

**STATEMENT  
OF  
LAWRENCE S. ROBERTS  
ACTING ASSISTANT SECRETARY – INDIAN AFFAIRS  
DEPARTMENT OF THE INTERIOR**

**BEFORE THE  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
COMMITTEE ON APPROPRIATIONS  
U.S. HOUSE OF REPRESENTATIVES  
ON THE PRESIDENT’S FISCAL YEAR 2017 BUDGET  
FOR INDIAN AFFAIRS**

**March 16, 2016**

Good morning Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee. Thank you for the opportunity to provide a statement on behalf of the Department of the Interior on the President’s Budget Request for Indian Affairs for Fiscal Year (FY) 2017. The FY 2017 budget request for Indian Affairs programs totals \$2.9 billion, which is \$137.6 million more than the FY 2016 enacted level.

Within Indian Affairs, our funding priorities are guided by careful coordination with tribes through a regional-to-national planning process through the Tribal Interior Budget Council. These and other sources of tribal input have informed legislative and programmatic initiatives and funding priorities in the FY 2017 budget, including full funding for contract support costs and a proposal to fund contract support costs through a mandatory account beginning in FY 2018.

The Indian Affairs budget provides significant increases across a wide range of Federal programs that serve tribes and support improved tribal access to Federal programs and resources. Indian Affairs plays a unique and important role in carrying out the Federal trust responsibility and in serving tribes. The budget makes the most out of each dollar dedicated to Indian Country programs by proposing further development of a one-stop shop approach for facilitating tribal access to Federal funds and programs across the U.S. government.

**Supporting Indian Families and Protecting Indian Country**

Supporting Indian families and ensuring public safety are top priorities for the President and tribal leaders. As part of the President’s commitment to protect and promote the development of prosperous tribal communities, BIA will continue to expand the Tiwahe initiative. Tiwahe, which means family in the Lakota language, promotes a comprehensive, integrated and community-based approach to support child welfare, family stability, and strengthening tribal communities as a whole. The initiative directly supports the President’s Generation Indigenous initiative launched in 2014 to address barriers to success for Native youth by leveraging BIA programs in concert with other Federal programs supporting family and community stability and cultural awareness.

Children living in poverty are far more likely to be exposed to violence and psychological trauma, both at home and in the surrounding community. Many Indian communities face high rates of poverty, substance abuse, suicide, and violent crime, leading to serious and persistent child abuse and neglect issues. Child maltreatment often leads to disrupted extended family support networks and broken families when children are placed outside the community. Solutions lie in addressing the interrelated problems of poverty, violence, and substance abuse faced by many communities to help improve the lives and opportunities of Indian families. This requires tribally-initiated coordination of social service programs; steps to maintain family cohesiveness; preparation of family wage earners for work opportunities; and rehabilitative alternatives to incarceration for family members with substance abuse issues.

Currently, four tribal communities (the Ute Mountain Ute Tribe, Colorado; the Spirit Lake Tribe, North Dakota; the Association of Village Council Presidents (AVCP), Alaska; and the Red Lake Nation, Minnesota) are participating in the Tiwahe initiative as the initial pilot sites. The BIA will be adding two additional sites in FY 2016.

The Ute Mountain Ute Tribe has developed a “Tour de Ute” concept – a “one stop” Tiwahe Center that centralizes services at Ute Mountain Ute. The Center will provide culturally relevant services which incorporate tribally specific practices, traditions and approaches for intervention and prevention. The Ute Mountain Ute’s Tiwahe team also supported production of a short film entitled “Escape,” which was made by Ute Mountain Ute youth and which discusses serious issues faced by tribal youth, such as bullying, identity, and suicide. The film premiered in Durango, Colorado in October of 2015 and was also screened later in the fall at the LA SKINS FEST, a film festival in Los Angeles, California.

Further, the BIA Division of Human Services, through a partnership with selected schools of social work, is creating a Center for Excellence. The Center will provide opportunities for learning, cross-training, and information sharing for tribes in the areas of leadership, best practices, research, support and training. Additionally, the Center for Excellence will allow Tiwahe tribes the opportunity to train other tribes and tribal organizations on a comprehensive approach for a coordinated service delivery model. Tiwahe tribes will also be able to share best practices and lessons learned from implementation of year one and two of the Tiwahe Initiative.

The FY 2017 budget proposes \$21.0 million in program increases to support Tiwahe objectives, including \$12.3 million for social services programs to provide culturally-appropriate services with the goal of empowering individuals and families through health promotion, family stability, and strengthening tribal communities as a whole. The budget also includes increases of \$3.4 million for Indian Child Welfare Act programs that work with social services programs and the courts to keep Indian children in need of foster care in Indian communities where possible; an additional \$1.7 million to improve access to suitable housing for Indian families with children; and a \$1.0 million increase for job training and placement. The budget includes an additional \$2.6 million for tribal courts to implement a comprehensive strategy to provide alternatives to incarceration and increase treatment opportunities across Indian Country.

As a Departmental priority goal, the BIA Office of Justice Services (OJS) works to support rehabilitation and reduce recidivism by promoting alternatives to incarceration.

The BIA OJS, responding to concerns raised by tribes, law enforcement and tribal courts about high rates of alcohol- and drug-related offenses, in 2014 created the Diversion and Re-entry Division (DRD). The DRD is transforming institutional practices to focus on recidivism reduction and solution-focused sentencing initiatives. These initiatives are intended to create alternatives to incarceration that build onto existing treatment services in tribal communities.

As part of DRD's efforts to reduce recidivism, three reservations were selected to implement a pilot initiative, with the goal of reducing recidivism in a pre-identified cohort of 150 repeat offenders at these sites by three percent by September 30, 2015. At the end of FY 2015, the three tribes participating in the pilot experienced a combined average reduction in recidivism of 46%.

The BIA OJS will continue pilot programs at five sites that seek to lower rates of repeat incarceration, with the goal of reducing recidivism by a total of three percent within these communities by September 30, 2017. The pilot programs will continue to implement comprehensive alternatives to incarceration strategies that seek to address the underlying causes of repeat offenses—including substance abuse and social service needs—through alternative courts, increased treatment opportunities, probation programs, and interagency and intergovernmental partnerships with tribal, Federal, and State stakeholders. These efforts will promote public safety and community resilience in Indian Country.

In FY 2017, the BIA OJS will continue to provide technical assistance and training to tribes to amend tribal legal codes to reflect provisions in the Tribal Law and Order Act and reauthorization of the Violence Against Women Act, both of which expanded tribal court jurisdiction and responsibilities in all states. Updated codes will provide stronger protections and safety for vulnerable populations and will expand the jurisdiction of tribal law enforcement and justice systems over domestic violence altercations in Indian Country. The FY 2017 budget proposes \$1.8 million to build on the work with Indian tribes and tribal organizations to assess needs, consider options, and design, develop, and pilot tribal court systems for tribal communities subject to full or partial State jurisdiction of law enforcement activities under Public Law 83-280. The BIA is also implementing training for its law enforcement staff in the areas of law enforcement, social services, victim services, and courts. The BIA is making this training available to tribes operating these programs under self-determination contracts and self-governance funding agreements.

### **Creating Opportunities for Native Youth**

The FY 2017 budget includes key investments to support Generation Indigenous, which takes an integrative, comprehensive, and culturally-appropriate approach to help improve lives of and opportunities for Native American youth. The FY 2017 budget maintains President Obama's vision for a 21st century Indian education system, grounded in both high academic standards and tribal values and traditions. The proposal invests in improving educational opportunities and quality from the earliest years through college so as to afford Native American youth world-class

opportunities in today's global economy.

The Interior budget proposes \$1.1 billion in Indian education programs to support the implementation of the comprehensive transformation of the Bureau of Indian Education (BIE). The BIE is focused on serving as a capacity builder and service provider to support tribes and schools in educating their youth and delivering a world-class and culturally-appropriate education across Indian Country. As part of the transformation, the BIE has invested in areas that promote educational self-determination for tribal communities. The BIE issued the first Tribal Education Department grants in 2015 and Sovereignty in Education awards in 2014 and 2015 to foster the capacity of tribes to determine the educational needs of their youth and improve the operation of tribally managed school systems. Furthermore, the budget proposes full funding of Tribal Grant Support Costs for tribes which choose to operate BIE-funded schools to serve their students. The FY 2017 budget request builds upon this progress with increased program investments totaling \$49.3 million to improve opportunities and outcomes in the classroom; expand multi-generational programs to advance early childhood development; provide improved instructional services and teacher quality; and promote enhanced native language and cultural programs. The budget also proposes investments to further enhance broadband and digital access and support tribal control of student education.

The budget provides \$138.3 million for education construction programs to replace and repair school facilities in poor condition and address deferred maintenance needs at the 183 campuses in the BIE school system. The FY 2016 enacted appropriation funds replacement of the remaining two BIE school campuses on the priority list created in 2004 and supports planning for schools on the 2016 list. Finalization of the 2016 replacement school construction list is expected soon, once the rigorous process created through negotiated rulemaking is completed. The FY 2017 request for BIE school construction continues the momentum launched with the FY 2016 appropriation and provides the funding stability necessary to develop an orderly construction pipeline.

Post-secondary education is a priority for tribes which see advanced education as the path to economic development and a better quality of life for their communities. The FY 2017 budget continues recognition of the important role tribal post-secondary schools play in empowering Indian students and tribal communities. The budget includes an increase of \$2.0 million for the BIE-operated Haskell Indian University and Southwestern Indian Polytechnic Institute. The budget also includes an additional \$500,000 for tribal technical colleges—United Tribes Technical College and Navajo Technical University—which were forward funded for the first time in FY 2016. In addition, the BIE budget includes \$6.8 million in increases for tribally-controlled scholarships for post-secondary education, with a focus on recipients seeking degrees in the fields of science, technology, engineering, and mathematics.

To foster public/private partnerships to improve student experiences at BIE-funded schools, the FY 2017 budget proposes appropriations language enabling the Secretary to reactivate the National Foundation for American Indian Education. The proposed bill language will reinstate a foundation focused on fundraising to create opportunities for Indian students in and out of the classroom. The budget also includes an increase of \$3.6 million for Johnson O'Malley grants to

provide additional resources to tribes and organizations to meet the unique and specialized educational needs of American Indian and Alaska Native students.

Further supporting Native youth, the budget reflects an additional \$2.0 million to support youth participation in natural resources programs focused on the protection, enhancement, and conservation of natural resources through science, education, and cultural learning. Tribal youth will benefit from the mentoring and positive role models provided by tribal personnel who work to manage and protect tribal trust resources. Programs aimed at tribal youth help to open future job opportunities, instill respect for resources, and develop an appreciation of the importance of natural resources to tribal cultures and livelihoods. Funds will support approximately 60 new tribal youth projects and training programs throughout Indian Country and supplement existing training programs within the forestry, water, and agriculture programs.

### **Tribal Nation-Building**

Programs run by tribes through contracts with the Federal government support tribal nation-building and self-determination. The FY 2017 budget continues the Administration's commitment to fully fund contract support costs with an increase of \$1.0 million above the FY 2016 enacted level to fully fund estimated requirements for FY 2017. The budget also includes a legislative proposal to fully fund BIA and Indian Health Service (IHS) contract support costs as mandatory funding, beginning in FY 2018. Indian Affairs will continue to work with tribes to consult on policies to advance tribal self-determination.

Tribes and tribal organizations have expressed long-standing concerns about the need for accurate, meaningful, and timely data collection in American Indian/Alaska Native communities. Tribal leaders and communities need access to quality data and information as they make decisions concerning their communities, economic development, and land and resource management. It is also critical that the Federal government collect and analyze quality data to ensure that Federal agencies and programs are delivering effective services to meet tribal needs and deliver on Federal responsibilities.

The FY 2017 BIA budget supports this effort with an increase of \$12.0 million to enable the Department of the Interior to work with tribes to improve data quality and availability for the benefit of tribes and programs. Funding would also establish a reimbursable support agreement with the Census Bureau to address data gaps in Indian Country and create an Office of Indian Affairs Policy, Program Evaluation, and Data to support effective, data-driven, tribal policy making and program implementation.

To implement an all-of-government approach to delivering programs and funding to Indian Country, the BIA budget proposes an increase of \$4.0 million to continue development of a Native American One-Stop website to make it easier for tribes to find and access the hundreds of services available to tribes across the Federal government. The funding will also support efforts at the regional and local levels to assist tribes to find services and receive consistent information about programs available to them. The website and support center will reduce costs by eliminating duplication of outreach efforts and services by Federal government agencies. The

Native One-Stop website currently has a portal focused on programs that serve Native American youth, in support of the Generation Indigenous initiative.

### **Sustainable Stewardship of Trust Resources**

The BIA's trust programs assist tribes in the management, development, and protection of Indian trust land and natural resources on 56 million surface acres and 60 million acres of subsurface mineral estates. These programs assist tribal landowners to optimize sustainable stewardship and use of resources, providing benefits such as revenue, jobs, and the protection of cultural, spiritual, and traditional resources. To facilitate management of trust resources, the budget includes a total increase of \$6.9 million for Trust Real Estate Services activities to expand capacity to address the probate backlog, land title and records processing, geospatial support needs, and database management.

The Indian Energy Service Center received initial funding in FY 2016. Income from energy is one of the larger sources of revenue generated from trust lands, with royalty income of \$826 million in 2015. The Center will expedite the leasing, permitting, and reporting for conventional and renewable energy on Indian lands and provide resources to ensure that development occurs safely, protects the environment, and manages risks appropriately. Technical assistance will be provided to support assessment of the social and environmental impacts of energy development. The Center will include staff from BIA, Office of Natural Resources Revenue (ONRR), Bureau of Land Management (BLM), and the Office of the Special Trustee (OST)—all of which have responsibilities related to tribal energy advancement. Working with the Department of Energy's Office of Indian Energy, the Center will provide a full suite of energy development-related services to tribes nationwide. The Center will coordinate and enhance BIA's ability to process leases, BLM's responsibility to approve and monitor Applications for Permits to Drill, and ONRR's responsibilities for royalty accounting. The Center will institute streamlined processes, standardized procedures, and best practices for development of conventional and renewable energy at various locations.

The BIA has taken several steps to help tribes proactively steward Indian resources to support economic stability, promote tribal cultural heritage, and protect the environment in Indian country. The Department is requesting a \$2.0 million increase to address subsistence management in Alaska. Alaska Native communities, among the most under-resourced in the country, are also at the highest risk of negative impacts to their basic cultural practices due to environmental changes, including climate change. The Department is committed to helping Alaska Native leaders build strong, prosperous and resilient communities. The funding will target areas across the state that promote tribal cooperative management of fish and wildlife and improve access to subsistence resources on Federal lands and waters. The budget also invests in stewardship of assets maintained by the BIA for the benefit of tribes. The budget proposes an additional \$2.0 million for the Safety of Dams program. The program is currently responsible for 136 high or significant-hazard dams located on 42 Indian reservations in 13 States. The program maintains and rehabilitates dams to protect communities in the floodplain downstream and to maintain the functions for which the dam was built. The program contracts with tribes to perform many aspects of the program. The budget also includes \$1.0 million for deferred

maintenance needs at regional and agency facilities to address safety, security, and handicap accessibility issues.

### **Increasing Resilience of Natural Resources in Indian Country**

Tribes throughout the U.S. are already experiencing the impacts of a changing climate including drought, intensifying wildfires, changes in plants and animals important to subsistence and cultural practices, impacts to treaty and trust resources, and coastal erosion and sea-level rise. Executive Order 13653, *Preparing the United States for the Impacts of Climate Change*, called on the Federal government to partner with tribes across the U.S. in planning, preparing for, and responding to the impacts of climate change.

With input from hundreds of tribal leaders, the budget provides a \$15.1 million increase over FY 2016 across eight BIA trust natural resource programs to support tribal communities in preparing for and responding to the impacts of climate change. Funds will provide support for tribes to develop and access science, tools, training, and planning and to build resilience into resource management, infrastructure, and community development activities. Funding will also be set aside to support Alaska Native villages in the Arctic and other critically vulnerable communities in improving the long-term resilience of their communities.

Tribal lands, particularly in the West and Alaska, are by their geography and location on the frontline of climate change, yet many of these communities face immense challenges in planning for and responding to the far-reaching impacts of climate change on infrastructure, economic development, food security, natural and cultural resources, and local culture. Some communities are already experiencing increasingly devastating storms, droughts, floods, sea-level rise, and threats to subsistence resources. The budget supports climate change adaptation and resilience by funding training, studies, scenario planning, natural resource and infrastructure projects, public awareness and outreach efforts, capacity building, and other projects.

### **Indian Settlements**

The FY 2017 budget request for Indian water rights settlements continues the Administration's strong commitment to resolve tribal water rights claims and ensure that tribes have access to use and manage water to meet domestic, economic, cultural, and ecological needs. Many of the projects supported in these agreements bring clean and potable water to tribal communities, while other projects repair crumbling irrigation and water delivery infrastructure on which tribal economies depend. These investments not only improve the health and well-being of tribal members and preserve existing economies but, over the long term, also bring the potential for jobs and economic development.

The FY 2017 Departmental budget for authorized settlements and technical and legal support involving tribal water rights totals \$215.5 million, an increase of \$4.6 million from the FY 2016 enacted level. In FY 2016, the Department completed funding for the Taos Pueblos water settlement and, in FY 2017, will complete the funding requirements for the BIA portion of the Aamodt water rights settlement.

To strengthen the Department's capacity to meet its trust responsibilities and more effectively partner with tribes on water issues, the FY 2017 budget includes a \$13.7 million increase across the operating budgets of BIA, Reclamation, BLM, the Fish and Wildlife Service, and the U.S. Geological Survey. This funding will support a robust, coordinated, Interior-wide approach to working with and supporting tribes in resolving water rights claims and supporting sustainable stewardship of tribal water resources. Funds will strengthen the engagement, management, and analytical capabilities of the Secretary's Indian Water Rights Office; increase coordination and expertise among bureaus and offices that work on these issues; and increase support to tribes.

The FY 2017 budget request also continues the Administration's strong commitment to honor enacted land settlements. The budget includes \$10.0 million to provide the Yurok Tribe in Northern California funds to acquire lands as authorized in the Hoopa-Yurok Settlement Act. The Act authorizes funding for the purpose of acquiring land or interests in land within, adjacent to, and contiguous with the Yurok Reservation from willing sellers. This one-time funding satisfies the Federal contribution. This funding for land acquisition supports efforts by the Yurok Tribe and partners in conservation to conserve 47,097 acres of the Klamath-Siskiyou ecoregion which will be managed as a salmon sanctuary and sustainable community forest. The conservation will ensure the health of the ecoregion and assist the Yurok community to revitalize its cultural heritage and develop a natural resource-based economy that supports and employs tribal members.

### **Summary**

This FY 2017 budget maintains strong and meaningful relationships with Native communities, strengthens government-to-government relationships with federally recognized tribes, promotes efficient and effective governance, and supports nation-building and self-determination. The FY 2017 budget request delivers community services, restores tribal homelands, fulfills commitments related to water and other resource rights, executes fiduciary trust responsibilities, supports the stewardship of energy and other natural resources, creates economic opportunity, expands access to education, and assists in supporting community resilience in the face of a changing climate.

Thank you for the opportunity to appear before you today. I am happy to answer any questions the Committee may have.