

**Resolution of the Tribal Budget Advisory Council  
on Redistribution of Tribal Priority Allocation Funds**

**WHEREAS**, the Bureau of Indian Affairs (BIA)/Tribal Budget Advisory Council (TBAC) was created to provide an advisory Government-to-Government forum and process for 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; and

**WHEREAS**, tribal representatives of the TBAC work with and advise the Department of Interior on strategies and data collection processes and systems to justify budget increases to meet unmet needs and fully fund budget priorities; to support budget formulation and fund distribution; and

**WHEREAS**, in the FY 2006, FY 2007, and FY 2008 President's Budget Request to Congress, the Administration included language to reform Tribal Priority Allocation (TPA) distribution and states its belief that TPA could be improved by targeting funding to the areas of greatest need; and

**WHEREAS**, TPA is the embodiment of the federal policy of Indian self-determination and provides tribes with the resources for governmental services at the local level; and

**WHEREAS**, the federal trust responsibility is the legal commitment made by the U.S. government to Indian tribes when Indian lands were ceded to the United States. This commitment is codified in treaties, federal law, executive orders, judicial opinions, and international doctrine. The Bureau of Indian Affairs has a legal and moral duty to fulfill federal trust responsibilities; and

**WHEREAS**, the benefits, protections and services provided to tribal governments are based not on need, but on Indian tribes' status derived from and supported in the Constitution, treaties, and other federal law; and

**WHEREAS**, redistributing TPA to the neediest tribes, or means testing federal funds, violates treaty responsibilities and the federal trust relationship with tribes; and

**WHEREAS**, means testing would unfairly target Indian tribes. To subject tribal governments to a means test would have the discriminatory effect of singling tribes out for treatment not accorded to states, counties, cities or other units of government. States and counties are not penalized for efficiency, for increasing their tax base or collecting more taxes, for generating more revenue, or for creating more surpluses, which are often returned to the citizens without affecting their eligibility for federal contributions or assistance; and

**WHEREAS**, tribal governments are more concerned by the unequal status of American Indians as a population compared to the United States as a whole rather than inequities between tribes; and

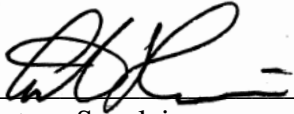
**WHEREAS**, the BIA does not have the capacity to accurately maintain, manage, and report performance data for all the tribes; and

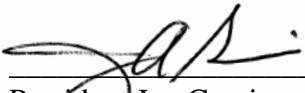
**WHEREAS**, means testing would be economically counterproductive. Although a few tribes have gained some measure of economic success over that last decade, by and large, Indian communities are still relatively poor. Real per capita income of Indians living on reservations is still less than half of the national average. Indian unemployment is still double the rest of the country. In this environment, a federal disincentive to creating economic opportunity would be devastating. To means test federal outlays to Indian tribes at a time when tribal governments are beginning to rebuild their economies and infrastructure would simply push tribes back into the dire circumstances from which they are attempting to rise.

**NOW THEREFORE BE IT RESOLVED**, that the tribal representatives of the BIA/Tribal Budget Advisory Council oppose any type of means testing for the funding of federal Indian programs against tribal governmental revenue.

#### **CERTIFICATION**

The foregoing resolution was adopted at a meeting of the BIA/Tribal Budget Advisory Council at a meeting of the BIA/Tribal Budget Advisory Council in Polson, Montana on August 9, 2007, with a quorum present.

 12/3/07  
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Governor Arturo Senclair  
Tribal Co-Chair

 12/3/07  
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President Joe Garcia  
Tribal Co-Chair