

**Written Testimony of Council Member Thomas M. Wabnum
Prairie Band Potawatomi Nation**

before the

**United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies**

Regarding FY2015 Indian Affairs Budget

April 8, 2014

Introduction. Thank you for this opportunity to present testimony. My name is Thomas M. Wabnum, Council Member for the Prairie Band Potawatomi Nation. My reservation was destroyed by the Dawes Allotment Act. While under federal care, our money was mismanaged, forcing us into selling our lands and we were almost terminated as a Tribe in 1954. I lived in a Dawes allotment house and have numerous interests in several allotments but cannot build a home on any. I attended Indian boarding school, attended Haskell Indian Nations University, was a Tribal Council Treasurer, and worked for the Bureau of Indian Affairs (BIA) and the Office of Special Trustee (OST). I have an Individual Indian Monies account, and I am also a Vietnam Veteran. During my employment with the BIA and OST, I helped create the budgets for those agencies.

My testimony sets forth funding priorities for the Prairie Band Potawatomi Nation, which align with the priorities of the Southern Plains Region of the Tribal/Interior Budget Council. The Prairie Band Potawatomi Nation currently serves on the Tribal/Interior Budget Council as a representative for the Southern Plains Region. This testimony will also focus on the Office of Special Trustee and changes needed to that agency.

The priorities include the following:

- Restore pre-sequestration funding levels and make up for losses due to sequestration.
- Adequately fund the Johnson O'Malley Program and Haskell University.
- Fully fund contract support costs without detracting from Indian programs.
- Ensure sufficient funding for Aid to Tribal Governments.
- Focus on increases for Human Services Programs.
- Appropriate sufficient monies for Public Safety and Justice.
- Enable the BIA to effectively assist tribes in energy development.
- Sunset the Office of the Special Trustee and reallocate funding to BIA/BIE programs.

Funding Priorities.

1. The Johnson O'Malley Program/Haskell University

The JOM program addresses the basic educational needs of our children by providing supplemental programs to Indian school children and providing access to critical resources including tutoring, language programs, leadership conferences, and school supplies. These resources help Indian children receive the education they deserve and ensure they can participate in activities such as laboratory time, post-secondary entrance exams, and graduation ceremonies.

For years the JOM Indian student count, which is used to calculate funding, was frozen at 1995 levels. As noted in the President's Budget, Congress directed the Bureau of Indian Education

(BIE) to update the JOM student count in 2012. In 2014, Congress directed the BIE, in coordination with the Department of Education and in consultation with Tribes, to update the student count every two years. We hope this will help the JOM program receive the funding it requires. The President's FY 2015 budget provides a \$500,000 increase for the JOM program, which will go a long way toward rectifying past shortfalls. However, the total \$14.7 million requested for the program falls far short of the amount estimated to ensure all students receive JOM support. The Prairie Band Potawatomi Nation supports the National Congress for American Indians' (NCAI) FY2015 request for \$42 million for the JOM program.

Adequate funding levels are also needed for Haskell Indian Nations University, which educates many of our young adults and located nearby the Nation. Haskell is operated by the BIE, and each semester 1,000 students on average attend Haskell. Due to sequestration, in FY2013, Haskell received \$635,000 less than in FY2012. The President's Budget Request includes almost \$12.2 million for Haskell for FY2015. However, this is insufficient to provide the University with the resources it requires to educate its students and sustain an enriching campus environment.

2. Aid to Tribal Governments

Adequate funding for BIA technical assistance to tribal governments is necessary for tribes to successfully and efficiently contract BIA programs and exercise self-determination. Tribes have increasingly exercised their sovereignty by administering their own programs and services in accordance with the Indian Self-Determination and Education Assistance Act, Public Law 93-638. The BIA's Division of Tribal Government Services (TGS) provides important assistance to tribes as they implement self-determination contracts. TGS also assists tribes with matters relating to enrollment, government-to-government relations, and tribal claims.

Full contract support cost (CSC) is essential to tribal self-determination. The Administration's statement it will fund CSC is welcome and overdue. Yet full CSC funding cannot be made at the expense of program funding. The United States must honor its contracts without detracting from Indian programs that fulfill other important obligations.

The President's Budget Request contains approximately \$545.7 million for Tribal Government Programs, a \$10.6 million increase from FY2014 enacted levels. This includes \$246 million for CSC, an increase of \$4 million. Although the \$10.6 million increase is welcome, the amount for Tribal Government Programs remains insufficient given that, for instance, Tribal Priority Allocations have been consistently underfunded.

3. Human Services

Funding for Human Services in Indian Country has been severely impacted over the past two years. In FY2013, due to sequestration, BIA's Human Services budget was \$7.6 million below FY2012, and FY2014 funding was approximately \$3.6 million below FY2012 levels. Although the President's FY2015 Budget Request includes a nearly \$9.9 million increase from FY2014, this still does not make up for the funding deficiencies of the past two years.

BIA's Human Services budget includes social services, welfare assistance, child welfare assistance, and housing. These services are essential to protecting our most vulnerable populations, including our children and elders. These funds provide basic human needs—clothing, shelter, food. Such services strengthen our communities and help Indian families stay

together despite the strains of poverty. Current appropriations levels for Human Services are simply insufficient to allow us to ensure that our citizens' basic needs are met.

4. Public Safety and Justice

Ensuring that our citizens are safe within our homelands is a fundamental exercise of sovereignty. Through the passage of the Tribal Law and Order Act (TLOA) and the Violence Against Women reauthorization (VAWA), Congress has taken significant steps toward recognizing the exercise of tribal criminal jurisdiction. However, tribes require both financial and technical support to exercise expanded jurisdiction under TLOA and VAWA and to support current safety and justice initiatives.

Public safety and justice was also hit hard by sequestration. In FY2013, the public safety and justice budget was \$18.6 million below the FY2012 amount. The President's FY2015 Budget Request includes approximately \$351.9 million for public safety and justice, a \$1.8 million increase over FY2014. Increased funding is required to maintain and strengthen tribal court systems, reduce crime and drug rates in Indian Country, and perform law enforcement functions. Tribal nations require this support to protect the physical safety of their citizens, and sometimes that of surrounding counties, and to eliminate harmful social and economic consequences of violence and crime from their communities.

5. Minerals and Mining – Energy Development

Tribes need support to develop both renewable and conventional sources of energy. Indian Country energy development has the potential to be a powerful engine of economic growth, increase this country's energy security, and promote environmental sustainability. Such development, however, requires significant infrastructure and capacity building.

The President's FY2015 Budget Request includes approximately \$20.6 million for Minerals and Mining, a \$148,000 increase over FY2014. This includes an increase of \$109,000 for regional oversight, which will, among other things, assist tribes in developing renewable energy potential and sustainably managing conventional energy sources. However, if tribes are to successfully harness renewable energy potential and sustainably manage resources—both of which benefit the entire United States—we will need greater federal support to help pay for the required investments in infrastructure, staff, and technical assistance.

Five Additional Reform Measures —The Office of Special Trustee.

In addition to the budget priorities set forth above, there is a need for overarching reform in the way the United States fulfills its trust responsibility to tribes, particularly when it comes to the functioning of the Office of Special Trustee (OST). To fulfill the United States' obligation to tribes and Indian people, the following reforms are needed:

- Congress needs to create an enforceable Indian trust policy, in consultation with tribes.
- Congress should create a Department of Indian Affairs, eliminating the inherent conflict of interest that often exists between tribes and the Department of Interior. This new Department needs to be fully funded and staffed with experienced tribal-minded people who are motivated to foster in a new era of Fiduciary Trust responsibility to tribes and individual Indians.

- Congress should create a permanent Trust Commission tasked with recommending updates to federal laws, regulations, and policies regarding tribes and Indian people.
- Congress must sunset the OST. The \$139 million the President has requested in FY2015 for OST should be reallocated to the new Department of Indian Affairs and the Trust Commission. Until then, in FY2015 this money should be reallocated within the BIA/BIE budget.
- Annual appropriations should include money for tribes to buy back fractionated interests until such time as all available interests can be purchased for tribes. The Buy-Back Program has funding through settlement of the Cobell class action to purchase fractionated trust interests, and now has less than 10 years left to reach the goals of this program. Also, annual land purchases would generate a savings by reducing the IIM costs. However, annual appropriations for this purpose will address the deficiencies in the current Buy-Back Program and fulfill the United States' obligation to remedy the crippling consequences of the Dawes Act.

Each of these five measures must be taken in consultation with tribes. These five steps will help the United States fulfill its trust responsibility to tribes and ensure that federal dollars are more effectively spent toward furthering tribal self-determination.

Federal Indian Affairs budgets have consistently been under funded or mismanaged and historically by the same Department of Interior. Since BIA inception, multi-billions have been appropriated with deteriorating effects in the loss of Indian lands, money and sovereignty. BIA's purpose has been many: removal, incompetent, allotment, termination, self-determination, trust reform, consultation, and now rebuilding Tribal Nations. We can do it better.

The new business success that Tribes are having should not force them to respond to decreasing federal budgets and being forced to accept and fund federal trust responsibility activities. Each fiscal year, Tribes are planning for federal budget cutbacks and it seems the U.S. is accelerating efforts to get out of the Indian business.

Any Indian Affairs' budget should not suffer cutbacks. This would allow Tribes and the U.S. to utilize their financial resources together to strengthen and improve poor Tribal conditions caused by historical inadequate funding. It always has been termination by appropriation.

We have been invited to attend the budget formulation process for the BIA but not for OST. More importantly, Tribes should attend annual closeout meetings to account for success or failure of these organizations.

The U.S. has consistently asked Tribes to bury the hatchet, and we have. But each budget cutback is a strike against our health, education, and the welfare of our tribal citizens. We are a different generation with new technology and we understand our problems more than any other. Further, Tribes are now becoming business partners with States in business win-win situations, sharing Native American Enterprise Zones and acting sovereign-to-sovereign.

We want to help by utilizing all resources in a manner that enables a true Nation-to-Nation Partnership. We don't have to be dependent domestic nations but rather independent domestic Nations with full cooperation of the United States.

We can live better under a new trust with mutual respect for each other. Let us not relive a horrible history but forgive and create a new future.