

April 19, 2018

The Honorable Ryan Zinke
Secretary of the Interior
1849 C Street, NW
Washington DC 20240

Re: Recommendations to Improve the Interior Budget Process for Indian Affairs

Dear Secretary Zinke,

We write to you as the Tribal co-chairs of the Tribal/Interior Budget Council (TIBC) with recommendations to improve the Interior Department's fulfillment of the United States' treaty, trust, and other responsibilities to American Indians and Alaska Natives. As background, TIBC's mission is below:

The TIBC provides a forum and process, consistent with the Indian Self-Determination and Education Assistance Act, Section 450 a-1, Executive Order #13175, and Department of the Interior's (DOI) Government-to-Government policy, whereby tribes and the Department work together to develop policy and budgets that provide for 1) the Department to fulfill its trust responsibilities and treaty obligations; and 2) the fulfillment of tribes' inherent sovereign rights of self-determination, self-governance, and self-sufficiency, as well as securing levels of funding necessary to strengthen Tribal governmental capacity to serve their Tribal citizens and communities.

The TIBC provides an appropriate forum for BIA budget "government-to-government" consultation, with statutory authority in the Indian Self-Determination and Education Assistance Act. According to 25 U.S.C. 5325(i), "on an annual basis, the Secretary shall consult with, and solicit the participation of, Indian tribes and tribal organizations in the development of the budget for the Indian Health Service and the Bureau of Indian Affairs (including participation of Indian tribes and tribal organizations in formulating annual budget requests that the Secretary submits to the President for submission to Congress pursuant to section 1105 of title 31)."

The Tribal Caucus of the TIBC has identified some recommendations that we believe will help strengthen the work of the TIBC.

1. TIBC Engagement with the Indian Affairs Leadership

The TIBC leadership requests that the Assistant Secretary for Indian Affairs and Director of the Bureau of Indian Affairs participate in the National Budget Meeting. The budget formulation and consultation process is critical to identifying potential efficiencies while at the same time ensuring the federal government upholds its solemn treaty and trust obligations to Indian Country. The process, which is admittedly complex and multifaceted, calls for both tribal and federal commitment to engaging in the TIBC budgeting process.

Tribal representatives have instituted an assessment of the TIBC budget formulation to improve the process. We implore the federal members of TIBC to engage in the TIBC forum as well as the budget improvement process so that the deliberations in the forum are productive. The TIBC plans to implement improvements to the FY 2021 budget formulation process. The timeline for this budget process improvement allows for further input by tribal representatives and federal representatives through July 10, 2018 to be incorporated into the FY 2021 budget cycle.

2. Request for TIBC to be the Interior Secretary's Tribal Advisory Council

The Tribal Representatives on the TIBC consist of twenty-four elected or appointed Tribal officials, nominated and selected to serve on the TIBC by the tribes in their region, two from each of the 12 BIA Regions. The Tribal Representatives from each region advocate on behalf of tribes in their region. The Interior Department should seek to implement a DOI Secretary's Tribal Advisory Committee (STAC), improving upon the Department of Health and Human Services (HHS) STAC, by having the tribal leaders determined by their own regions instead of selected by the Department. A STAC's primary purpose is to seek consensus, exchange views, share information, provide advice and/or recommendations; or facilitate any other interaction related to intergovernmental responsibilities or administration of Departmental programs.

3. TIBC Engagement with the Secretary's Office

The TIBC leadership requests that you would engage with the TIBC process to hear Tribal input and concerns with the BIA budget and the BIA Budget Formulation Process at least once annually. The HHS national budget consultation could serve as a model of successful Secretarial engagement with Tribes.

4. Meeting Strategic Plan Mission and Goals in the Budget

The TIBC Tribal Leaders appreciate that the DOI Strategic Plan FY 2018-2022 includes goals for Indian Country (excerpts below).

MISSION AREA #4: Fulfilling Our Trust and Insular Responsibilities

Goal 1: Support tribal self-determination, self-governance, and sovereignty

- Support self-governance and self-determination

Goal 2: Fulfill fiduciary trust

- Ensure accurate and timely management of fiduciary trust assets
- Strengthen Indian Education

The mission and goals are guideposts and should be reflected in the Department's budget priorities and decisions. However, the 2019 President's budget for Indian Affairs is \$2.4 billion in current appropriations, a 15.6% decrease from the FY 2018 CR level. Almost every line item in the BIA budget would see reductions in the FY 2019 budget request. As part of the FY 2019 budget formulation process, tribes from each BIA region completed a survey to outline which 10 budget lines they would prefer to provide increased funding to and why. The results of this process show that BIA Social Services, Indian Child Welfare Act (ICWA), Scholarships and

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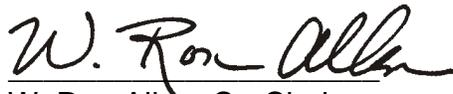
Adult Education, Tribal Courts, an Aid to Tribal Government made up the top five. Unfortunately, most of the programs identified by tribes as needing increases in FY 2019 would receive reductions in the FY 2019 President's Budget Request.

Four programs in the top 15 identified by tribes were proposed to be eliminated in the President's Budget: Scholarships and Adult Education, Housing Improvement Program, Johnson O'Malley Program, and Small and Needy Tribes. Social Services and ICWA would be cut 37 percent and 27 percent respectively, both cuts disproportionately larger than the overall reduction for the Department of the Interior, which would see a reduction of 16.8 percent.

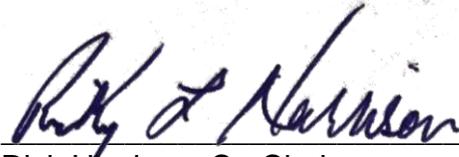
The BIA provides the primary resources for carrying out the core and essential governmental services to over 2 million American Indians and Alaska Natives. Tribes are addressing urgent needs related to poverty, unemployment, homelessness, substance abuse, public safety, and other challenges that have resulted from unfair dealings and historical trauma. Tribes would like to work with you to meet the mission and goals laid out in the DOI's Strategic Plan.

Conclusion

We know that you take this responsibility very seriously and we look forward to working with you to help improve the Department's fulfillment of these solemn obligations together. Please do not hesitate to reach out to us or Jacqueline Pata, NCAI Executive Director, at jpata@ncai.org, or 202-466-7767 extension 217.



W. Ron Allen, Co-Chair
Tribal/Interior Budget Council



Rick Harrison, Co-Chair
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