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*Craig Tribal Association*

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## TESTIMONY OF THE HONORABLE DARRELL G. SEKI SR. CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS MIDWEST REGION REPRESENTATIVE, TRIBAL INTERIOR BUDGET COUNCIL

Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies Regarding the FY 2016 Bureau of Indian Affairs (BIA) budget, March 24, 2015

Mr. Chairman, I thank you and the other distinguished members of the Subcommittee for this opportunity to provide testimony on behalf of the Tribal Interior Budget Council. The Tribal Interior Budget Council (TIBC) was established in 1999 to provide a forum and process for tribes and Federal officials to work together in developing annual budget requests for Indian programs in the Department of the Interior. The mission of the TIBC is to enable government-to-government consultation between tribes and the Department to develop budgets that allow for the fulfillment of tribes' self-determination, self-governance, sovereignty, and treaty rights, as well as sufficient levels of funding to address the needs of Tribes and their tribal citizens.

The TIBC consists of two tribal leaders from each of the 12 BIA regions, along with Indian Affairs leadership including the Assistant Secretary for Indian Affairs. TIBC meets on a quarterly basis. I am proud to say I have been a TIBC representative for 13 years. Although the focus of TIBC is primarily improving the BIA budget, and particularly tribal program funding, we are keenly interested in other important programs under the Subcommittee's jurisdiction, namely IHS and EPA tribal programs.

### Increase Interaction between TIBC and the Interior Appropriations Subcommittee

Many of the TIBC representatives have appeared before the Subcommittee in the past to provide testimony for their respective tribes, and Subcommittee staff have met with TIBC and TIBC's Budget Subcommittee. We think that it would be beneficial for everyone if the Subcommittee and TIBC communicate with increased frequency. We also recommend that Subcommittee members and staff attend TIBC meetings from time to time. Another thing we can do is to provide copies of TIBC meeting minutes and presentations to Subcommittee staff, and arrange for TIBC Budget Subcommittee representatives to periodically meet with Subcommittee staff.

### BIA Budget

As you know, in Indian Country the funding we receive from IHS and BIA are the primary means by which we are able to staff and support the programs which provide key government services to Indian people, including health, public safety, roads and transportation, human services, and natural resources to name just a few. Tribes have expressed concern that for at least a decade, BIA budget advances in terms of funding requests and enacted funding levels have not kept pace with most other Interior agencies. We've also expressed that the recent stepped-up promotion of the Native American Crosscut budget by the Department and Office of Management and Budget (OMB) has not allayed tribes' concerns that our critical core government services

programs and staff, which are financed by the BIA, are dangerously underfunded and yet continued to be cut through sequestration, rescissions, and inflation. We do appreciate your help by providing BIA significant funding increases in FY 2014-2015, after three years of significant decreases in FY 2011-2013.

The President's FY 2016 budget request is \$2.9 billion, an increase of \$323 million (12.4 percent) over the FY 2015 enacted level. In terms of dollars, the FY 2016 request for BIA is the second largest, just behind the National Park Service (NPS). In terms of percentage increase, the 12.4 percent request for BIA is the third largest, just behind NPS (16.6 percent) and the U.S. Geological Survey (14.4 percent). And when comparing the FY 2016 budget request in terms of the BIA percentage increase (12.4 percent) to the non-BIA overall Interior percentage increase (8.3 percent), BIA and tribes have something to be pleased about.

The FY 2016 BIA budget request significantly builds upon increases enacted in FY 2010, FY 2014, and FY 2015. Although the President's budget does not restore the FY 2013-2015 sequestration cuts to tribal base programs, we strongly support the President's request, and we ask that Congress fully fund the request. We additionally request that Congress restore sequestration cuts to tribal base programs in FY 2016, by providing an additional \$75 million specifically for this purpose.

#### Sequestration and Rescissions

Tribes have suffered terrible cuts in funding for critical government services including law enforcement, fire protection, courts, human services, education, road maintenance, and resource protection which are critical to Indian communities. These cuts have caused a crisis for most tribes and include: A crippling 16 percent TPA cut in 1996; With the exception of law enforcement and a few others, tribes' core base programs were either flat-funded or further reduced for 20 years; since 2000, tribes' base programs were cut an additional 8 percent from *14 different permanent, across-the-board and targeted rescissions* to fund everything from federal deficit reduction, tax cuts, the war in Iraq, and hurricanes; and, during the last 15 years, pay costs were only partially funded. Sequestration has added an additional 5% cut to the list.

As a result of the above, tribes' core service funding is far less, in real terms, than 20 years ago. Our ability to provide safety and security for people who already struggle to survive under some of the worst living standards in America has been undermined. Federal agencies may be able to absorb these cuts, but most tribes cannot - we have reached the breaking point.

#### TIBC Budget Process and Priority Setting

The budget formulation process coordinates tribal budget priorities and justifications for each fiscal year in coordination with BIA Regional Offices, which work to ensure that appropriate consideration is given to specific, regional, and national priorities and requirements expressed by tribes. The Interior/BIA budget formulation system must provide clarity to the unique needs of tribes without causing undue confusion to the Administration and Congress. The current BIA Budget Formulation process offers priorities within the BIA's budget, but tribal leaders underscore that all elements of the BIA budget are critical as they collectively operate in coordination to ensure strong, healthy, and vibrant Tribal communities. Tribal leaders appreciate

that the President's FY 2016 Budget was developed with guidance from Indian Country through the Tribal-Interior Budget Council (TIBC).

The tribal caucus of the TIBC supports many of the specific proposals in the BIA's budget this year, such as reclassifying contract support costs as mandatory, the expansion of the Tiwahe Initiative, increases for education, and natural resources funding increases. The One-Stop Tribal Support Center (\$4 million) and the Data Initiative (\$12 million) potentially would provide solutions to problems tribes have identified throughout the budget cycle, such as the need for clarification of federal sources of funding available for tribes as well as improved data on unmet treaty obligations.

### Specific Proposals

**Tiwahe Initiative:** The FY16 budget would provide \$15 million to expand the Tiwahe Initiative, \$6 million more for Social Services (under BIA Human Services), \$4 million more for law enforcement for alternatives to incarceration and \$5 million more for tribal courts. TIBC strongly supported this initiative last year and urges Congress to continue funding for this initiative in FY 2016. Child abuse and neglect are serious and persistent problems in tribal communities. Tribal governments have an incredible need for child abuse and neglect prevention and treatment programs, yet tribes do not have access to the two key federal child abuse prevention and treatment funding sources. In 1991, Congress enacted the Indian Child Protection and Family Violence Prevention Act (ICPFVPA; Pub. L. No. 101-630) which authorizes funding for two tribal programs: (1) the Indian Child Protection and Family Violence Prevention Program, which funds prevention as well as investigation and emergency shelter services for victims of child abuse and family violence (\$30 million); and (2) the Treatment of Victims of Child Abuse and Neglect program, which funds treatment programs for victims of child abuse (\$10 million). ICPFVA also authorizes funding to create Indian Child Resource and Family Service Centers at each of the BIA regional offices (\$3 million). At the March TIBC meeting, tribal leaders passed a resolution that, to fulfill its purpose, the *Tiwahe* Initiative must include the ICPFVPA grant programs and the BIA Indian Child Resources and Family Service Centers.

**Education** would see an increase of \$138.4 million for BIE activities and construction. Increases include: \$45.5 million for Elementary and Secondary Education; \$12.9 million to fully fund Tribal Grant Support Costs; \$10 million for the Education Program Enhancement program for incentive funding; \$20 million for BIE Maintenance and Operations; \$34.2 million for Education Information Technology to enhance broadband and digital access; \$4.6 million for Scholarships and Adult Education and an increase of \$250,000 for Special Higher Education Scholarships; \$2.6 million for Johnson O'Malley. Education Construction would receive a \$58.7 million increase (79 percent higher than the FY2015 level), for a total of \$133.2 million. The increase includes \$25.3 million for replacement school construction to complete construction on the final two schools on the 2004 replacement school priority list. Tribal leaders have strongly supported education in Indian Country, specifically scholarships and adult education as well as Johnson O'Malley.

**BIA Natural Resources** would receive a 26 percent increase, \$48 million over FY 2015, for sustainable resource management and preparing and responding to the impacts of climate change, such as drought, wildfires, changes to plants and animals important to subsistence and

culture, rights protection, coastal erosion and rising sea levels. Increases will also support Alaska Native Villages in the Arctic to evaluate options for the long-term resilience of their communities. Natural Resources have always been a high priority of tribes and TIBC.

**One Stop Tribal Support Center:** The BIA plays an important role as a broad provider of Federal services. Acknowledging this role, the budget proposes \$4 million to establish the One-Stop Tribal Support Center to support Tribes in accessing hundreds of services across the Federal government. This is an incredibly important proposal that could provide much needed technical support for tribal governments. The Tribal Interior Budget Council has received presentations from the Office of Management and Budget on the Native American cross cut, which shows that many federal funds are available to tribes. But many of the tribes that need assistance the most have a difficult time accessing federal resources. Change on the ground requires holistic change, and the One-Stop Tribal Support Center if implemented would assist tribal leaders meet dire needs in Indian Country. The wrap around nature of this budget request is one that is desperately needed in Indian Country.

**Data Initiative:** A data initiative of \$12 million is proposed to establish an Office of Indian Affairs Policy, Program Evaluation, and Data which will help the Interior Department collect, analyze, and use evidence to support effective policy making and program implementation. The funds also will assist the Department in working with tribes to improve Interior and BIA data quality and availability and will support efforts with the Census Bureau to identify and address data gaps in Indian Country. This initiative reflects responsiveness to tribal requests for improved data on whether the federal government is meeting its trust and treaty obligations. Tribal leaders have called for improvements to tribal data and have pursued a tribally driven Tribal Data Exchange, but with limited resources. This data initiative should be implemented in such a way that that it measures tribal unmet obligations, not only performance. Because the initiative includes \$9 million to enter into agreements with the Census Bureau, tribal leaders should be consulted and fully engaged on the specifics of the work the Census statistical experts would perform for Indian Country.

#### Fully Fund Pay Costs and Fixed Costs in FY 2016 and Beyond

For more than a decade, Pay Costs were only partially funded. Pay Costs represent the only increase most tribal programs receive. *When Pay Costs are not fully funded, tribes have no choice but to cut jobs.* From FY 2001 to the present, the Department of Interior, including BIA and tribes, have collectively lost more than \$800 million through the absorption of Pay Costs and other Fixed Costs, and along with it, literally thousands of jobs. The President's FY 2016 budget includes a severely truncated \$18.3 million for BIA Fixed Costs, including Pay Costs. These were described as "Fully Funded" which is not accurate. We ask that you provide \$8 million specifically for tribes' Pay Costs in FY 2016, and we also ask that you continue to express your concerns to the Administration that Pay Costs must be fully funded in all future budgets.

#### Conclusion

The Tribal Interior Budget Council appreciates the work this Subcommittee has done in the past years to ensure the federal government honors the treaty, trust, and statutory obligations in the federal budget. We look forward to working with you to continue the strong tradition of bipartisan support for Indian Country.