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DEPARTMENT OF THE INTERIOR AND RELATED  
AGENCIES APPROPRIATIONS FOR 1985

T-1161

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
HOUSE OF REPRESENTATIVES

NINETY-EIGHTH CONGRESS

SECOND SESSION

SUBCOMMITTEE ON THE DEPARTMENT OF THE INTERIOR AND  
RELATED AGENCIES

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PART 2

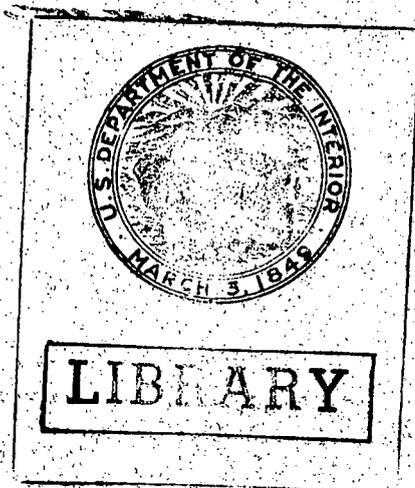
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Printed for the use of the Committee on Appropriations



U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1984



DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
TRUST FUNDS  
MISCELLANEOUS TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed \$4,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, including cash grants: Provided, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary.

(25 U.S.C. 123; P.L. 98-146, making appropriations for the Department of the Interior and related agencies, 1984.)

Appropriation Language and Citations

25 U.S.C. 123 provides that no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: Provided, That this shall not change existing law with reference to the Five Civilized Tribes.

25 U.S.C. 123a provides that funds of any tribe of Indians under the control of the United States may be used for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, hail, earthquake, or other elements and forces of nature, and for protection against liability on account of injuries or damages to persons or property and other like claims.

25 U.S.C. 123b provides that on and after May 9, 1938 tribal funds shall be available for appropriation by Congress for traveling and other expenses, including supplies and equipment, of members of tribal councils, business committees, or other tribal organizations, when engaged on business of the tribes.

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DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
TRUST FUNDS  
14-9973-0-7-999  
Analysis of Changes in Requirements  
(in thousands of dollars)

	Budget Authority	Outlays
FY 1983 Total.....	434,444	457,808
<u>Decreases</u>		
Program decreases:		
Other Trust.....	---	---
Papago.....	-15,000	-17,615
<u>Increases</u>		
Program increases:		
Direct Program.....	+1,973	+1,973
Advances to Indian Tribes.....	+1,877	+1,878
Miscellaneous Permanents (Tribal).....	+46,017	+22,456
Other Trust.....	+88	---
Papago Trust.....	---	+15,000
FY 1984 Total.....	469,399	481,500
<u>Decreases</u>		
Program decreases:		
Papago Trust.....	---	-15,000
<u>Increases</u>		
Program increases:		
Miscellaneous Permanents (Tribal).....	+39,703	+39,000
FY 1985 Total.....	509,102	505,500

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TRUST FUNDS  
Highlight Statement

A. Tribal Funds

Tribal funds are deposited into a consolidated account in the U.S. Treasury pursuant to: (1) general or specific acts of Congress enacting the judgment awards of the Indian Claims Commission and the Court of Claims, and (2) Federal management of tribal real properties, the titles to which are held in trust for the tribes by the United States. Each of these two sources of funds contributes approximately 35% and 65%, respectively, of the tribal trust fund income. Approximately 300 Indian tribes, bands, or identifiable groups maintain funds in the U.S. Treasury account; these monies are separately identified and controlled in some 700 accounts by the Bureau of Indian Affairs (BIA).

Tribal funds are available to the respective tribal groups for various purposes, under various acts of Congress, and are subject to the provisions of tribal constitutions, bylaws, charters, and resolutions of the various tribes, bands, or groups. Tribal funds may be used for the conduct of tribal financial programs, enterprises, businesses, per capita payments, and other tribal affairs.

The Act of October 19, 1973 (87 Stat. 466), provides general authority for the distribution of funds appropriated in satisfaction of judgments of the Indian Claims Commission and the Court of Claims, subject to certain conditions, including the development of a plan for the use of the funds. Funds derived from the management of tribal trust properties are available for tribal use in accordance with approved budgets under annual/definite, annual/indefinite, or permanent/indefinite authorizations.

Funds programmed under annual/definite authorizations are not otherwise available for expenditure without Congressional action, and the \$4 million requested for Fiscal Year 1985 is to provide the Secretary of the Interior with expenditure authority for the implementation of programs for those tribes which are not sufficiently organized to be represented by a recognized governing body, or to permit disbursements through a Treasury Regional Disbursing Office when no other legislative authority exists. Expenditures made under this authority are individually made through the Regional Disbursing Offices, subject to the same regulations and procedures as appropriations from the general fund of the Treasury.

The annual/indefinite authorization in the Appropriation Act, under the heading Tribal Funds, provides the necessary authority, on an annual basis, for the Secretary of the Interior to withdraw from tribal accounts in the Treasury those funds needed to carry out programs designed by a particular tribe and approved by the Secretary for the conduct of tribal operations including but not limited to: management of tribal resources and other programs designated to improve the situation of the general membership. These funds are advanced to tribes for disbursement by Indian Services Special Disbursing Agents or by bonded tribal treasurers under plans of operation.

Funds programmed under permanent/indefinite authorization are made available under legislation which gives the Secretary of the Interior continuing authority to carry out the provisions of specific acts, and can be disbursed through either the Regional Disbursing Office or the Indian Service Special Disbursing Agents' accounts, or advanced to tribes for disbursement by their bonded tribal treasurers under approved plans of operation. These funds do not require annual approval by Congress but are reported annually in the budget schedule to give the Congress an opportunity to review the activity conducted under the authorities extended to the Secretary of the Interior.

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B. Plan of Work

No part of the funds contained in this estimate represents a charge upon the Federal Treasury. This item reflects the disbursement of funds to the credit of Indian tribes or bands under numerous special acts of Congress in compliance with the terms of the various trusts and for carrying out tribal programs recommended by the tribal governing bodies with the approval of the Assistant Secretary for Indian Affairs.

The budget schedule under the Permanent Authorization reflects disbursements from the tribal trust funds authorized by permanent legislation, and under the Annual and Indefinite Authorizations, amounts requested annually by the various tribes for carrying out various tribal activities.

The estimate, therefore, is restricted to the funds requested annually as required by section 27 of the Act of May 18, 1916 (39 Stat. 158).

C. Other Trust Funds

Included in this category of "Other Trust Funds" are: 14X8563 "Funds Contributed for the Advancement of the Indian Race," which consists of contributions, donations, gifts, etc., to be used for the benefit of American Indians in accordance with the donor's wishes (82 Stat. 171); and 14X8060 "Bequest of George C. Edgeter, Relief of Indigent American Indians," which consists of a bequest, the principal of which is to be invested in U.S. Treasury bonds and notes, and the interest is to be used for the relief of American Indians (82 Stat 171).

Until recently, 14X8500 "Indian Monies, Proceeds of Labor, Agencies, and Schools" (IMPL) account was also included in this category. These funds represented miscellaneous revenues derived from agencies and schools which were deposited in a Federal trust fund and used to support agency functions and schools. In FY 1982, pursuant to P.L. 97-100, \$9.6 million of IMPL funds was authorized to offset a reduction in the Bureau's Operation of Indian Programs appropriation. P.L. 97-257, which amended P.L. 97-100, directed that no funds would be deposited in the IMPL account after September 30, 1982, and that the unobligated balance as of that date would be transferred to an escrow account. Therefore, all unobligated balances remaining in the IMPL account as of September 30, 1982, were transferred to account 14X6703 "IMPL Escrow Account, Pending Determination of Beneficiaries." There are no longer any funds in the IMPL account except those required to complete prior year business transactions. Once these transactions are all liquidated, any balances remaining will be transferred to the General Fund of the U.S. Treasury as miscellaneous receipts as provided by law.

In FY 1983, a temporary trust fund was established to receive the \$15,000,000 appropriated by P.L. 98-63, July 30, 1983, for the Papago Tribe's Trust Fund. This temporary fund was invested by the Bureau pending signing of the required water rights settlement agreements between the Secretary of the Interior and the Papago Tribe. After the agreements were signed in early October, 1983, the trust fund plus interest was paid to the tribe to establish their "Papago Trust Fund" as authorized by section 309, P.L. 97-293 (96 Stat. 1283), the "Southern Arizona Water Rights Settlement Act of 1982."

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DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
ANNUAL DEFINITE AUTHORIZATION - TRIBAL FUNDS

Statement Relating to FY's 1983, 1984 & 1985 Programs

1983 Appropriation.....	\$3,000,000
1984 Budget Estimate.....	4,000,000
Total Appropriation for 1984.....	4,000,000
Total Estimate for 1985.....	<u>\$4,000,000</u>

Analysis of Annual Definite Authorization, Tribal Trust Funds, by Activity:

ACTIVITY/SUBACTIVITY	Actual 1983	Appro- priation 1984	1985 Budget Estimate	Inc(+)/Dec(-) 1984 Compared	
					w/ 1985
1. Education & Welfare Services	\$ -0-	\$ -0-	\$ -0-	-0-	-0-
2. Resources Management	-0-	-0-	-0-	-0-	-0-
3. Construction & Land Acquisition	927,704	2,280,000	2,280,000	-0-	
4. General Tribal Affairs	<u>1,098,841</u>	<u>1,720,000</u>	<u>1,720,000</u>	-0-	
Total	<u>\$2,026,545</u>	<u>\$4,000,000</u>	<u>\$4,000,000</u>	-0-	

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DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

Summary of Trust Fund Budget Authority

A. Tribal Funds:	1983	1984	1985
	<u>Actual</u>	<u>Estimate</u>	<u>Estimate</u>
1. Annual Definite Authorization	\$2,026,545	\$4,000,000	\$4,000,000
2. Annual Indefinite Authorization	58,122,523	60,000,000	60,000,000
3. Permanent Authorization	359,146,256	405,163,000	444,866,000
B. Indian Monies, Proceeds of Labor, Agencies, and Schools (Permanent Indefinite):	38,211*	---	---
C. Other Trust Funds - (Permanent Indefinite):	109,770	236,000	236,000
D. Papago Trust Fund	<u>15,000,000</u>	---	---
TOTAL	\$434,443,305	\$469,399,000	\$509,102,000

\* This amount represents prior year receivables collected in FY 1983.

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Tribal Funds - Annual Definite: Fiscal Year 1984, \$4,000,000; Fiscal Year 1985, \$4,000,000.

STATUS OF PROGRAMS

Funds programmed under the annual definite authorization as shown on the following tabulation are to be used for various education and welfare programs, resources management, construction and land acquisition, and general tribal affairs, including taxes and attorneys' fees. All amounts in the FY 1985 estimate have been requested by the Indian tribal groups except the sum of \$300,000 for miscellaneous tribes. The amount under "miscellaneous tribes" is requested to provide for additional tribal requests that are anticipated during the fiscal year.

COMPARATIVE STATEMENT OF ANNUAL DEFINITE AUTHORIZATIONS BY TRIBE

STATE-AGENCY TRIBE	ACTUAL FY 1983	ESTIMATE FY 1984	ESTIMATE FY 1985
<u>Idaho</u>	96,660	\$ 100,000	\$ 100,000
Nez Perce	96,660	100,000	100,000
<u>Minnesota</u>	\$ 10,000	30,000	30,000
Red Lake	10,000	30,000	30,000
<u>Montana</u>	1,551,148	2,040,000	2,040,000
Crow	709,667	740,000	740,000
Fort Peck	841,481	1,300,000	1,300,000
<u>Oklahoma</u>	10,417	30,000	30,000
Choctaw	10,417	15,000	15,000
Creek	---	15,000	15,000
<u>Washington</u>	287,554	500,000	500,000
Colville	149,012	300,000	300,000
Yakima	138,542	200,000	200,000
<u>Wyoming</u>	70,766	1,000,000	1,000,000
Arapahoe	---	500,000	500,000
Shoshone	70,766	500,000	500,000
<u>Miscellaneous Tribes</u>	---	300,000	300,000
<u>Grand Total</u>	\$2,026,545	\$4,000,000	\$4,000,000

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
TRUST FUNDS

Program and Financing (in thousands of dollars)	1983-1985		
	1983 Actual	1984 Estimate	1985 Estimate
Identification Code: 14-9973-0-7-999			
<u>Program by activities:</u>			
1. Direct program (limitation).....	2,027	4,000	4,000
2. Advances to Indian tribes (indefinite authorization).....	58,122	60,000	60,000
3. Miscellaneous permanent.....	373,264	403,754	438,961
4. Other trust funds.....	19,741	1,500	500
5. Papago Trust Fund	---	15,000	---
10.00 Total obligations.....	453,154	484,254	503,461
<u>Financing:</u>			
21.00 Unobligated balance available, start of year:			
Treasury balance.....	-833,515	-748,875	-734,097
U.S. Securities (par).....	-335,147	-401,077	-401,000
24.00 Unobligated balance available, end of year:			
Treasury balance.....	748,875	734,097	730,738
U.S. Securities (par).....	401,077	401,000	410,000
Budget authority.....	434,444	469,399	509,102
<u>Budget authority:</u>			
Current:			
40.00 Appropriation.....	2,027	4,000	4,000
Appropriation (indefinite).....	58,122	60,000	60,000
Permanent:			
60.00 Appropriation (Papago Trust Fund --definite).....	15,000	---	---
60.00 Appropriation (indefinite).....	359,295	405,399	445,102
<u>Relation of obligations to outlays:</u>			
71.00 Obligations incurred, net.....	453,154	434,254	503,461
72.40 Obligated balance, start of year.....	6,400	1,746	4,500
74.40 Obligated balance, end of year	-1,746	-4,500	-2,461
90.00 Outlays.....	457,808	481,500	505,500
<u>Distribution of budget authority by account:</u>			
Indian tribal funds.....	419,296	469,163	508,866
Indian moneys, proceeds of labor....	38	---	---
Funds contributed for the advancement of the Indian race.....	104	230	230
Request of George C. Edgeter.....	6	6	6
Papago Trust Fund.....	15,000	---	---

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
TRUST FUNDS  
Program and Financing (in thousands of dollars)

Identification Code: 14-9973-0-7-999	1983	1984	1985
	Actual	Estimate	Estimate
Distribution of outlays by account:			
Indian Tribal Funds.....	439,843	466,150	505,150
Indian moneys, proceeds of labor. Funds Contributed for the advancement of the Indian race.	17,664	---	---
Bequest of George C. Edgeter.....	305	350	350
Papago Trust Fund.....	-4	---	---
	---	15,000	---

## OBJECT CLASSIFICATION

Personnel compensation:			
11.1 Full-time permanent.....	524	276	282
11.3 Other than full-time permanent	15	35	35
11.5 Other personnel compensation.	17	23	23
11.8 Special pers. avs. payments..	---	4	4
11.9 Total pers. compensation...	556	338	344
Personnel Benefits:			
12.1 Civilian.....	32	33	34
21.0 Travel and trans. of persons.	15	20	20
22.0 Transportation of things.....	8	10	15
23.2 Communications, utilities, and other rent.....	186	300	300
24.0 Printing and reproduction...	16	20	25
25.0 Other Services.....	78,984	81,233	75,423
26.0 Supplies and materials.....	104	200	200
31.0 Equipment.....	5	100	100
32.0 Lands and structures.....	1,014	2,000	2,000
44.0 Refunds.....	372,234	400,000	425,000
99.9 Total obligations.....	453,154	484,254	503,461

## Personnel Summary

Total number of full-time permanent positions.....	19	14	14
Total compensable workyears:			
Full-time equivalent employment...	21	16	16
Full-time equivalent of overtime and holiday hours.....	3	2	2

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DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
CONSOLIDATED SCHEDULE OF PERMANENT POSITIONS

	1983	1984	1985
	Estimate	Estimate	Estimate
Executive Level V.....	1	1	1
ES 6.....	1	1	1
ES 5.....	1	1	1
ES 4.....	4	3	3
ES 3.....	1	1	1
ES 2.....	5	5	5
ES 1.....	8	8	8
Subtotal.....	21	20	20
GS/GM 15.....	51	51	51
GS/GM 14.....	251	250	250
GS/GM 13.....	431	431	431
GS 12.....	919	919	865
GS 11.....	1,276	1,217	1,185
GS 10.....	43	42	41
GS 09.....	1,802	1,717	1,672
GS 08.....	121	117	114
GS 07.....	631	601	585
GS 06.....	577	550	535
GS 05.....	1,224	1,166	1,136
GS 04.....	1,845	1,759	1,712
GS 03.....	510	485	472
GS 02.....	27	26	25
Subtotal.....	9,708	9,331	9,074
Ungraded.....	3,274	3,195	3,183
Total permanent positions.....	13,003	12,546	12,277
Unfilled positions, end of year.....	-1,040	-1,004	-1,004
Total permanent employment, end of year...	11,963	11,542	11,273

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