

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting Consultation and Tribal Participation in FY 2005 BIA Budget Planning)**

RESOLUTION NO. 03-180

- 1 **WHEREAS, tribal governments have worked hard over the past decade to strengthen tribal**
2 **participation in the planning of the annual Bureau of Indian Affairs (BIA) budget; and**
- 3 **WHEREAS, the Secretary of the Interior is required by the Indian Reorganization Act of 1934 to**
4 **consult with tribes regarding the BIA budget; and**
- 5 **WHEREAS, half of the annual BIA budget is operated by tribal governments and Indian**
6 **organizations through self-determination contracts, self-governance compacts,**
7 **schools grants, tribal community college grants, and other grants; and**
- 8 **WHEREAS, the BIA has one of the most complex federal budgets, as the Agency administers 207**
9 **separate program elements and subelements and provides funding and services to**
10 **560 Indian tribes and Alaska Native villages through 12 Regional Offices, 87 Agencies**
11 **and Field Stations, 185 BIA-funded elementary and secondary schools; 25 tribal**
12 **community colleges, and various other entities; and**
- 13 **WHEREAS, it is vitally important for tribal governments that the BIA have a strong capability to**
14 **plan its annual budget and to interact effectively with budget officials in the**
15 **Department of the Interior (DOI) and the Office of Management and Budget (OMB);**
16 **and**
- 17 **WHEREAS, the BIA Budget Advisory Council was established three years ago to provide a forum**
18 **for on-going dialogue between the BIA and tribal governments regarding budget**
19 **formulation and management; and**
- 20 **WHEREAS, the position of BIA Budget Officer has been filled in the past few years by a Senior**
21 **Executive Service (SES) level staff person which allows the BIA Budget Officer to**
22 **interact as a peer with budget officials in the DOI and the OMB; and**
- 23 **WHEREAS, the Deputy Assistant Secretary for Management, Mr. Jim McDivitt has decided to**
24 **downgrade the position to a GS-15 level, in an attempt to weaken the ability of the BIA**
25 **to plan its budget; and**
- 26 **WHEREAS, at the same time, Secretary Gale Norton and Assistant Secretary for Policy,**
27 **Management and Budget Lynn Scarlett have taken a positive interest in the budget**
28 **of the BIA as indicated by Secretary Scarlett's attendance at the BIA National Budget**
29 **Meeting in Scottsdale, Arizona in May, 2002; and**

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- 1 **WHEREAS, Mr. Jim McDivitt has provided Secretary Norton and Assistant Secretary Scarlett with**
2 **advice regarding the BIA budget and trust restructuring that will result in the**
3 **weakening and further fragmentation of the BIA, which will lead to worse program**
4 **performance and management; and**
- 5 **WHEREAS, the Acting Budget Officer, Ms. Debby Clark, has only two years' experience in the BIA,**
6 **does not understand the BIA budget, does not understand tribal governments, does**
7 **not respect the knowledge and experience of the BIA Regional Budget Officers, and**
8 **has failed to provide complete and timely guidance on FY 2005 budget formulation;**
9 **and**
- 10 **WHEREAS, the OMB has developed a new budget planning instrument called the Program**
11 **Assessment Rating Tool (PART) which has been used to assess the performance and**
12 **the management of BIA school operations and school construction programs for the**
13 **purpose of planning the FY 2004 budget request; and**
- 14 **WHEREAS, the DOI has directed the BIA to identify another 20% of the BIA's budget (\$400 million)**
15 **which will be subject to assessment in FY 2005 using the PART; and**
- 16 **WHEREAS, BIA Regional Office and Agency officials, and tribal governments, should fully**
17 **participate in the development of baseline data and performance measures for FY**
18 **2005 budget planning; and**
- 19 **WHEREAS, the BIA will hold its National Budget Meeting in Washington, DC on April 14-16, 2003**
20 **and will submit its FY 2005 proposed budget to the DOI on May 9, 2003; and**
- 21 **WHEREAS, Mr. Jim McDivitt and Ms. Debby Clark have sought to weaken the BIA Budget Advisory**
22 **Council, to diminish tribal government participation in the planning of the annual**
23 **BIA budget, and to dismiss a decade of hard work by tribal and BIA officials to build**
24 **a more positive and constructive working relationship between tribal governments**
25 **and the BIA; and**
- 26 **WHEREAS, Ms. Debby Clark continues to raise the issue of unobligated balances but has refused**
27 **to respond to multiple requests from the BIA Budget Advisory Council to provide a**
28 **clear summary of the unobligated balances by program, location and amount; and**
- 29 **WHEREAS, Ms. Debby Clark provided to the BIA Budget Advisory Council a table on the FY 2004**
30 **President's budget request that was misleading and that hid the BIA Central Office's**

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1 **decisions to cut the funding in FY 2004 for the Indian Self-Determination Fund,**
2 **Welfare Assistance, the Indian School Equalization Formula (ISEP), tribal community**
3 **colleges, tribal management/development grants and the trust services center; and**

4 **WHEREAS, the BIA's FY 2004 budget request does not reflect the priorities of the tribal**
5 **governments, the BIA Regional Offices or the BIA Agencies, but does reflect the**
6 **priorities of Mr. McDivitt; and**

7 **WHEREAS, the BIA Budget Advisory Council needs strong participation and leadership from**
8 **land-based and self-determination tribes in order to prevent the termination of the**
9 **Federal trust relationship through the trust restructuring process and through the**
10 **tribal shares process.**

11 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Nation:**

- 12 **1. Reaffirms its strong support for the mission and the budget of the Bureau of**
13 **Indian Affairs.**
- 14 **2. Calls upon the Deputy Assistant Secretary for Management, Mr. Jim McDivitt, and**
15 **the Acting Budget Officer, Ms. Debby Clark, to cease their efforts to weaken the**
16 **ability of the BIA to plan its annual budget, and to cease their efforts to weaken**
17 **the BIA Budget Advisory Council.**
- 18 **3. Calls upon the Acting Assistant Secretary for Indian Affairs to advertise the BIA**
19 **Budget Officer position at an SES level and to fill the position with someone who**
20 **understands the operation of BIA programs in the field, who understands the BIA**
21 **budget and who understands tribal governments.**
- 22 **4. Calls upon Ms. Debby Clark to provide a report to tribal governments which**
23 **displays the FY 2002-2003 unobligated balances by program, location and**
24 **amount.**
- 25 **5. Calls upon Ms. Debby Clark to provide a comprehensive funding table for the FY**
26 **2004 President's budget request which follows the format that has been used in**
27 **prior years and which clearly displays the internal transfer, the fixed cost**
28 **adjustments and the program changes in reference to the FY 2003 enacted**
29 **amounts.**
- 30 **6. Calls upon the Office of Indian Education Programs to provide a report on the**

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1 results of the FY 2004 PART analysis of school operations and school construction
2 programs.

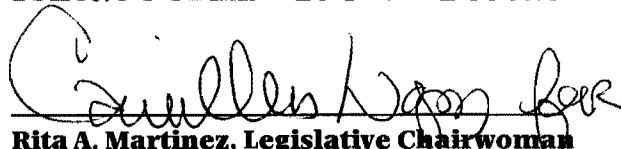
3 7. Calls upon Ms. Debby Clark to answer the questions that have been raised by the
4 tribes and the BIA Regional Budget Officers regarding the FY 2005 budget
5 formulation process.

6 **BE IT FURTHER RESOLVED** that the Chairman of the Tohono O'odham Nation is hereby authorized
7 to present this resolution to members of the United States Congress, Department
8 of Interior Officials and other tribal leaders and to take all necessary steps to
9 represent the Nation's position.

10 **BE IT FINALLY RESOLVED** that the Tohono O'odham Nation respectfully requests that other
11 sovereign tribal governments support consultation with and participation of
12 tribes in FY 2005 Budget planning.

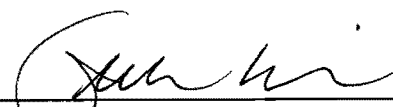
13 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH. Day
14 of APRIL, 2003 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0- AGAINST;
15 -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 (j) of
16 Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham
17 Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs
18 (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

19
20 TOHONO O'ODHAM LEGISLATIVE COUNCIL

21
22 
23
24 Rita A. Martinez, Legislative Chairwoman

25
26 23rd day of April, 20 03
27

28 ATTEST:

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32 Julianna Saraficio, Acting Legislative Secretary

33
34 10th day of April, 20 03.
35

36 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
37 Nation on the 23rd day of April, 20 03 at 12:33 o'clock, P.M.,
38 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
39 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
40 submittal.

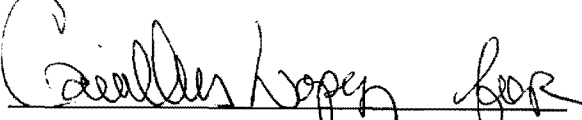
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 25th day of April, 20 03


DISAPPROVED

at 10:20 o'clock, A.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 25th day of

April, 20 03, at 10:36 o'clock, A.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: SUPPORTING CONSULTATION AND TRIBAL PARTICIPATION IN FY 2005 BIA BUDGET PLANNING

MOVED: COUNCILMAN ALBERT MANUEL, JR.

SECOND: COUNCILWOMAN FERN SALCIDO

DATE: APRIL 10, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. JEROME JOAQUIN ()	115.35	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			X
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ ()	80.35	X			
SAN XAVIER 184.7	1. FELICIA NUÑEZ ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ** ()	208.05	X			
SIF OIDAK 184.7	1. ISIDRO LOPEZ (Nicholas Jose)	92.35	X			
	2. RITA MARTINEZ ()	92.35	X			
TOTAL		2,417.5	2,417.5	-0-	-0-	[01]

**PASSED VOTES