

**FY 2018  
BIA Eastern Region  
Budget Testimony**



**March 2016  
Washington, DC**

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## **Executive Summary:**

The Tribal Nations in the Eastern Region cover a large expanse of land and area compared to Tribal Nations in other Bureau of Indian Affairs (BIA) Regions. Eastern Tribal Nations span from the Canadian Border in Maine and New York, along the east coast to Florida and west into Mississippi. Due to the large geographic area, the Tribal Nations in the Eastern Region have incredible diversity and unique needs that must be addressed. It is the cultural aspect and the view that “There is Strength in Unity” that binds the Tribal Nations of the Eastern Region together.

In keeping in mind this diversity and unique needs, this year in developing the FY 2018 Budget Formulation the Tribal Nations banded together and decided it was inconceivable to attempt to prioritize just 5 programs with the BIA and BIE Budget. The BIA/BIE Budget contains 11 funding categories (Tribal Government, Human Services, Natural Resources, Real Estate, Public Safety & Justice, Community & Economic Development, Executive Direction & Administrative Services, Education, Construction, Settlement/Miscellaneous Payments, Indian Loan Program). All of the programs contained within the Budget are essential to our Indian communities. Further, in preparing the FY 2018 Budget Formulation the Tribal Nations were requested to prioritize an 8% increase amongst 130 programs. In the instance of the Eastern Region, this totaled \$5.1 million – a far cry from the actual need.

In recognizing the limitations and impossibilities of preparing the FY 2018 Budget Formulation in accordance with the guidance, the Eastern Region expanded its thinking and submitted a more realistic approach to our formulation package and prioritized 2 programs under each of the 11 funding categories and based our budget submission on an 8% increase for each of the individual categories. However, our budget formulation package was returned by Central Office with the instruction to resubmit based on the guidance or the Eastern Region would not be included in the final compilation. Having no alternative, the Eastern Region resubmitted the package and divided the 8% (\$5.1 million) between the 2 programs within the Tribal Government funding category – Aid to Tribal Government and Consolidated Tribal Government Programs. These 2 line items encompass the vast majority of Eastern Region’s current Tribal funding.

Throughout the next year, the Eastern Region is requesting the Tribal Interior Budget Council (TIBC) make recommendations on the methodology being used to prepare the BIA’s Budget Formulation including 1) a formulation package that expands the prioritization of programs; and 2) a formulation package that is more reflective of the funding needs and federal obligations within Indian Country. The Eastern Region also expresses their concern regarding how the budget formulation package and its prioritization has been used by previous administrations in delivering budgetary messages to Congress and OMB limiting these agencies thinking process to only the top “5 program priorities”. The Administration and Tribal Nations Budget Formulation and all other budgetary messages must be directed towards fulfillment of the government’s trust responsibilities, treaties, and be reflective of the unmet obligations to the American Indians.

As a start in upholding its fiduciary responsibilities, in FY2018 the federal government must make significant investments in the following programs:

<b>BUREAU OF INDIAN AFFAIRS                      EASTERN REGION                      TRIBAL PROGRAM PRIORITIES                      FY 2018</b>	
<p><b><u>TRIBAL GOVERNMENT</u></b></p> <ul style="list-style-type: none"> <li>• Aid to Tribal Government</li> <li>• Consolidated Tribal Government Program</li> </ul> <p><b><u>HUMAN SERVICES</u></b></p> <ul style="list-style-type: none"> <li>• Social Services</li> <li>• Indian Child Welfare</li> </ul> <p><b><u>NATURAL RESOURCES</u></b></p> <ul style="list-style-type: none"> <li>• Forestry Program</li> <li>• Wildlife &amp; Parks Program</li> </ul> <p><b><u>REAL ESTATE SERVICES</u></b></p> <ul style="list-style-type: none"> <li>• Trust Services</li> <li>• Land Title &amp; Record Office</li> <li>• Water Rights Negotiations/Litigation</li> <li>• Rights Protection</li> </ul> <p><b><u>PUBLIC SAFETY AND JUSTICE</u></b></p> <ul style="list-style-type: none"> <li>• Tribal Courts</li> <li>• Criminal Investigation &amp; Police Services</li> </ul>	<p><b><u>COMMUNITY &amp; ECONOMIC DEVELOPMENT</u></b></p> <ul style="list-style-type: none"> <li>• Job Placement &amp; Training</li> <li>• Economic Development</li> </ul> <p><b><u>EXECUTIVE DIRECTION &amp; ADMINISTRATIVE SERVICES</u></b></p> <ul style="list-style-type: none"> <li>• Executive Direction</li> <li>• Administrative Services</li> </ul> <p><b><u>EDUCATION</u></b></p> <ul style="list-style-type: none"> <li>• Scholarships and Adult Education</li> <li>• Johnson-O'Malley Assistance Grants</li> </ul> <p><b><u>CONSTRUCTION</u></b></p> <ul style="list-style-type: none"> <li>• Facilities Improvement &amp; Repair</li> <li>• Facilities/Quarters Improvement Repair</li> </ul> <p><b><u>SETTLEMENT/MISCELLANEOUS PAYMENTS</u></b></p> <ul style="list-style-type: none"> <li>• Settlements</li> </ul> <p><b><u>INDIAN GUARANTEED LOAN PROGRAM</u></b></p> <ul style="list-style-type: none"> <li>• Program Management</li> <li>• Subsidies</li> </ul>

## TRIBAL GOVERNMENT

<b>Tribal Government (TPA)</b>		
<b>Enacted</b>	<b>Enacted</b>	<b>Proposed</b>
<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>\$288.5 million</b>	<b>\$293.2 million</b>	<b>\$294.8 million</b>

Currently, the Tribal Government Program contains 7 distinct line items. Over the last few years this Budget Category has only experienced a slight increase of approximately 1%. In the Eastern Region, the majority of Tribal Nations allocate their budgetary resources to 2 line items within the Tribal Government Program:

- 1) Aid to Tribal Government
- 2) Consolidated Tribal Government Program

The Eastern Region Tribal Nations acknowledge these programs as vital components to Tribal operations. Many of our Tribal Nations utilize the **Aid to Tribal Government Program** to offset costs to perform core Tribal government activities, including Census Maintenance, Planning, and Constitution and Ordinance Development. Activities funded and performed under the ATG Program are based on each Tribal Nation's individual needs. Unfortunately, due to minimal funding Tribal Nations often have to cost share positions or hire part-time staff and the attention required to fully carryout or enhance this Program suffers. **The Consolidated Tribal Government Program** promotes the true meaning of "Self-Determination" by allowing Tribal Nations to determine how their TPA funding will be allocated amongst the various programs within the TPA. Additionally, in combining various programs and grants into one agreement greater efficiency is gained by reducing paperwork and reporting, thus making more time and funding available for fulfilling program outcomes rather than on administrative bureaucracy.

## HUMAN SERVICES

<b>Human Services (TPA)</b>		
<b>Enacted</b>	<b>Enacted</b>	<b>Proposed</b>
<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>\$139.5 million</b>	<b>\$143.9 million</b>	<b>\$161.0 million</b>

The Human Services Budget Category entails 7 separate line items. From FY 2013 – FY 2017 the budget reflects an increase of .87%. However, if you exclude the proposed increase of \$17.4 million for the Tiwahe Initiative a slight funding reduction occurred for the non-Tiwahe selected sites. Although we are supportive of Tiwahe, it is essential that additional funding be provided to the Tribal Nations who have not been selected to participate in this initiative. While carrying out the

intent of Tihawe to address the inter-related problems of poverty, violence, and substance abuse deterioration of other Tribal Human Services programs and initiatives result. Adequate funding to maintain and enhance current Human Services Programs must also be provided, particularly in the **Social Services** and **Indian Child Welfare** line items. The Eastern Region Tribal Nations have identified a need to employ additional social workers and child welfare protective workers specializing in areas of domestic violence, family violence, and alcohol substance abuse. The current problems plaguing Indian communities, such as high unemployment, poverty, and substance abuse need to be addressed now and Indian communities can no longer withstand broken promises and obligations.

**NATURAL RESOURCES MANAGEMENT**

<b>Natural Resources Management (TPA)</b>		
<b>Enacted</b>	<b>Enacted</b>	<b>Proposed</b>
<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>\$65.4 million</b>	<b>\$66.0 million</b>	<b>\$68.7 million</b>

The Natural Resources Budget Category encompasses 17 different line items. In the last 3 years, funding for Natural Resources has only received a 5% increase - barely keeping up with inflationary costs and doesn't nearly begin to address unmet need. A large portion of the increase has been targeted for new initiatives such as the Natural Resources Youth Program and Tribal Climate Resilience. The Eastern Region's Tribal Nations recognize the importance of such initiatives and how vital they are to its future generations, however, the Eastern Region is concerned about the lack of increases in the **Wildlife & Parks Program** line item. This line item has remained stagnant over the last several years and funding seems to be focused on fish hatchery operations and climate resilience. In the Eastern Region the prominent need is for the hiring of additional conservation officers. With the vast amount of trust land territory located in our region and the geographical disbursement of the lands, it is essential additional conservation officers be hired to protect and preserve Tribal Nations' natural resources. Often, Tribal Nations have only 1-2 officers patrolling over 100+ acres leaving Tribal resources virtually unprotected from illegal hunting and fishing, timber harvesting, gravel theft, camp vandalism, pollution and other destructive behaviors, generally being committed by non-Tribal persons and entities. In the Eastern Region we have approximately 11 Tribal Nations operating Fish, Wildlife and Parks Programs, with a funding average of approximately \$85,500 per Tribal Nation. The Bureau of Indian Affairs has a trust responsibility to ensure Tribal natural resources are being safeguarded and it is inconceivable this level of funding is sufficient to provide adequate protection of the Tribal Nations' fish and wildlife resources. Further, the Tribal Nations in the Eastern Region are concerned about the lack of funding available for the **Forestry Program**. Currently, our region has approximately 10 Tribal Nations operating Forestry Programs with an average funding of about \$85,000/Tribal Nation, minimally enough to fund 1 Forester position. With these limited funds, Tribal Nations are expected to develop Forest Management Plans and provide oversight to ensure all forest related activities are in compliance with the approved Plan. Further, the foresters are responsible for conducting thinning, planting, insect control activities, plus overseeing harvesting crews. Tribal

Nations hold their Tribal lands, including forestlands, and all of its natural resources as “Sacred” and wish nothing more than to protect and preserve them for future generations. With the minimal funding available for Tribal Nations to conduct forestry it is virtually impossible to ensure we are upholding our stewardship of these resources. The Federal Government needs to uphold its fiduciary responsibilities and ensure Tribal Nations have the required funding to adequately protect and preserve their land and natural resources.

**REAL ESTATE SERVICES**

<b>Real Estate Services (TPA)</b>		
<b>Enacted</b>	<b>Enacted</b>	<b>Proposed</b>
<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>\$66.4 million</b>	<b>\$66.7 million</b>	<b>\$68.2 million</b>

\* FY 2017 Eliminates \$6.9 funding for Klamath Basin

The Real Estate Services Budget Category includes 17 separate line items. The FY 2017 President’s Budget reveals less than a 1% increase to the TPA Programs that fall within this Budget Category. As identified by the Eastern Region, **Trust Services** and **Land Title and Records** are of utmost importance to the Tribal Nations in carrying out trust functions. It is essential for Tribal Nations to have the internal administrative capacity to work in unison with the BIA in ensuring the federal government’s trust responsibility is being upheld. The Eastern Region utilizes funding on a variety of trust related activities, including determination of land ownership, protecting land ownership rights, preparation of land conveyances, preparation of land use contracts, and cultural & environmental resources compliance. Since many of these activities are governmental fiduciary functions it is imperative, not only for the Tribal Nations but BIA as well, to have sufficient staff at the Tribal level to assist the Bureau in ensuring the compilation of information and preparation of documents is completed for the necessary processing, approval and recording of all trust related transactions. Further, in fulfilling BIA’s fiduciary responsibility it is critical that adequate records are maintained. The Land Title and Records Office maintains all land title records for all trust and restricted lands. In addition to maintaining records, the Land and Title Records Office certifies current land ownership and responds to legal inquiries relating to Tribal lands. The Land and Title Records Office is an integral element to BIA’s responsibility to preserve and protect Tribal lands. It is vital funding be increased for both the Trust Services and Land Title Records.

**PUBLIC SAFETY AND JUSTICE**

**Public Safety & Justice**

	<b>Enacted</b>	<b>Proposed</b>	<b>Enacted</b>
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2015</b>
<b>Special Pooled</b>	<b>\$328.3</b>	<b>\$348.0</b>	<b>\$341.3</b>
<b>TPA</b>	<b>\$24.6</b>	<b>\$29.4</b>	<b>\$32.2</b>

The Budget Category for Public Safety and Justice is comprised of 11 distinct line items. The FY 2017 proposed budget reflects approximately a 5% increase. However, of great concern to the Eastern Region Tribal Nations is the proposed decrease in the **Law Enforcement** line item of \$7.2 million. For decades the Tribal Nations have strongly advocated and demonstrated the need for Law Enforcement funding increases. As crimes continue to escalate in Indian Country, particularly drug trafficking and use crimes, additional funding must be increased not decreased. The Eastern Region Tribal Nations have identified a need for additional drug enforcement investigators. Currently, it is our understanding the OJS drug enforcement unit is comprised of only 47 BIA criminal/drug investigator positions covering 567 federally recognized Tribal Nations who are geographically dispersed throughout the United States. Within the Eastern Region only 3 drug investigators are assigned to the Region and are located in New York and North Carolina. These 3 investigators are expected to provide drug investigative services for the 26 Tribal Nations who are spread-out from Maine to Florida and over to Louisiana. Considering the in-depth work entailed in drug investigations, the number of Tribal Nations, and the investigators' locations it is unthinkable that this is adequate. The Eastern Region Tribal Nations feel, to really reduce drug trafficking and related crimes occurring within in Indian Country, it is essential additional resources be appropriated for the hiring of additional drug investigators for our Region. **Tribal Court** is another area the Tribal Nations have voiced their concerns regarding funding inadequacies. In reviewing the FY 2017 President's Budget, an increase of \$2.6 million for Tribal Courts is proposed. However, this increase is directed towards expanding the Tiwahe Initiative. The Eastern Region is supportive of this Initiative but is concerned that Tribal Courts who are not selected to receive additional dollars appropriated under this Initiative will continue to financially struggle in maintaining and/or enhancing their current judicial systems. Increased funding for Tribal Courts should be further amplified in order for Tribal Nations to fully comply with the mandates order under the Tribal Law and Order Act (TLOA) and Violence Against Women's Act (VAWA). Tribal Courts are instrumental in advancing and asserting Tribal Nations' inherent sovereign rights.

**BUREAU OF INDIAN EDUCATION**

<b>BUREAU OF INDIAN EDUCATION</b>		
<b>Enacted</b>	<b>Enacted</b>	<b>Proposed</b>
<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>\$810.5</b>	<b>\$852.4</b>	<b>\$912.4</b>

The Bureau of Indian Education’s Budget contains 5 program elements and 19 separate funding line items. From FY 2015 – FY 2017 the BIE Budget experienced an 11% increase. The Eastern Region Tribal Nations are grateful the President and Administration recognize the importance of providing quality elementary and higher education to American Indians and are working **towards** providing adequate funding. The Tribal Nations in our Region feel the prioritization of the Bureau of Indian Education is misconstrued by the Administration, Congress, and OMB and considered a “lower Tribal priority”. However, they need to be mindful that this is not the case but rather the case of working in a flawed budget formulation system which does not account for the complexity and variation of program functions that fall within the BIA/BIE Budget and responsibilities. Further, less than 25% of the schools are Tribally operated and funding for school operations doesn’t necessarily correspond to a high individual funding need for the Tribal Nations who do not operate schools. In addition to securing adequate school funding, the Eastern Region Tribal Nations are concerned about the lack of available financial resources for the **Johnson-O’Malley Assistance Grants**. Given the fact 90% of Indian students attend public schools, JOM funding is crucial to helping American Indian youth stay in school by providing counseling, remedial instructions, culture and language programs, and eliminating other barriers for their educational success. In addition to increasing high school graduation rates, *which is reported to be at 67%, the lowest of any other racial/ethnic group*, it is imperative American Indians be given an opportunity to attain higher education. Tribal Nations within our Region and nationally have expressed their concerns regarding the lack of **Scholarship** funding. Recent reports indicate *only 13% of American Indians/Alaskan Natives have completed a bachelor’s degree or higher, compared to 29% of the U.S. population*.

Increased scholarship funding will assist in eliminating a barrier that prevents so many of our Tribal members from achieving higher education. The Eastern Region Tribal Nations recognize education as key to the advancement and enrichment of their Tribal communities.

Lastly, in order for Tribal Nations to conquer the economic and social problems plaguing their communities and to prosper more budgetary focus needs to be placed on programs that stimulate Tribal economies, such as **Economic Development, Loan Guarantee, and Job Placement & Training**. The Eastern Region’s Tribal Nations acknowledge these programs as the catalyst for overcoming the vast quality of life diversities that exist between American Indians/Alaskan Native and the rest of the U.S. population.



Funding for Indian programs continues to fall under the federal government's trust obligation to American Indians. This unique fiduciary relationship is grounded in the Constitution, Treaties, Federal Statutes and Federal Case Law. It is the federal government's obligation to provide consistent and adequate federal funding for programs that help American Indians and Tribal Governments achieve self-determination and assist them with education, law enforcement, and social programs to help future generations become more self-sufficient.

