

# INDIGENOUS PEOPLES ENGAGEMENT STRATEGY: DRAFT FOR PUBLIC COMMENT

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## 1.0 PURPOSE

USAID/Peru seeks to champion USAID's Policy on Promoting the Rights of Indigenous Peoples (PRO-IP) in Peru and the Amazon biome. The Indigenous Peoples' Engagement Strategy<sup>1</sup> is designed to align with the objectives of the PRO-IP Policy to:

- **Strengthen engagement with Indigenous Peoples** to safeguard against harm and support their development priorities and self-reliance.
- **Increase the integration of Indigenous Peoples' concerns** across all sectors of USAID's portfolio of investments and promote cross-sectoral development approaches.
- **Empower Indigenous Peoples** and their representative organizations **to advocate for and exercise their rights** and practice self-determined development.
- **Foster an enabling environment** for Indigenous Peoples to advocate for and exercise their rights.

In order to implement the PRO-IP Policy, USAID Peru will increase the participation of Indigenous women and men in the program cycle, identifying development problems and finding their solution. USAID seeks to increase awareness and recognition of Indigenous Peoples' rights, culture, history, and knowledge systems through innovative and substantive partnerships among Indigenous entities, government, the private sector, civil society, including non-governmental organizations and other groups. This strategy complements USAID/Peru's portfolio of activities which work to improve the representation of Indigenous Peoples in governance, enabling them to promote their own rights and livelihoods for the sustainable management of the forests and waters of the Amazon. This commitment builds on a history of partnership with Indigenous Peoples through previous regional programs and will remain a living document in the spirit of continued advancement of this partnership. Feedback on this strategy is welcome during the comment period and beyond as the context and needs may change.

## 2.0 VISION OF SUCCESS

Through a process of strategic stakeholder engagement in Peru and the South America region, USAID will demonstrate the benefits of social, political, economic, and cultural inclusion of Indigenous Peoples to fostering and accelerating inclusive development across Peru. This change will be achieved through systematically engaging an increasingly wide set of stakeholders beginning with USAID and other U.S. government agencies with the intention of influencing donors, the Peruvian government, the private sector, the public, and non-governmental organizations. Improving Indigenous Peoples' participation in decision-making processes that impact their lives, their communities, and their country will result in the promotion of their economic opportunities and the recognition of Indigenous Peoples' social, political, and economic rights.

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<sup>1</sup> The development of this document was informed by a country-level assessment of existing Indigenous engagement activities in USAID Peru's program portfolio, the USAID Policy on Promoting Indigenous Peoples' Rights, and the USAID Guatemala's Indigenous Peoples Engagement Strategy.

The first step is to enhance interactions between Indigenous communities and leaders and USAID staff and implementing partners (both directly and through our portfolio of activities). USAID will lead by example and encourage donors, the private sector, and the Government of Peru to take similar approaches to substantive engagement with Peru's Indigenous communities. This strategy has three components: focusing on strengthening USAID staff knowledge of challenges facing Indigenous Peoples, history and culture; strengthening the quality of interactions with Indigenous populations in the development of USAID's programming; and, finally, encouraging partnerships with Indigenous entities. By working in these three areas, USAID expects to achieve more sustainable development outcomes in Peru while offering a model for engagement that can be used throughout the country.

Protected areas and Indigenous territories are known to be the best conserved lands in the Amazon, and USAID considers the region's Indigenous Peoples to be the foundation for achieving its conservation goals. Their active and meaningful participation in development planning and decisions affecting the Amazon is the basis for the long-term conservation of the world's largest rainforest. Safeguarding the rights and resources of Indigenous Peoples will help conserve irreplaceable biodiversity and ecosystem goods and services thereby mitigating climate change, and promote cultural survival and self-determined development.

## 3.0 CONTEXT

The 2017 Peruvian Population and Housing Census identified the existence of 55 Indigenous peoples, 51 of them Amazonian and four Andean, in addition to the presence of the Afro-Peruvian population. According to the ethnic self-perception of the population, 25.7%, or almost nine million, consider themselves to be of Indigenous origin, mainly Quechua with 22.3%, Aymara with 2.4%, and Amazonian ethnicities with 1.0%, mainly Ashaninka, Awajun and Shipibo. The 3.6% are self-perceived as Afro-descendants. Likewise, 16.3% of the country's population has a native language as its mother tongue, mainly Quechua (13.9%), Aymara (1.7%) and 0.8% some Amazonian languages.<sup>2</sup>

The majority of Indigenous Peoples in Peru live in the Andes and the Amazon, some even in isolation and initial contact, and depend on the forests and waters for their material and cultural survival.

According to the results of the 2017 Census of Native Communities, 2,703 communities occupying 11 Amazonian departments were censused. In these native communities, the census population amounts to 418,364 people belonging to 44 Indigenous peoples, which correspond to 40 Indigenous languages.<sup>3</sup>

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<sup>2</sup> [www.inei.gob.pe/media/MenuRecursivo/publicaciones\\_digitales/Est/Lib1803/libro.pdf](http://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1803/libro.pdf)

<sup>3</sup> [www.inei.gob.pe/media/MenuRecursivo/publicaciones\\_digitales/Est/Lib1597/](http://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1597/)

Indigenous peoples' participation through prior consultation in Peru has been developed on Law 29785 and its regulation. As of March 2022, the government has held 69 prior consultations on projects and measures related to oil, mining, energy, environmental and culturally protected areas, roads and fluvial infrastructure, and national policies and regulations, resulting in more than 1,130 agreements. Despite its implementation challenges, prior consultation has incorporated Indigenous proposals and concerns to some extent and has helped to put some of the structural problems faced onto the political agenda. It cannot be understood as a purely legal procedure, it also warrants a practical approach building on intercultural dialogue. Implementing a consultation process in good faith provides opportunities for more permanent, and transparent relationships between Indigenous Peoples, the state and other interested stakeholders.

The Peruvian legal framework on prior consultation establishes the stages, principles and characteristics of intercultural dialogue to achieve agreements, and therefore, can be useful as a tool. Current international standards conceive of free, prior and informed consent (FPIC) not only as a duty of states, but of any entity deploying activities in their territories. For USAID, programs and activities should be analyzed to determine if they fall under the circumstances in which prior consultation or FPIC is needed. In most cases, activities that involve intervention in Indigenous territories should respect prior consultation or FPIC. Other cases require cooperative engagement with Indigenous Peoples from the design stage through to implementation, monitoring and evaluation as activities related to capacity building. The Policy on Promoting the Rights of Indigenous Peoples (PRO-IP Policy) of USAID and related guidelines establish the requirements in each case.

Indigenous communities are responding to the challenges of inadequate land tenure, health, education, and economic opportunity with innovative partnerships that support their forest-based livelihoods. In addition to these problems, ongoing discrimination, disputes to their land title claims, agriculture extensification and heavy extractive industries pose additional challenges. Overall, Indigenous Peoples' interests often align with efforts to conserve biodiversity-rich forests and conserve valuable water resources, Indigenous Peoples are integral partners of USAID programs in Peru and the Amazon region.

## 4.0 LEVERAGE POINTS

USAID/Peru has a number of leverage points that can be used to achieve the objectives of this strategy, including:

- Government engagement: USAID can seek opportunities to promote the rights of Indigenous Peoples in Peruvian government policies.
- Interagency engagement: USAID can guide the U.S. Government in Peru to promote this strategy.

- Convening power: USAID as a donor can influence donors to focus on the rights of Indigenous Peoples.
- Program cycle and activity and project design:
  - USAID can engage Indigenous Peoples in the country development cooperation strategy (CDCS) as well as specific program and activity designs, their implementation and evaluation.
  - Build into the Mission’s program cycle support platform, and other tools, approaches to support this strategy, including logistical support for knowledge sharing and capacity-building.
  - USAID can design programs in collaboration with Indigenous Peoples that advance their rights and opportunities, building on the foundation of what has been learned from the implementation of projects on the ground in the last 20 years.
  - Consult and formally solicit feedback from Indigenous Peoples, through meetings with representational organizations, for all significant development activities
  - Require all development activities to conduct an inclusive development analysis or social impact assessment that considers the interests and challenges of Indigenous Peoples.
- Implementing Partner due diligence and oversight: USAID can ensure Implementing Partners have the capacity to understand and respect Indigenous Peoples’ rights, are engaging with Indigenous Peoples during implementation and throughout the program cycle, and are seeking their free, prior and informed consent (FPIC) when necessary.
- Facilitating partnerships: USAID can support partnerships between Indigenous Peoples, NGOs, Peruvian government and the private sector through USAID-funded programs such as the Amazon Indigenous Rights and Resources activity.<sup>4</sup>
- Gender mainstreaming: USAID can support Indigenous organizations, Indigenous women and their organizations to participate in making decisions that affect their lives.
- Internal workforce planning:
  - While not a direct objective of USAID’s global PRO-IP Policy, USAID/Peru can consider approaches in its internal workforce planning to promote the values and principles of the policy and this strategy. These include inclusive recruitment approaches that also align with USAID’s Diversity, Equity, Inclusion, and Accessibility Strategic Plan.<sup>5</sup>
  - Continued implementation of USAID/Peru’s internship program promoting opportunities for young people committed to addressing challenges facing Indigenous Peoples contributes to the implementation of this strategy.

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<sup>4</sup> [https://www.usaid.gov/sites/default/files/documents/AIRR\\_FS-English\\_19jul21.pdf](https://www.usaid.gov/sites/default/files/documents/AIRR_FS-English_19jul21.pdf)

<sup>5</sup> <https://pages.usaid.gov/system/files/usaid-deia-strategic-plan-july-2022.pdf>

## 5.0 ASSUMPTIONS

For the successful implementation of this strategy to occur, the following three conditions must remain true:

1. Sustained commitment to the implementation of strategy by USAID/Peru leadership;
2. Alignment with future USAID/Peru strategies; and
3. Participation of other U.S. Government entities, donors, and other stakeholders.

There are also a number of constraints that will be important to recognize as possible risks:

1. Working with Indigenous communities who do not have one, homogenous voice and/or vision; and
2. Recognizing limitations of USAID's scope and reach.

## 6.0 GUIDING IMPLEMENTATION OBJECTIVES

The following are the objectives and interventions that seek to advance the implementation of the Indigenous engagement strategy:

### 6.1 Identification of Indigenous Peoples

It is important to first understand the Indigenous Peoples' groups, organizations, communities, leaders, movements, political parties, and companies (herein referred to collectively as 'Indigenous entities') that exist at the country level as well as at the level of each USAID program or activity, and their current and potential influence on other entities in the country and region. The main objective of identification is to gain a better understanding of the diversities, institutions, opportunities, challenges, and sources of resilience across Indigenous Peoples' communities to inform project context and target geography.

The following criteria are used by USAID to identify Indigenous Peoples:

- Self-identification as a distinct social and cultural group
- Recognition of this identity by others
- Historical continuity with pre-colonial and/or pre-settler societies
- Collective attachment to territories and their natural resources
- Customary social, economic, or governance institutions that are distinct
- Distinct language or dialect
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities



In reviewing these criteria, USAID is not making determinations with respect to Indigenous Peoples' legal, social, or cultural status. Accordingly, not all Indigenous Peoples share all of these characteristics, nor should one read these criteria to infer that majority populations are not, or cannot identify as, Indigenous Peoples.

For more information, see the Optional Toolkit for Identifying Indigenous Peoples.<sup>6</sup>

## 6.2 Understanding Indigenous Agendas

As part of USAID/Peru's mission-wide Indigenous engagement strategy, engagement with Indigenous Peoples that takes place outside of specific program activities should seek to understand the Indigenous agenda. This requires both a knowledge of the Indigenous Peoples in the region as well as an understanding of the legal framework and regulatory context in the country as it relates to Indigenous Peoples' rights. It also requires an appreciation that such an agenda cannot be considered monolithic or always pursuing a coordinated approach. Identifying Indigenous Peoples' issues goes beyond identifying specific impacts on Indigenous Peoples that may result from a specific program or activity but takes a broader perspective to understand the key concerns and priorities of Indigenous Peoples.

For example, Inter-Ethnic Association for Development of the Peruvian Jungle (AIDSESP), which represents 64 Amazonian Indigenous Peoples' groups and more than 2,300 communities, presented an 11-point agenda to the Government of Peru in March 2022.<sup>7</sup> The agenda included issues related to Indigenous political representation; bilingual education; health services; community forest management; funding for Indigenous Peoples' "planes de vida" (community life plans); economic opportunities; and respect for Indigenous Peoples' rights, including free, prior, and informed consent (FPIC). It is important to note that no one organization, including AIDSESP, represents all Indigenous Peoples, especially those who are remote. Indigenous communities may not even be unified in their views and objectives, therefore, greater outreach to understand the diverse perspectives of under-represented Indigenous communities is crucial.

It is also important to identify issues specific to Indigenous women, and different sub-groups (such as LGBTI persons, persons with disabilities, or other historically marginalized groups), as well as across generations. This may require creating parallel spaces with considerations for accessibility for engagement with women and sub-groups if they lack adequate representation in existing Indigenous entities and leadership structures.

The issue identification can be conducted as part of an Inclusive Development Analysis (IDA).<sup>8</sup> For the information from this analysis to be most useful, the results should be integrated into and reflected in CDCSs, PADs, and activity designs.

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<sup>6</sup> <https://www.usaid.gov/sites/default/files/documents/Optional-Toolkit-for-Identifying-Indigenous-Peoples.pdf>

<sup>7</sup>

<http://aidesep.org.pe/sites/default/files/media/noticia/Resumen%20Ejecutivo%20consolidado%20-%20Agenda%20Grande%20AIDSESP%20%281%29.pdf>

<sup>8</sup> Inclusive Development Analysis:

<https://www.usaid.gov/sites/default/files/documents/1866/USAID-Social-Impact-Assessment-508.pdf>



### **6.3 Cultural Awareness and Recognition of Indigenous Languages, Histories, Cultural Heritage and Identities**

It is important to build the capacity of USAID staff and Implementing Partners to understand Indigenous cultures, languages, histories and identities. It is also appropriate, wherever practicable, to expect such capacity of contractors in the solicitation process and evaluation criteria. There is considerable diversity between Indigenous Peoples and seeking to understand these differences can help to inform the design of differential engagement strategies, program activities, implementation approaches, and monitoring and evaluation indicators.

Staff dedicated exclusively to engagement, consultation and FPIC of Indigenous Peoples who are continuously trained on interculturality can help to build internal capacity of USAID and Implementing Partners. Furthermore, inviting Indigenous Peoples' entities to share information on their cultural heritage can help to build trust with Indigenous Peoples and establish the foundation for successful partnerships.

Specific support in programming for knowledge generation and sharing can help to preserve and strengthen Indigenous Peoples' cultural heritage. As part of building cultural awareness, it is also important to build knowledge around Indigenous governance systems in order to understand the decision making process. This can help to inform program activities to support the strengthening of Indigenous administrative capacities for effective and informed participation in national and international decision-making spaces.

Recognition and support of Indigenous languages is important as part of recognizing Indigenous Peoples' culture but also as a way to ensure participation of Indigenous Peoples in engagement and consultation processes. Providing materials in Indigenous languages and providing for Indigenous interpretation allows for increased participation of Indigenous Peoples as well as facilitates the promotion and preservation of those languages. Translation and interpretation services can also create economic opportunities for local communities and beneficiaries who can provide that service.

### **6.4 Indigenous Peoples' Engagement in the Program Cycle**

Indigenous Peoples-related engagement in project design, project delivery and monitoring & evaluation of project completion is essential to ensure Indigenous Peoples' rights and issues are considered in all aspects of USAID/Peru's programming. The following is a non-exhaustive list of ways to incorporate Indigenous engagement in the program cycle, when necessary:

- Engage Indigenous entities in the development of the CDCS to align Indigenous priorities and issues with the priorities and strategies developed in the CDCS.
- Incorporate expectations for Indigenous engagement and consultation, impact evaluation, and results into requests for proposals and contracts with Implementing Partners.

- Identify potential impacts of program activities on Indigenous Peoples through the Optional Social Impact Assessment Framework, in particular section V. Considerations Specific to Indigenous Peoples.<sup>9</sup>
- Ensure inclusive communications mechanisms and provide information in Indigenous languages.
- Incorporate consultation with Indigenous entities during project closure planning and the sustainability of the activity after financing has ended.
- Create indicators for effective engagement processes that are ongoing throughout the life of the project. This may include indicators related to Indigenous communities' support for the project into project indicators and self-assessment exercises.
- Implement a formal process for incorporating Indigenous Peoples into monitoring and evaluation and require evidence of participatory project monitoring from the Indigenous communities themselves as part of reporting requirements from Implementing Partners.
- Incorporate indicators to measure the quality of the partners' community engagement.

For more information, see FPIC and the USAID Program Cycle (pp.10-18) in USAID Guidance on Monitoring Free, Prior, and Informed Consent (FPIC).<sup>10</sup>

## 6.5 Free, Prior and Informed Consultation and Consent

Prior consultation and free, prior and informed consent (FPIC) are internationally and nationally recognized rights of Indigenous Peoples. Among the assumptions of USAID/Peru's current CDCS is that the inclusivity and recognition of Indigenous rights continues to improve with attention given to respect for free and former prior consent laws. Consultation and FPIC must be carried out in a culturally appropriate way, using a rights-based approach.

Under Peru's legal framework and under international law, FPIC is a legal requirement under specific situations when an activity proposes:

- the relocation of Indigenous Peoples from the lands they occupy,
- the use of hazardous materials (for example in a construction or extractive activity) on the lands of Indigenous Peoples,
- to take place in or around Protected Natural Areas (see also requirements under section 6.8 Safeguarding),
- when bioprospecting will be carried out in protected areas, and
- when there is an interest in accessing indigenous collective knowledge for scientific research and commercial and industrial purposes.

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<sup>9</sup> <https://www.usaid.gov/sites/default/files/documents/1866/USAID-Social-Impact-Assessment-508.pdf>

<sup>10</sup> <https://www.usaid.gov/sites/default/files/documents/Guidance-on-Monitoring-FPIC.pdf>

While the above situations legally compel free, prior and informed consent, FPIC is an important process for inclusive development and can prevent legal and reputational risks for USAID projects, and partners.

USAID has created a set of documents that constitute a multi-pronged tool developed to facilitate USAID Missions, implementing partners, Indigenous Peoples, and other stakeholders to implement consultation activities and seek FPIC, as applicable.<sup>11</sup> The FPIC-360° Monitoring Tool is a management tool that allows all parties to document activities, track progress, and organize multimedia evidence. At each step of the FPIC process, Enabling Conditions, Prerequisites, FPIC Process, Achieving FPIC, and Follow-up, this tool requires that evidence be archived as proof of compliance. This evidence may be contributed by the Indigenous Peoples or the implementing partner before being made available to a third-party assurance provider to confirm and verify.

As part of the Enabling Conditions, it is important to identify resource and/or capacity-building needs of Indigenous entities and provide support for responding to those needs through funding, training, or other technical assistance. USAID/Peru should require Implementing Partners to conduct needs assessments to identify resource needs, such as interpretation and translation services, that facilitate community participation and consultation processes. For guidance on consultations with Indigenous Peoples, see Annex III. Consultation Handbook in the USAID Optional Social Impact Assessment Framework.<sup>12</sup>

## 6.6 Policy Dialogues and Partnership

According to the current CDCS, USAID/Peru will support Indigenous groups to improve their participation in planning and decision-making regarding infrastructure and extractive development, while increasing effective oversight to improve accountability of the Government of Peru and other actors. In order to achieve this, Indigenous Peoples' civic participation should be promoted through policy dialogues with the Government of Peru that explicitly focus on Indigenous Peoples' rights and through strategic partnerships that help to better position Indigenous Peoples' issues in the region.

The current CDCS also supports the development of the technical, organizational and economic base of Indigenous groups affected by threats to the environment in order to influence decisions and improve inclusivity and accountability in local development. USAID/Peru will support Indigenous forest-dependent populations and communities to improve their organizational and technical skills and access to sustainable livelihood opportunities.

USAID/Peru supports the sustainable development of Peru's Amazon Indigenous peoples through promoting systematic inclusion of life plan objectives into regional government economic and land use planning and as a means to elevate Indigenous Peoples' participation in

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<sup>11</sup> <https://www.usaid.gov/Indigenous-peoples/social-impact-assessment-toolkit>

<sup>12</sup> <https://www.usaid.gov/sites/default/files/documents/1866/USAID-Social-Impact-Assessment-508.pdf>

regional development efforts as well as to achieve community self-reliance, conservation and climate goals.

USAID can facilitate partnerships that benefit Indigenous Peoples and advance their economic and civic participation. The current CDCS includes a commitment to partner with Indigenous communities to support innovative financing investment schemes that promote dynamic Indigenous economies around non-timber forest products, carbon credits, and sustainable agroforestry. USAID should work with Indigenous entities to identify opportunities for facilitating impact investment in forest conservation.

## 6.7 Promotion of Gender Equality

In line with USAID's Gender Equality and Women's Empowerment Policy, programs should seek to ensure gender equality and empowerment of Indigenous women and girls. Indigenous women and girls face unique challenges, such as gender-based exclusion, violence, highest rates of teenage pregnancy in the country, barriers to economic participation, lack of recognition of land rights, lack of access to natural resources, lack of access to health, among others. Women also face differential impacts of programs and activities that should be considered in program design, implementation and evaluation. It is important to understand the specific issues of concern to and impacts on Indigenous women by engaging with them during all phases of the program cycle. The following measures can be considered to accommodate and promote the participation of Indigenous women:

- Work with existing women's organizations and networks to identify potential barriers to participation based to ensure appropriate timing and location of engagement activities (for example, identifying the need for child or elder care assistance; addressing issues of women's safety and security when selecting meeting times and locations);
- Define whether separate exercises/engagement activities/meetings are required for women, depending on the issue;
- Incorporate processes for including women's voices in meetings (for example, language interpretation assistance; including Indigenous women's interventions);
- Identify mechanisms of ongoing participation of Indigenous women (for example, supporting provision of technology to allow for virtual engagement);
- Conduct a gender analysis at the activity or project level where the activity or project has potential impacts on Indigenous Peoples and/or where the beneficiaries are Indigenous Peoples;<sup>13</sup>
- Support capacity building of female Indigenous leaders and future leaders through targeted programs.

## 6.8 Safeguarding Indigenous Peoples' Rights

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<sup>13</sup> For more information, see: ADS Chapter 205 Integrating Gender Equality and Female Empowerment in USAID's Program Cycle <https://www.usaid.gov/sites/default/files/documents/205.pdf>

To help safeguard Indigenous Peoples against harm, the Policy on Promoting the Rights of Indigenous Peoples sets forth a framework for USAID's Missions to consider potential adverse impact during the Program Cycle and ensure the appropriate and consistent engagement of Indigenous Peoples over the life of a project. To complement this framework, the following activities may be considered:

- Conduct due diligence on implementing partners and other types of partners to identify potential negative impacts on Indigenous Peoples and to assess their capacity to respect Indigenous Peoples' rights (for example, the presence of an Indigenous Rights Policy)
- Require Implementing Partners to respect the right to consultation and FPIC in line with the PRO-IP Policy and the local legal context.<sup>14</sup>
- Ensure there is a grievance and remediation mechanism in place that is accessible to and known by Indigenous Peoples. Even when it appears that the project does not require one, it is important for project partners and/or beneficiaries to have access to such a mechanism in case there are problems related to the project's implementation.
- Ensure projects respect Indigenous "planes de vida" (community life plans).
- Communicate commitment to Indigenous Peoples' rights externally.
- Require that partners communicate project impacts on Indigenous Peoples at all stages of the program to USAID and affected Indigenous Peoples.

By implementing the PRO-IP Policy and its safeguards, USAID will also help address in relevant part Congressional concerns regarding funds made available for the management of national parks and protected areas as expressed in the Statements of Managers accompanying the Fiscal Year 2020 and later year appropriations acts.

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<sup>14</sup> [https://docs.google.com/document/d/1sGpSfpnOxDkPQwMBy4alk9WgRYu466PfCuVljcovL\\_g/edit?usp=sharing](https://docs.google.com/document/d/1sGpSfpnOxDkPQwMBy4alk9WgRYu466PfCuVljcovL_g/edit?usp=sharing)