delivery of electricity. When utilities require ownership of facilities this duplicates facilities, or makes a tribal utility economically infeasible. These requirements for service should be modified. Utility companies should also create a category of Tribal Utilities that allows for flexibility in their customer standards and rules.</p>	<p>Other</p>	<p>infrastructure</p>	<p>Revenue impact is unknown.</p>
<p>Indian housing is very poor, built in non-traditional styles, and is not energy efficient. Most new Indian housing is modular, which is not energy efficient.</p>	<p>Create housing codes for energy efficiency. Federal standards for Indian housing with an emphasis on energy efficiency and alternative energy efficiency designs (such as straw bale and mud brick) should be promulgated and enforced.</p>	<p>Other</p>	<p>infrastructure</p>	<p>Revenue impact is unknown.</p>
<p>Indian housing is very poor, built in non-traditional styles, and is not energy efficient. Most new Indian housing is modular, which is not energy efficient and is costly for residents.</p>	<p>Create programs to improve housing stock for energy efficiency to raise housing to standard levels, make support for improvement available, emphasis energy education, and replace appliances, furnaces, wood stoves, and other inefficient sources of heat.</p>	<p>Other</p>	<p>infrastructure</p>	<p>Revenue impact is unknown.</p>
<p>Tribes do not have technical expertise and funds to address the federal re-licensing process.</p>	<p>Provide funds for tribal participation in FERC re-licensing processes. Federal funds should be available for this purpose and could be repaid with license proceeds.</p>	<p>Regulatory/ Legislative/ Other</p>	<p>infrastructure</p>	<p>Hydroelectric dams not owned by the federal government require a license from the Federal Energy Regulatory Commission which has a tenure for up to 50 years. Tribes have numerous rights and obligations under the re-licensing process. Because most such dams were built about 50 years ago, many re-licensings are coming up for consideration. Revenue impact is unknown.</p>
<p>Tribes do not have internal capability for the technical skills and knowledge necessary to make effective water plans, policies, laws and administration of water.</p>	<p>Support measures protecting tribal water rights. Support measures to identify, quantify, and appropriate water rights and do effective water planning at the tribal level. Establish water codes and administration of the codes by local tribal staff.</p>	<p>Legislative</p>	<p>infrastructure</p>	<p>Most tribes' water rights are not quantified, or adjudicated, or if they are, they are not "wet" meaning that the water cannot be delivered to meet tribal needs. Revenue impact is unknown.</p>

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Policy Matrix**

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<p>The energy industry is facing a crisis in employment due to the aging of the energy workforce.</p>	<p>Programs for encouraging tribal member energy jobs should be created. Tribal schools and colleges can respond to this need by creating courses for tribal members to learn about the energy industry. Scholarships can be encouraged. Projects to work with unions and energy companies for hiring tribal youth can be created.</p>	<p>Other</p>	<p>infrastructure</p>	<p>Revenue impact is unknown.</p>
<p>The positive investment practices of Native people are not adequately instilled during their youth.</p>	<p>Fund schools and other youth programs to develop and implement culturally appropriate and pertinent financial management lessons. Additionally, support Children's Savings Account programs to that develop skills and create savable assets.</p>	<p>Other</p>	<p>infrastructure</p>	<p>Revenue impact is unknown.</p>
<p>The uncertainty of law enforcement jurisdiction and the resulting problems with crimes serve as a barrier to outside investment and economic development</p>	<p>Affirm tribal criminal jurisdiction within reservation boundaries</p>	<p>Legislative</p>	<p>infrastructure</p>	<p>There is no revenue impact.</p>
<p>Native communities are not able work with partners to protect against the high incidents of predatory lending in their communities.</p>	<p>Enact federal legislation that would protect against predatory lending by affirming tribes' criminal jurisdiction over such matters. And promote comprehensive education programs.</p>	<p>Legislative</p>	<p>infrastructure</p>	<p>Revenue impact is unknown.</p>
<p>PROBLEM/GOAL</p>	<p>POLICY SOLUTION</p>	<p>REGULATORY/ LEGISLATIVE / OTHER MECHANISM</p>	<p>INFRASTRUCTURE/ CAPITAL & FINANCE/ BUS. DEVELOPMENT</p>	<p>REVENUE IMPACT AND ADDITIONAL INFORMATION</p>
<p>Tribes cannot access commodity payments for traditionally harvested foods.</p>	<p>Recognize Traditional Harvesting methods as a form of agricultural harvesting for Tribes, thus allowing them to participate in the commodity programs</p>	<p>Regulatory/ Legislative</p>	<p>business development</p>	<p>Revenue impact is unknown.</p>
<p>Agricultural products produced by American Indian Tribes should be labeled as such to prevent the abuse of marketing of products by non-Indians.</p>	<p>American Indian produced goods should be labeled as such to encourage purchasing by the general public.</p>	<p>Regulatory/ Legislative</p>	<p>business development</p>	<p>Revenue impact is unknown.</p>

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<p>Nutritional quality of food products distributed via FDP/IR needs to improve by supporting local growers.</p>	<p>A "local foods fund" shall be created for each participating Tribe. The local foods fund will provide flexible funds for the local distribution center to purchase traditional and fresh foods from tribal community gardens and programs.</p>	<p>Regulatory/ Legislative</p>	<p>business development</p>	<p>Revenue impact is unknown.</p>
<p>Tribal ability to engage in government contracting is under attack.</p>	<p>Preserve the ability of tribes to participate in the 8(a) program.</p>	<p>potentially both</p>	<p>business development</p>	<p>Revenue impact is unknown.</p>
<p>Tribal ability to engage in government contracting is under attack.</p>	<p>Establish a separate set-aside program for tribes and ANCs.</p>	<p>Legislative</p>	<p>business development</p>	<p>This idea has not been fully vetted and some have raised concern about separating tribes out of the 8(a) program. Revenue impact is unknown.</p>
<p>Indian Country business seek loans for pre-development work because foundations that pay for such work by providing grants to non-profit organizations and then provide analysis of important aspects needed to bring success such as training, marketing, distribution of the product, competition are not widely available.</p>	<p>Create federal tax credits for providing pre-development work in order to encourage more foundation partnerships with tribes.</p>	<p>Regulatory/ Legislative</p>	<p>business development</p>	<p>Although a cost in lost federal tax revenues exists, these incentives generate more tax revenue in the long term and would decrease the amount of government transfer payments as the projects generated economic sustainability and job growth. Revenue impact is unknown.</p>
<p>Tribes require greater access to capital-equity and debt.</p>	<p>Legislate or increase earmarks to fund specific tribes.</p>	<p>Legislative</p>	<p>business development</p>	<p>Senator Kerry is looking for ways to enhance economic opportunities. The SBA Reauthorization could include an entrepreneurial pilot "Opportunity Fund". Revenue impact is unknown.</p>
<p>There is an inability to finance individual business because tribes who forfeit financial obligations with the SBA impair an individual member's ability to access resources from the SBA.</p>	<p>Change SBA regulations in order to protect the sole proprietor seeking SBA contracts.</p>	<p>Regulatory</p>	<p>business development</p>	<p>There is no revenue impact.</p>
<p>Organizations that promote access to asset-building tools such as: financial education, credit counseling, free tax preparation, and individual development accounts generally do not reach to remote and rural areas.</p>	<p>Specific agency mandates to federal agencies to service rural areas and specifically Native communities and corresponding enabling funding.</p>	<p>Regulatory/ Legislative</p>	<p>business development</p>	<p>Legislation has been introduced several times in past Congresses. Revenue impact is unknown.</p>

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When tribal councils do not fully address allegations of nepotism and unfair awards for work to non-tribal businesses, a negative perception exists among tribal-member owned business that deters their on-reservation investment.	Mandate and codify tribal hiring preferences	other	business development	Revenue impact is unknown.
The BIA and IHS use the Army Corps of Engineers, who seldom honor the Buy Indian Act, as their construction managers thus undermining the Act.	Agencies should develop an SOP that drives the Construction Manager to utilize the Buy Indian Act.	Regulatory	business development	Most of these projects are on Indian Reservations. Revenue impact is unknown.
Proven asset building programs that match savings do not have adequate federal support and are denied to tribal governments that wish to administer them.	Amend federal law to have set-aside funding that encourages tribes and native non-profits to apply directly to Individual Development Account programs. Additionally, create a set-aside for Assets For Independence Programs which currently are denied to tribes unless tribes partner with a non-profit entity.	Regulatory/ Legislative	business development	Revenue impact is unknown.
Many eligible Native Americans do not apply for the Earned income Tax Credit, or do so using a costly Refund Application Loan from a commercial tax preparer.	Provide federal funding for Native EITC education campaigns and Legislate protections against the high-cost Refund Application Loan.	Regulation/Legislative	business development	Revenue impact is unknown.
There is little security among existing tax credits to attract Indian Country business	Create tax credits to encourage investment in Community Development entities or facilities or businesses on reservations. Such tax credits could be given to businesses owned by tribal members to start certain reservation based businesses which support local trade (grocery stores, energy support companies, etc.)	Legislative	business development	Revenue impact is unknown.
Many tribes wish to develop renewable energy projects such as wind, solar, and biomass. These projects require buyers.	Create federal programs to buy renewable power from tribes.	Regulatory	business development	Currently, federal agencies are required to purchase a certain amount of renewable power under renewable portfolio standards passed by Congress. Purchases from tribal renewables count double towards the goals. Purchase power agreements should be for a term of years long enough to assure financing of the project and for at least market rates. Revenue impact is unknown.

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<p>The lack of privately owned small businesses on reservations leads to "leakage" the loss of dollars to off-reservation economies where the economic and consumer activities that Indians engage in then benefit off-reservation non-Indian economies. This is difficult to overcome when individual business face barriers to starting their own businesses: lack of mentor, training, access to capital, and infrastructure on their reservations.</p>	<p>Tribes, while continuing to operate mostly tribal-owned businesses, can focus on creating "capitalistic economies" that promote privately owned businesses so that dollars circulate within reservations and promote greater economic activity and job creation</p>	<p>Other</p>	<p>business development</p>	<p>There is no revenue impact.</p>
<p>The Buy Indian Act needs to be used more by Federal Agencies. Federal Agencies should be given the option to utilize this law to fulfill small business goals.</p>	<p>Introduce legislation that clarifies the importance of this Act for all agencies.</p>	<p>Legislative</p>	<p>business development</p>	<p>Revenue impact is unknown.</p>
<p>A need exists for non-profit infrastructure to deliver the financial education level in Native communities.</p>	<p>Increase funding for CDFI Fund at treasury and the set-aside for NCDFIs that deliver basic financial services and financial education to Native Communities. Additionally, regulations must acknowledge the "quasi-501(c)(3)" status of native non-profits, housing authorities and tribal agencies by amending federal law.</p>	<p>Regulation/ Legislation/ Other</p>	<p>business development</p>	<p>Revenue impact is unknown.</p>
<p>Most tribes do not yet have sufficient internal capacity to manage their own complex energy resources and development opportunities, which leads to lost value and stunted economic development in the areas of energy.</p>	<p>Inter-tribal organizations with strong technical assistance and policy assistance for their tribes should be funded more fully so they do not rely on a patchwork of grant support.</p>	<p>Regulatory/ Legislative</p>	<p>business development</p>	<p>Revenue impact is unknown.</p>
<p>Diversification is lacking. Many successful tribes are dependent on casino funds, and need to diversify to have a healthy economy and be prepared if and when gambling dollars go away.</p>	<p>Allocate funds toward economic planning that takes advantage of local resources and aspirations and prioritizes those opportunities.</p>	<p>Legislative</p>	<p>business development</p>	<p>Revenue impact is unknown.</p>
<p>Strong economies around the world are built solidly on diversified private sectors. Today, however, privately-owned Indian businesses comprise a very small part of Indian Country economies.</p>	<p>"Equity Fund Appropriation" Legislation can appropriate equity for Native American entrepreneurs and small business owners. Traditional forms of equity—inheritance, home ownership, family and friends with wealth—are not available in Indian communities.</p>	<p>Regulatory/ Legislative</p>	<p>business development</p>	<p>"Application to Individual Entrepreneurs" participants must match funding. Applications should be similar to a commercial loan so teach Indian entrepreneurs can learn the commercial enterprise system and integrate into existing markets when growth requirements demand additional capital. "Risk Tolerance" Funding of the equity fund must tolerate a high degree of risk. Building a successful business is an experienced-based activity and failure is often part of the process. "Fund Administrator" As part of the policy requirements, the equity fund administrative expense must be kept to a minimum through a low-cost well-established management structure.</p>

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<p>The SBA's 8(a) program for Tribes is not consistent for all of Indian Country. As it stands now, the ANC's have more flexibility with things like day-to-day management and control. All Natives should have the same flexibility regardless of geographic location.</p>	<p>The SBA can work with tribes to make regulatory changes that ensure an equal opportunity for all Natives to gain a competitive advantage in the federal market place.</p>	<p>Regulatory</p>	<p>business development</p>	<p>There is no revenue impact</p>
<p>The DOI/BIA does not maintain a list of eligible contractors who are SBA certified. The BIA does not use any of the SBA lists on minority or Indian owned contracts. The BIA procurement office does not access GSA contracts to solicit proposals for GSA contract holder as most federal agencies.</p>	<p>Set and enforce "Buy Indian" policy for the Bureau of Indian Affairs at 30 percent and incrementally increased to 50 percent by the year 2010. Set and enforce using GSA schedules at 20 percent. Set and enforce policy using SBA contracts at 20 percent. DOI should meet their Service Disabled Veteran Owned requirement of 3 percent.</p>	<p>Regulatory/ Legislative</p>	<p>business development</p>	<p>Revenue impact is unknown.</p>
<p>Create an Economic Development web site link at NCAI to foster continued communication, progress updates and awareness after the summit.</p>	<p>Develop a funding source to share expenses for a continually updated site.</p>	<p>Administrative Effort</p>	<p>All</p>	<p>Revenue impact is unknown.</p>