



NATIONAL INDIAN EDUCATION ASSOCIATION
Advancing Excellence for All Native Students

March 27, 2018

Senator Lisa Murkowski
Chairman, Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC, 20510

Re: The Hearing on the Proposed Budget for the Department of Interior for 2019

Dear Chairman Murkowski:

On behalf of the National Indian Education Association (NIEA) I respectfully submit the following comments in response to the Department of Interior's 2019 budget proposal.

NIEA represents Native students, educators, families, communities, and tribes. Our mission is to ensure that all Native students receive a high-quality academic and cultural education. As part of that mission, NIEA's work has centered on improving Native students' educational experience, a goal that is only possible if the federal government upholds its trust responsibility to tribes.

The Federal Trust Relationship

Established through treaties, federal law, and U.S. Supreme Court decisions, the federal trust relationship includes a fiduciary obligation to provide parity in access and equal resources to all American Indian and Alaska Native students, regardless of where they attend school. Under the federal government's trust corpus in the field of Indian education, it is important to state that the obligation is a shared trust between the U.S. government and tribal governments. It is through the Federal Trust relationship, that NIEA considers the Administration's 2019 Budget for the Department of Interior.

The Federal Trust Relationship Applies to Bureau of Indian Education Students

The Department of Interior (the Department) has a specific fiduciary responsibility for the education of the 48,000 Bureau of Indian Education (BIE) students who attend the 183 Bureau operated and Bureau operated and funded schools across 23 states. The Committee's discussion of the more than \$640 million in BIE construction and maintenance backlog, and Secretary Zinke's specific acknowledgment, were positive statements with respect to the trust responsibility.

The Public Lands Infrastructure Funds Proposal

NIEA is pleased that funding for BIE school infrastructure is discussed in the budget through the "Public Lands Infrastructure Fund", but concerned that the means for providing the estimated \$18 billion in funding could infringe on public lands. If the proposal were to fully respect tribal

National Indian Education Association
1514 P Street, Suite B Washington, DC 20005
Ph. (202) 544-7290 Fax (202) 544-7293
Email: NIEA@niea.org
NIEA.org

sovereignty and provide the full funding that BIE Schools need—more than \$640 million in immediate funding and at least \$1.3 billion in funding for construction and maintenance—then NIEA will of course be interested in learning more about the proposal. If, however, the proposal is for funding that does not respect the inherent sovereignty of tribes, we could not support it.

At the hearing, Secretary Zinke, spoke about the need for BIE school construction funding and there was discussion of legislation from Senator Alexander and Senator Portman that might address both BIE Schools and funding for national parks. The discussion, however, was more focused on national parks. NIEA is concerned that any proposal on public infrastructure must prioritize BIE Schools.

The President's Budget

NIEA also must share our concerns with respect to the actual Department of Interior budget with respect to BIE School Construction, which included a cut from \$238 million in the Fiscal Year 2018 omnibus to \$72.9 million. This proposal, along with the proposed overall cut in BIE funding from \$914.4 million to \$741.9 million, is simply unacceptable. NIEA believes this is extreme neglect of the federal trust responsibility for Native students, and, therefore, is opposed to the proposed budget.

We appreciate your consideration of and for Native students and your focus on the Congressional role of determining the fiscal year 2019 funding levels through the appropriations process. Native students in BIE schools across the country deserve a real opportunity to follow their dreams. To do so, they must go to schools with roofs that do not leak, air and heating systems must work, and students must have adequate facilities. We ask that you consider the attached two documents showing the need through numbers and pictures of BIE schools in need, and subsequently continue your leadership for Native students in the 2019 budget for BIE.

Conclusion

With these concerns and through these recommendations on the Department of Interior's website, NIEA looks forward to working with the Senator to develop a BIE budget the only students that the federal government has a direct responsibility to educate – Native students. If you have any questions, please contact Matt de Ferranti, NIEA's Legislative Director, at mdeferranti@niea.org.

Sincerely,



Ahniwake Rose
Executive Director, NIEA