

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2025

HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTEENTH CONGRESS SECOND SESSION

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PART 3

	Page
American Indian and Alaska Native Public Witness	
Day 1—Morning Session	1
American Indian and Alaska Native Public Witness	
Day 1—Afternoon Session	209



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DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2025

TUESDAY, MAY 7, 2024.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY 1—MORNING SESSION

WITNESS

LEE JUAN TYLER, CHAIRMAN, FORT HALL BUSINESS COUNCIL OF THE SHOSHONE-BANNOCK TRIBES

Mr. SIMPSON. The committee will come to order.

Good morning, and welcome to the first of our public witness hearings dedicated to American Indian and Alaska Native programs. I believe these hearings are very important, and I thank each of you for being here today. I know it is hard sometimes to get here from all across the country. Indian Country has been and will continue to be a bipartisan priority of this subcommittee. I look forward to working with Ranking Member Pingree to continue to strengthen this committee's longstanding efforts to increase the Federal commitment to honor our treaty and trust responsibility with American Indians and Alaska Natives. I would like to welcome all of the distinguished tribal leaders and other leaders here today. Thank you to all of our witnesses for appearing before the committee and sharing your concerns and personal perspectives on these important topics.

In terms of hearing logistics, I will call each panel of witnesses to the table, one panel at a time. I will generally call it by panel one or panel two or panel three. So each witness will have 5 minutes to present testimony. Your full written testimony will be included in the record, so please don't feel pressured to cover everything in 5 minutes. We will be using a timer to track the progress of each witnesses. When the lights turn orange, the witness will have 1 minute remaining to conclude their remarks. When the light turns red, I will have to ask the witness to stop to remain on schedule. We have about 80 witnesses over today and tomorrow, so we have a lot to go through, and believe me, it is very important to us to hear from the tribes and what is happening in their area from their perspective.

(1)

We will hear from every witness on each panel before members will be provided an opportunity to ask questions. Because we have a full day ahead, I request that we try to keep things moving so we can stay on schedule and respect each other's time.

I also want to note that committee rules prohibit the use of outside cameras and audio equipment during these hearings. The hearing can be viewed in its entirety on the committee's website, and an official hearing transcript will be available at GOP.gov. With that, I thank all of you for being here today, and I am happy to yield now to our distinguished ranking member for any remarks that she may wish to make.

Ms. PINGREE. Good morning. Thank you. Thank you, Mr. Chair. I want to echo his welcome to this first day of public witness hearings on tribal programs under the jurisdiction of the Interior, Environment Appropriations subcommittee, and I want to thank the chair for setting up these 2 days of hearings and for his strong support of Indian Country. I want to thank you and all of our future witnesses for traveling to Washington, D.C. to testify before our subcommittee. We really do appreciate it. We know you have busy lives and you have come a long way, so thank you very much for your time.

We are all looking forward to hearing your thoughts about the needs and challenges facing Indian Country and about your priorities for the Interior bill. It will certainly help to inform us as we write the 2025 appropriations bill. And with that, I yield back to the chair.

Mr. SIMPSON. Thank you, Ranking Member Pingree. I will now call our first panel to the table and our first witness will be someone I know very well, Lee Juan Tyler from Fort Hall Business Council. Thank you for being here today, and you may begin.

Mr. TYLER. All right. Thank you. [Speaking native language.] Good morning. [Speaking native language.] Good morning. My name is Lee Juan Tyler, and I am the chairman of the Fort Hall Business Council, the governing body of Shoshone-Bannock Tribes. Before I start, I want to thank the honorable Mike Simpson, who is our representative, for his continued efforts on behalf of the Shoshone-Bannock Tribes and of Indian Country to uphold the treaty and trust responsibility. Today I will focus on, one, the Gay Mine Superfund Site located on our reservation; two, law enforcement funding; and three, BIA road maintenance funding.

The Gay Mine Superfund Site is an open pit phosphate mine covering 7,000 acres of our reservation land that opened in 1946 and closed in 1993. It has 158 pits, each ranging in size from 15 to 20 acres, many with high walls, 50 feet or more, and many with contaminated pit lakes. There are also 30 million tons of waste over this area. Since the mine closed over 30 years ago, very little reclamation work has been done to re-slope the land and make it usable again, and only recently has the EPA begun environmental remediation work to address the contamination caused by the mine.

While the EPA remediation process is underway, the tribes would like to lead a strategic study to plan the reclamation of the site in order to best use the area for the tribes in the future. I want to thank this subcommittee for including report language last year directing the Bureau of Land Management to engage the tribes in

this reclamation study. Unfortunately, that report language did not make it in the final bill. When Gay Mine was leased in the 1940s, the tribes never thought that when the mine closed, we would never be able to use this land again. We, again, ask for your help in reclaiming our reservation land by directing the BLM to work with the tribes to undertake a strategic reclamation study of Gay Mine during the need for more funding.

Turning to the need for more funding for law enforcement, returning to this area, under the BIA formula guidelines, the Fort Hall Police Department should have 25 officers, but due to severe underfunding, our department has just 14 total officers. At this staffing level, our department can only have two officers patrolling 550,000 acres, reservation that covers four counties during each 12-hour shift. This is a serious public safety problem for our tribal members. It also creates a huge strain on our officers with many getting burned out and leaving other agencies with less stress and more pay.

Recently, the BIA issued a report on funding levels as required by the Tribal Law and Order act. This report shows that the level of need for law enforcement across Indian Country is over \$1.7 billion, but the BIA is funded at just \$256 million. This massive underfunding of law enforcement is leading to dangerous conditions on the Fort Hall Reservation and throughout Indian Country. We ask that the subcommittee honor the treaty and trust responsibility by providing law enforcement funding at the level of need in the BIA report.

Finally, I want to talk about continued need for increases in road maintenance funding. I want to thank the subcommittee for trying to increase funding for the BIA's Roads Maintenance Program last year. Unfortunately, that funding increase was not included in the final bill, and road maintenance was again funded at \$39.2 million. At this level, our transportation department cannot make the necessary repairs to our roads. Due to the lack of funding, as some paved roads fail, we are having to turn them into gravel roads. The Bipartisan Infrastructure Law authorized funding for the BIA Road Maintenance Program at \$56 million for fiscal year 2025. This additional funding is absolutely critical to maintaining our roads. We ask that the subcommittee fund the BIA Road Maintenance Program at the authorized level of \$56 million.

So we appreciate your time and thank you for this opportunity to come over here and testify, and God bless you all, and have a great day. How's that?

[The statement of Mr. Tyler. follows:]

**Lee Juan Tyler, Chairman, Fort Hall Business Council, Shoshone-Bannock Tribes
House Appropriations Subcommittee on Interior, Environment and Related Agencies
American Indian and Alaska Native Public Witness Days (May 7, 2024)**

My name is Lee Juan Tyler, and I serve as the Chairman of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes (Tribes) located in southeast Idaho. The Tribes are very grateful to Chairman Mike Simpson, our Representative, for all of his efforts over the years to improve services and facilities for the Tribes. We also appreciate the bipartisan efforts of this Subcommittee to protect and increase critical funding for tribal programs and services in the FY 24 appropriations so that the federal government can better meet its solemn treaty and trust obligations. However, much more needs to be done to address the chronic underfunding of tribal programs and to honor the treaty and trust responsibility. **We cannot exercise our treaty rights under the Fort Bridger Treaty of 1868 if the federal government does not protect the natural resources and ensure the health and well-being of our people.** While the Tribes have many needs, in this testimony, I will focus on the following: (1) Reclamation of the Gay Mine Superfund Site; (2) Law Enforcement; (3) BIA Road Maintenance; (4) BIE Teacher and Counselor Salaries; (5) Johnson O’Malley Program; (6) BIA Wildland Fire Programs; (7) Advance Appropriations for IHS and BIA and Mandatory Funding for Contract Support Costs; (8) Consistent Funding for Infrastructure; (9) Fort Hall Reservation Boundary Survey Review; and (10) Salmon Restoration – Columbia Basin Initiative.

Strategic Planning for Reclamation and Remediation of the Gay Mine Superfund Site

The Gay Mine is an open pit phosphate mine that operated from 1946 until 1993 on approximately 7,000 acres of the Fort Hall Indian Reservation. After closing in 1993, minimal reclamation activities commenced under the Bureau of Land Management’s (BLM) and Bureau of Indian Affairs’ (BIA) oversight. In 2010, the US Environmental Protection Agency (EPA) entered into a Unilateral Agreement Order (UAO) with Simplot and the FMC Corporation to conduct a Remedial Investigation and Feasibility Study under the Comprehensive Environmental Response and Compensation Liability Act (CERCLA), known as Superfund, to conduct a Human Health and Ecological Risk Assessment and begin the remediation of soil, vegetation, and water contamination. Despite progress on the remediation efforts, no additional reclamation efforts to restore the land to use have occurred. The site has 158 pits, ranging in size from 15-20 acres, many with 50 feet high walls that are failing. There are 57 mill shale piles with over 30 million tons of overburden. While the remediation process is underway, work can and must be done to truly reclaim the pits and mill shale piles in order to utilize the area for future development purposes. The Tribes would like to lead a comprehensive strategic effort to study and plan the reclamation of the site. This is critical for human and wildlife safety, cultural preservation, and to support multiple uses of the area. The Tribes are grateful that the Subcommittee included language in last year’s House Interior Appropriations Report directing the BLM to initiate a reclamation study in coordination with the Tribes to better understand what is needed to reclaim the land. Unfortunately, this language was not included in the final Joint Explanatory Statement, and instead was replaced with language directing BLM to provide a status report. ***The Tribes respectfully request the Subcommittee to again direct BLM and BIA to enter into an agreement with the Tribes to undertake a strategic study to develop a long-term reclamation plan for the Gay Mine area.***

Increased Funding for Law Enforcement

The federal government has a treaty responsibility to provide law enforcement for the Tribes. The Fort Hall Police Department (FHPD) provides law enforcement for the Fort Hall Reservation under a 93-638 Contract with the BIA. Under the BIA staffing formula, the FHPD should have at least 25 officers, but due to significant underfunding for law enforcement from the BIA, the FHPD only has a total of 14 officers. At this staffing level, the FHPD has just 2 officers to patrol the entire 550,000-acre Reservation, which spans four counties, in 12 hour shifts. This has led to significant burn out among our officers with many leaving to work for other agencies for higher pay. Further, the FHPD has only 6 dispatchers, meaning that there is routinely just 1 dispatcher per shift. Additionally, funding from the BIA only covers salaries, but does not fund operations, which must be covered by the Tribes. According to the BIA's recently issued "Report to Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2021" as required by the Tribal Law and Order Act, law enforcement in Indian Country is underfunded by a staggering \$1.47B. Further, the Report estimates that 13,640 full time employees (FTE) are needed for law enforcement in Indian Country, but just 2,005 FTEs are funded. This lack of funding is creating dangerous conditions on the Fort Hall Reservation and throughout Indian Country. *The Tribes request that the Subcommittee honor the federal treaty and trust responsibility by fully funding law enforcement at the level of need, \$1.724B, as identified by the BIA.*

Increased Funding for BIA Road Maintenance Program

Due to continued flat or small increases in funding for the BIA Road Maintenance program our Transportation Department has been unable to keep up with regular road maintenance. Without a significant increase of road maintenance funding, the life of roads, bridges and other transportation facilities is drastically reduced resulting in increased risks for highway fatalities and injuries. The Tribes have numerous farm-to-market roads, and over 420 miles of paved roads. Due to the lack of maintenance, paved road mileage is decreasing, as paved road failures are turned into gravel roads due to a lack of proper maintenance. At least three-quarters of our roads are in danger of road failure due to road cracks and potholes. The Road Maintenance funding that the Tribes currently receive from the BIA only covers on-going minor maintenance needs, but higher priced maintenance needs are not within our budget. While the Tribes can use FHWA funds for maintenance, this takes away from our ability to do needed construction projects. The Tribes need at least an additional \$500,000 in Road Maintenance funding to allow the Tribes to repair spring road damage, striping, and chip sealing. The Tribes appreciate the Subcommittee's attempt to increase funding for this critical program last year with Road Maintenance funded at \$50.2M in the House Interior Appropriations Report. However, in the final Joint Explanatory Statement, Road Maintenance was once again flat funded at \$39.2M. The Bipartisan Infrastructure Law (BIL) authorizes \$56M in FY25 for the BIA Road Maintenance program, and the program should be funded at the intended and authorized level. *The Tribes request that the Subcommittee appropriate the fully authorized amount of \$56M for BIA Road Maintenance.*

Increased Funding for BIE Teacher Salaries and Funding for School Counselor

The Tribes remain concerned about competitive salaries for teachers at the Shoshone-Bannock Jr./Sr. High School (School), a Tribally controlled BIE school on the Reservation. The current funding levels prevent providing competitive salaries for current and new qualified teachers without using our carryover funds. This is not sustainable for the School in the long term. While

the BIE has informed the School (and other schools) that additional funding was provided for teacher salary increases and that the School should be following the BIE teacher salary schedule, the BIE does not provide funding to the School based on teacher positions (FTEs) but rather on a per student basis making it impossible to fully account for teacher salaries. Further, the School is simply not receiving enough funding to meet the BIE teacher salary schedule. As a result, the School is having great difficulty in recruiting and retaining high quality certified teachers. Furthermore, there is a significant need to provide technology training to help prepare students for trades upon graduation, but the School does not have a full-time Career/Technology teacher. The school also has an urgent need for a full-time guidance counselor to assist the 120 enrolled students to be college and career ready. In addition, the School needs a dedicated School Resource Officer (SRO) for the safety of our students. ***We urge the Subcommittee to increase funding for teacher salaries to enable the School to be competitive with non-BIE schools and to provide additional funding for key staffing positions.***

Increased Funding for Johnson O'Malley (JOM) Program

JOM funding provides programming and services for over 1,250 American Indian students in the Fort Hall area to address culture, language and academic dropout prevention. Our JOM funding is divided between three public school districts: Blackfoot, American Falls, and Pocatello, along with 40 Early Childhood Intervention students, at a cost of \$61.42 per student. Nearly 30 years ago, the JOM program was providing funding at approximately \$125 per student, but funding levels have not kept pace with student population growth. At current levels, there is not enough funding to hire full-time staff to help assist with academic tutoring and student support or a certification course for teachers on tribal history. ***The Tribes request that the JOM program be increased to provide funding of \$125/student as was appropriated in 1995.***

Additional Funding for the BIA Wildland Fire Program

The effects of climate change have increased costs to wildland fire mitigation for the Fort Hall Reservation. The Reservation is located in an area with relatively frequent wildfires across our shrub-steppe and forested mountains each year. The Tribes have worked extensively in the past 15 years with the local BIA Wildland Fire crews to manage high fuel loads and to meet conservation objectives associated with forest and woodland health. The Tribes appreciate that additional funding has been provided for base pay for firefighters in the BIL and in the FY24 Appropriations, but there are significant concerns about how this funding can be used to cover employer taxes and indirect costs associated with this additional funding. Even further, additional funding is needed for annual allocations for fuels projects to increase our preparedness to meet challenging wildfire behavior, protect Tribal members homes and agricultural enterprises in our rural areas, and to ameliorate the effects of catastrophic wildfires by reducing the fuel loads in strategic areas. Based on prior appropriations, the Tribes estimate that a minimum of \$1 million per year in additional funding for the next five years is required to implement fuels projects in the Bannock Creek and Mount Putnam areas in collaboration with our local BIA Wildland Fire Department. ***The Tribes request that significant additional funding be provided for the BIA Wildland Fire program in order to provide for specific targeted Tribal projects.***

Advance Appropriations and Mandatory Contract Support Costs for the IHS and BIA

The Tribes are very appreciative that advance appropriations for the Indian Health Service (IHS) was included in the FY23 and FY24 Appropriations. Advance appropriations are critical for IHS

in order to maintain continuity of funding, especially for the recruitment and retention of healthcare professionals. Similarly, advance appropriations for the BIA would provide continuity for key programs such as law enforcement and help to ensure that the federal government upholds its treaty and trust responsibilities even when the federal government is shutdown. In addition, mandatory contract support costs for Tribes undertaking 638 contracts with the IHS and BIA should be treated as mandatory and not funded through discretionary appropriations. *The Tribes request that the Subcommittee continue to include advance appropriations for the IHS, provide advance appropriations for the BIA, and treat contract support costs as mandatory instead of being funded through discretionary appropriations.*

Funding for Infrastructure

As the Tribes strive to achieve prosperity in the 21st century, outdated water, electrical, gas, and road systems limit the Tribe's prospects for economic growth. Tribal infrastructure is substandard and over time, short-term piecemeal efforts to repair and replace sections of water and electrical lines have resulted in our current dire state of infrastructure on the Reservation. The BIL has provided significant funding to address some of these issues, but a more consistent approach to funding tribal infrastructure is required to provide the long-term infrastructure improvements needed for economic growth. *The Tribes urge the Subcommittee to provide increased funding for all construction accounts to help build the needed infrastructure in Indian Country.*

Fort Hall Reservation Boundary Survey Review

An 1867 Executive Order promised the Tribes 1.8M acres of land, however, the Tribes only received 1.2M acres when the exterior boundaries of the Reservation were drawn following an 1873 survey. In 2018, at the request of the Tribes, the BLM undertook a review of the historical documents, maps, and correspondence of the agents responsible for the boundary of the Reservation. However, the Tribes had serious concerns regarding the conclusions in the report. The Tribes appreciate that the Subcommittee included language in the Interior Appropriations Report directing the BIA to conduct a review of that report. Since that inclusion, the BIA has engaged with the Tribes on this issue. We have had productive conversations on potential next steps and are continuing to pursue solutions that will eventually restore lands to the Tribes.

Salmon Restoration – Columbia Basin Initiative

In 1991, the Tribes successfully petitioned the federal government to list the Snake River sockeye salmon as an endangered species in Idaho. Since then, two species of Chinook salmon and steelhead have also been listed as threatened in Idaho. At one time, tens of thousands of sockeye salmon would return to the Snake River every year, but now, even after decades of targeted recovery work spending many millions of dollars, less than 600 sockeye salmon return each year on average! Although the Tribes appreciate the federal government's efforts, the current approach to salmon restoration is simply not working. The salmon are running out of time and a more comprehensive approach is required. The Tribes are grateful that Chairman Simpson has offered such an approach with the "Columbia Basin Initiative". The plan calls for the removal of the four lower Snake River dams while also investing in energy projects; ensuring efficient transport of agricultural goods; providing resources for local communities; and enhancing conservation programs. *We request that the Subcommittee provide increased funding for Tribes for salmon restoration projects.*

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Committee on Appropriations

Subcommittee: Interior, Environment and Related Agencies

Hearing Date: 05/07/2024

Hearing Title :

American Indian and Alaska Native Public Witness Days

Witness Name: Lee Juan Tyler

Position/TITLE: Fort Hall Business Council Chairman

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Shoshone-Bannock Tribes

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

[Large empty rectangular box for listing organization names]

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.



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- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
(i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
- (C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
- (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

[REDACTED]
Witness signature1/26/24
Date



Chairman Lee Juan Tyler – Chairman Tyler is serving his ninth term on the Fort Hall Business Council and his first term as the Chairman. He resides in the Fort Hall District with his daughter Leelayla.

Prior to serving on Council, Tyler worked for the Forest Service and as a Wildland Firefighter. He was an Iron Worker and was employed with the FMC Corporation. He was a Paraprofessional at the Shoshone-Bannock Jr./Sr. High School and teacher of the Shoshone language.



Tyler earned a Bachelor's Degree from Idaho State University. He is Veteran who served in the United States Army. Tyler serves as the Tribes' representative on the following committees: The Environmental Protection Agency's (EPA) Regional Tribal Operations Committee (RTOC), the Tribal Science Council (TSC) which is under the umbrella of Environmental Protection Agency (EPA) to further tribal environmental objectives and to protect our ecosystems for future generations. He is an active member of the Upper Snake River Tribes Foundation (USRT).

Lee Juan is culturally active in traditional and ceremonial ways of the Shoshone-Bannock Tribes and is frequently called upon to provide prayers and songs at ceremonies and community events. Lee Juan is a fluent Shoshone speaker and is in support of revitalizing our Shoshone and Bannock languages. In his spare time, Lee Juan spends time with his family.

Mr. SIMPSON. Thank you very much. Whitney.
Ms. GRAVELLE. Yes.

TUESDAY, MAY 7, 2024.

CHIPPEWA OTTAWA RESOURCE AUTHORITY

WITNESS

WHITNEY GRAVELLE, PRESIDENT, CHIPPEWA OTTAWA RESOURCE AUTHORITY

Ms. GRAVELLE. Thank you, Mr. Chair. [Speaking native language.] My name is The Woman Who Stands in the North. My English name is Whitney Gravelle, and I currently serve as the president of Bay Mills Indian Community. I am here today as a representative of the Chippewa Ottawa Resource Authority, and I testify before you to emphasize the critical importance of Federal funding for the exercise of reserve treaty rights and the management of natural resources protected by treaties throughout the Great Lakes.

The Chippewa Ottawa Resource Authority is a treaty regulatory body that comprises five federally-recognized tribal nations in the State of Michigan, united under the 1836 Treaty of Washington with the United States. These tribes, including mine, have fought for decades to preserve our rights to hunt, fish, and gather in our ancestral territories. This battle has involved many legal challenges, resulting in landmark court decisions affirming our treaty rights. It is understood collectively that the rights forged under the 1836 Treaty of Washington are the bedrock of our cultural identity and our sustenance.

I give great thanks to my ancestors that helped negotiate this treaty, for despite ceding 14 million acres of land and 13 million acres of water to the United States for the creation of the State of Michigan, they protected what was most important for our continued existence of our people. That was the usual privileges of occupancy, the ability to simply live an indigenous way of life. The ceded lands comprise more than 40 percent of what is modern day Michigan and are still the continued homelands of my people. The funding we receive through the Rights Protection Implementation Program is essential for protecting and preserving our ability to sustainably manage these natural resources.

Our treaty rights extend just beyond fishing in the waters of the Great Lakes. They are a reaffirmation of what our ancestors negotiated long ago. They encompass hunting, fishing, trapping, gathering, picking blueberries, eating strawberries, all throughout the ceded territory, both inland and in the waters of the Great Lakes. But they also encompass the ability to teach our children, to feed our elders, and to pass on our culture. They recognize this exclusive right to regulate these activities and allocate harvest opportunities so that we can put food on the table for our families.

Together with the State of Michigan and the United States, the Chippewa Ottawa Resource Authority has been managing the ceded territory and regulating all treaty activity in the Great Lakes since 1985. We have negotiated multiple successor Great Lakes

fishing decrees and recently began negotiations for a third agreement in the fall of 2019. Despite the COVID-19 pandemic, we were able to learn how to use Zoom and continue negotiations throughout that period of time, which then resulted in a new and proposed Great Lakes fishing decree, which was ordered by the court in August of 2023, and it is now time to implement that new decree.

Implementation not only supports a wide range of activities, but also establishes conservation-based regulations, monitoring of critical fishery and wildlife populations, as well as creates enforcement and conservation laws throughout the ceded territory. It also supports vital initiatives to address ecological stresses inflicted by climate change, from monitoring and mitigating invasive species to implementing adaptive management strategies. These funds are extremely critical for ensuring the resilience and sustainability of our natural resources as well as for the continued existence of our people. Without adequate funding, we risk severe cuts to these essential programs, leading to the increased conflicts and reduced protection of our natural resources. If you can help us protect the Great Lakes, we will protect it for everyone else.

I urge you to prioritize funding for the rights protection implementation in the fiscal year 2025 and allocate additional funds to the Chippewa Ottawa Resource Authority for implementation of the new Great Lakes fishing decree. This funding is not only vital to uphold our treaty rights, preserve our cultural heritage, ensure the sustainability of our natural resources, but also so that we can continue to teach those children and their children for many generations to come what it means to be Great Lakes and Anishinaabe. So thank you for your consideration of this request.
[Speaking native language.]

[The statement of Ms. Gravelle follows:]

**TESTIMONY OF WHITNEY B. GRAVELLE
PRESIDENT OF THE BAY MILLS INDIAN COMMUNITY
and
MEMBER OF THE CHIPPEWA OTTAWA RESOURCE AUTHORITY BOARD OF
DIRECTORS
before the COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
UNITED STATES HOUSE OF REPRESENTATIVES
on May 7, 2024**

Aanii (Hello)! I am providing this testimony regarding FY 2025 funding in my capacity as President of the Bay Mills Indian Community, an Ojibwe Tribal Nation located on the south shore of Lake Superior in Michigan's Upper Peninsula. My Tribal Nation is a member of the Chippewa Ottawa Resource Authority (CORA) and I serve on the Board of that inter-tribal entity, and present this testimony on CORA's behalf.

CORA is a consortium of five federally recognized Tribal Nations in Michigan that are parties to the 1836 Treaty of Washington with the United States; they are: Bay Mills Indian Community; Grand Traverse Band of Ottawa and Chippewa Indians; Little River Band of Ottawa Indians; Little Traverse Bay Bands of Odawa Indians; and the Sault Ste. Marie Tribe of Chippewa Indians. The Tribes are plaintiffs in *United States v. Michigan*, a case filed 50 years ago by the United States to ensure that the 1836 Treaty Tribes are able to exercise rights reserved in that Treaty to hunt, fish, and gather.

I cannot emphasize enough the importance of federal funding to support the exercise of reserved treaty rights and management of natural resources protected by these treaties. Within the Department of the Interior annual budget exists funding for the Rights Protection Implementation (RPI) program. That program provides to those Tribal Nations with judicially-recognized reserved usufructuary rights, funds which are necessary to protect and preserve the ability of the Tribal Nations to facilitate sustainable use and enjoyment of these protected natural resources. RPI funds are targeted to enable Tribal Nations to identify and implement appropriate management and protection activities, to utilize expert management and biological services, and to employ sufficient law enforcement personnel enforce tribal, state, and federal laws regulating the natural resource use and protection.

In FY 2024, RPI funding in the amount of \$6,994,659.00 was provided to CORA's Tribal Nations. This level of funding is essential to the ability of each Tribal Nation to carry out the obligations under current Decrees, and additional funding in the amount of **\$1,803,021** is needed to fund the additional Tribal responsibilities and obligations under a successor Great Lakes Fishing Decree, bringing the total FY 2025 funding needed to **\$8,237,031**.

Background: Treaty Rights Recognition in State and Federal Courts

In 1836, the Ojibwe (Chippewa) and Odawa (Ottawa) Tribal Nations ("CORA Tribal Nations") in Michigan negotiated a treaty with the United States that ceded lands to the federal government which were used to create the State of Michigan in 1837. The ceded lands comprise more than forty per cent (40%) of what is now the State of Michigan. However, the CORA Tribal Nations reserved the "usual privileges of occupancy," which has also been interpreted to be the right to hunt, fish, trap, and gather throughout the ceded territory, including the waters of Lakes Michigan, Huron, and Superior.

Thereafter, tribal citizens continued to exercise their treaty-guaranteed rights. Their ability to do so was adversely impacted by the State of Michigan, which in the 1950's and 1960's asserted its authority to exclusively regulate hunting and fishing by tribal citizens and to limit what activities were protected by

the Treaty. At that time, only the Bay Mills Indian Community was a federally recognized Tribal Nation, so its tribal citizens, including my grandfather, Albert "Big Abe" LeBlanc, resisted State efforts to control treaty-protected activities and continued to hunt and fish with traditional gear and without a State license. The resistance culminated in 1971, with the citation of Albert "Big Abe" LeBlanc for fishing in Lake Superior with gill nets, then a State criminal offense. In defense, the Bay Mills Indian Community supported its fisher's positions that the rights reserved in the 1836 Treaty continued to exist and supersede Michigan fishing regulation under the Supremacy Clause of the U.S. Constitution. The case wound through various State court levels, culminating in 1976 with the issuance of a decision by the Michigan Supreme Court, holding in *People v. LeBlanc* that the right to fish in the Great Lakes waters ceded in the Treaty of 1836 continued to exist, and that the State could apply its law to Treaty-protected fishing if it could demonstrate that the specific regulation is necessary to conserve the resource.

The ongoing battle shifted to federal court, as the United States had filed suit in 1973 against the State of Michigan, on the grounds that Michigan lacked the right to regulate treaty-protected Great Lakes fishing activities. The Bay Mills Indian Community and Sault Ste. Marie Tribe of Chippewa Indians joined the case as intervenors prior to trial. In 1979, the trial court declared that the right to fish in the Great Lakes waters ceded in 1836 continues to exist; the decision is known as the "Fox Decision." The Grand Traverse Band of Ottawa and Chippewa Indians intervened in the case within the year.

Many issues remained unresolved, as the Fox Decision did not determine what gear could be employed in the Treaty fishery, what species could be harvested, when harvest could occur, and most importantly, what number of fish of each species could be taken by Tribal fishers. All the parties in the case—United States; State of Michigan; Bay Mills Indian Community; Sault Ste. Marie Tribe of Chippewa Indians; and Grand Traverse Band of Ottawa and Chippewa Indians—participated in court-ordered negotiations which resulted in a comprehensive order of the court regarding allocation of harvest opportunity, management, and regulation in May 1985.



Management, Regulation and Allocation In 1836 Ceded Great Lakes Waters

That order was for a term of 15 years, and was succeeded by an agreement among the parties covering allocation, management, regulation, enhancement and restoration of the Great Lakes fishery, negotiated by all the prior participants and joined by the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians. This agreement was signed on August 7, 2000, for a term of 20 years, and was also entered as a court order. All the parties began negotiations for a third agreement in the fall of 2019. The parties' discussions continued through the COVID-19 pandemic and resulted in a proposed comprehensive agreement filed with the trial court on December 11, 2022. Objections to certain provisions were filed by one Tribe and by amicus curiae which were heard by the judge in May 2023. The court approved the proposed decree and rejected the objections made to it by order in August 2023. The objecting entities have filed appeals in the U.S. Court of Appeals for the Sixth Circuit, which are pending in that court. In the meantime, the treaty fishery is being conducted under the provisions of the August 2023 Great Lakes Fishing Decree.

Under these circumstances, the final text of the successor comprehensive Decree is not complete. What is clear is that the CORA Tribal Nations must create more frequent and comprehensive harvest reporting and oversight, so that stressors of the fishery are identified and management strategies developed and implemented to address them. Harvest is not the primary source of fish mortality in this century; instead, water quality, higher water temperatures and invasive species are causing the fishery to change in ways that must be closely monitored to identify and remediate impediments to a healthy fish stock for decades. These activities will require additional funding to address them.

Inland Treaty-Protected Activities: Comprehensive Agreement

The parties have also separately addressed the nature and scope of inland treaty-protected activities in the 1836 Treaty ceded lands. In 2007, the parties abandoned planned litigation on this subject in favor of negotiating a separate agreement addressing the treaty-protected rights to hunt, fish, and gather on all lands and inland waters ceded in the 1836 Treaty. This comprehensive agreement was entered as an order of the federal district court, which has no termination date. Among other matters, the Consent Decree recognizes exclusive Tribal regulation of tribal citizen hunting, fishing, trapping and gathering activities, and allocates harvest opportunities for elk, bear, and sturgeon. Joint management protocols for certain species are also created as well as cooperative law enforcement agreements.

In each comprehensive agreement to date, the management framework has been approved and ordered by the court in the *United States v. Michigan* litigation. Equally significant is the active role of the Federal Government in negotiating the terms of these cooperative resource management frameworks.

FY 2025 Budget Request: Rights Protection Implementation

Currently, CORA's Tribal Nations receive funding through the "Treaty Fisheries" line item in the Rights Protection Implementation (RPI) program for the Great Lakes Treaty fishery. ("Inland treaty rights" are separately funded within the RPI program and are addressed separately.) That line item supports the following activities, with additional activities for which funding is sought identified by use of italics:

- Establishment of conservation-based fishing regulations; Biological support services to monitor the fishery; Resource protection and enhancement programs;
- Conservation law enforcement activities and Tribal Court staffing for Great Lakes fishing conservation cases;
- *Additional oversight of harvest activities by biological staff and enforcement personnel;*

- *Implementation of electronic harvest reporting by Tribal fishers and wholesalers and maintenance of inter-tribal harvest reporting system;*
- *Creation of access sites and improvement of access for Tribal fishers to the waters of the Great Lakes;*
- *Monitoring of environmental factors which adversely affect the treaty fishery;*
- *Establishment of and/or cooperation with federal and state researchers in remediation projects to address identified environmental factors' impact on fish stocks; and*
- *Invasive species monitoring and controls.*

CORA's Tribal Nations also receive RPI funding relating to "inland treaty rights" implementation of the 2007 Consent Decree. The following activities are supported:

- Establishment of conservation-based hunting, fishing and gathering regulations;
- Biological support services to monitor wildlife, plant life and habitat;
- Resource protection and enhancement programs;
- Invasive species monitoring and controls;
- Conservation law enforcement activities and Tribal Court staffing for inland conservation cases; and
- Inter-tribal coordination of activities and policies with federal and state agencies.

CORA does not, and cannot, support any budget request for RPI funds in FY 2025 that is less than the sum appropriated for FY 2024. Less funding, especially in light of the soon to be completed Great Lakes Fishing Decree appeal, will require severe cuts to conservation, monitoring and enforcement activities, with attendant staff layoffs. That situation will not only increase conflict between Tribal Nations and other communities over resources, but will also significantly reduce the level of protection of the fishery, wildlife and habitat throughout the ceded territory. It is almost a certainty that the parties to these management and allocation agreements will bring disputes over program changes to the federal court for resolution.

CORA requests that Rights Protection Implementation continue to be a budget priority, and that CORA's Tribal Nations' share be increased for FY 2025 to **\$8,237,031.00**, which is added to the Great Lakes base funding, for the identified purposes listed above.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee:	Appropriations	<input checked="" type="checkbox"/>
Subcommittee:	Interior, Environment, and Related Agencies	<input checked="" type="checkbox"/>
Hearing Date:	04/29/2024	
Hearing Subject:	<input checked="" type="checkbox"/> Chippewa Ottawa Resource Authority FY25 Appropriations Request	

Witness Name: Whitney B. Gravelle

Position/Title: President

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Chippewa Ottawa Resource Authority

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

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Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
 - (i) a curriculum vitae;
 - (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and
 - (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
- (C) The disclosure referred to in subdivision (B)(ii) shall include—
 - (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and
 - (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
- (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

False Statements Certification	
Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.	
	<u>4/29/2024</u>
Witness signature	Date

Whitney Gravelle

EDUCATION

Michigan State University College of Law
Juris Doctor Cum Laude, May 2016

East Lansing, MI

- Indigenous Law Certificate Program
- Native American Law Student Association Alumni Committee Chair
- Indigenous Law and Policy Center Academic Enrichment Program, Student Mentor
- 2016 National Native American Law Student Association Moot Court Competition, Sweet Sixteen
- 2015 National Native American Law Student Association Moot Court Competition, Final Eight

Michigan State University

East Lansing, MI

Bachelor of Arts in Social Science, December 2012

- Major: Interdisciplinary Studies in Social Science, International Studies with a Cognate in Political Science & Specialization in East Asian Studies
- Study Abroad at Yonsei University, Seoul, South Korea (Fall 2011)

American Indian Law Center's Pre-Law Summer Institute

Albuquerque, NM

- Practice appellate moot court case, legal research and writing focusing on the Indian Child Welfare Act.
- Honors: Best Oralist Award in ICWA oral argument presentation.

EXPERIENCE

Bay Mills Indian Community
President, Executive Council

Brimley, MI

- Serve more than 2,300 tribal citizens of Bay Mills Indian Community, a tribal government formed under the Indian Reorganization Act in 1936, which includes administration and oversight of tribal government operations and tribal enterprise operations with more than 600 employees. This includes developing strategic partnerships with local units of government.
- Provide leadership and strategic planning for execution of tribal services, devise yearly budgets, financial planning, and encourage new development and collaboration within and outside tribal operations. This includes enterprise and non-enterprise operations, involving government services, gaming, and commerce.
- Establish and develop laws, ordinances, regulations, policies and procedures, or regular processes to efficiently expand tribal government operations or business operations and revenue investment.

Bay Mills Indian Community
Tribal Attorney, Legal Department

Brimley, MI

- Act as counsel on behalf of the Tribe on any issues affecting the Tribe or any of its governmental or commercial entities. As counsel appear before all federal, state, tribal courts, tribunals, departments, agencies, and committees of Congress and State legislatures.
- Understanding of tribal and federal legislation, public policy, regulations, and complex legal structures of tribal law, federal Indian law, Indian Child Welfare Act, Indian gaming, and modern day tribal sovereignty.
- Gathered evidence in civil and other cases to formulate defense or initiate legal action, which includes interviewing clients and witnesses or other details in preparation for trial. Prepare legal briefs, develops strategy, arguments, or testimony in preparation for presentation of case.

- Ensure tribal compliance with applicable laws, regulations, and policies through regular consultation with internal entities. Work with the Executive Council, Legal Department, and other internal entities to draft tribal legislation, ordinances, resolutions, administrative rules and regulations, or other documents and instruments.

Bay Mills Tribal Court
Chief Judge

Brimley, MI

- Preside over civil and criminal cases within the jurisdiction of the Bay Mills Indian Community, which includes mediating settlement conferences in civil cases. Presided over jury trials, issued arrest and search warrants, and oversaw initial appearances, bond hearing, arraignments, and pretrial evidentiary hearings.
- Operate and preside over Healing to Wellness Court criminal matters, with a focus on substance abuse counseling, restorative justice, and cultural integration into the legal setting to provide healing and wellness to combat intergenerational trauma within the Bay Mills Indian Community.

United States Department of Justice
Environment Natural Resource Division, Indian Resource Section

Washington, DC

- Drafted briefs, complaints, and responses to motions, conducted legal research and writing on issues involving tribal land and jurisdiction, treaty hunting and fishing rights, water rights, and the scope of lands held in trust for tribes and individual Indian lands.
- Researched and wrote memorandum on tribal court systems, tribal police law enforcement regulations, and assisted with extensive regulatory research on the Indian Child Welfare Act. Observed witness interviews and depositions.

State of Michigan Supreme Court
Chambers of the Honorable Justice Bridget McCormack

Lansing, MI

- Legal research and writing on issues before the Michigan Supreme Court, helped conduct research for court opinions on the Indian Child Welfare Act, licensing regulations, Michigan No-Fault Insurance, health insurance benefits, armed robbery, assault, and the sentencing regulations for Michigan courts.

State of Michigan Department of Attorney General
Health, Education, and Family Services Division

Lansing, MI

- Assisted legal staff in witness interviews, and helped with preparation for trial in administrative proceedings, drafted appellate briefs, complaints, and responses to motions, and conducted legal research and writing on issues concerning administrative law, sexual assault, and childcare and adult licensing regulations.

Michigan State University College of Law
Indigenous Law and Policy Center Clinic

East Lansing, MI

- Provided direct services to tribes across the United States, drafted amici briefs, and researched and wrote memoranda on tribal court systems, tribal ordinances and court statutes, and the Indian Child Welfare Act.

Native American Rights Fund
Law Clerk

Boulder, CO

- Conducted extensive legal research and writing on federal Indian law issues, including the Native American Graves Protection and Repatriation Act, education programs, voting rights, and water rights. Assisted staff attorneys with expert witness testimony and preparation of evidentiary investigation.

Udall Foundation Native American Congressional Internship Office of the United States Congressman Raul M. Grijalva	Washington, DC
<ul style="list-style-type: none"> Legal research of legislation, regulations, and public law concerning immigration, education, and the climate change impact on indigenous populations. Drafted public policy, speeches, and memorandum concerning education on tribal reservations, immigration, public land trust, and environmental regulation. 	

Navajo Nation Department of Justice Economic and Community Development Department	Windowrock, AZ
<ul style="list-style-type: none"> Completed legal research reports and memorandum on grant commissions, financial regulations, and economic issues concerning the Navajo Nation. 	

COMMITTEES AND BOARDS

Department of Interior, Secretary's Tribal Advisory Committee Committee Chair	Washington, DC
<ul style="list-style-type: none"> Identify developing issues of concern and potential barriers to the delivery or receipt of services and programs provided by the Department's bureaus and offices to Tribes. Advance recommendations and clarifications directly to the Department's leadership to address issues raised at Tribal, national, and regional levels. Provide a forum to discuss and evaluate implementation of and proposed changes to the Department's regulations, policies, and procedures, including those related to Tribal consultation. Examine priorities and advise on appropriate strategies for Tribal consultation on issues at the Tribal, national, or regional levels. Support the timely transmission of information on issues of concern and policies related to the Department's services and programs to Tribal leadership within the BIA Regions. 	
United States Department of Agriculture, Secretary's Tribal Advisory Committee	Washington, DC
<ul style="list-style-type: none"> Identify evolving issues of relevance to Tribal Nations relating to programs of the Department, and discuss issues and proposals for changes to the regulations, policies, and procedures of the Department that impact Tribal Nations. Identify priorities and provide advice on appropriate strategies for Tribal consultation on issues at the Tribal, regional, or national level regarding the Department. Ensure that pertinent issues of the Department are brought to the attention of an Tribal Nation in a timely manner so that timely feedback can be obtained and solutions can be proposed for interdepartmental barriers. 	
Chippewa Ottawa Resource Authority	1836 Treaty Territory – Michigan
<ul style="list-style-type: none"> CORA is a consortium of five federally recognized Tribal Nations in Michigan that are parties to the 1836 Treaty of Washington with the United States; they are: Bay Mills Indian Community, Grand Traverse Band of Ottawa and Chippewa Indians; Little River Band of Ottawa Indians; Little Traverse Bay Bands of Odawa Indians; and the Sault Ste. Marie Tribe of Chippewa Indians. Engaged in commercial and subsistence treaty regulation on the waters of the Great Lakes and inland territories of the State of Michigan. 	
Bay Mills Community College Board of Regents, Chairperson	Bay Mills, MI
<ul style="list-style-type: none"> As a tribally controlled community college and land grant institution, the mission of Bay Mills Community College is to provide quality educational opportunities, promote research and facilitate individual 	

development in an accessible, community-based, and culturally diverse environment that supports and maintains the Anishinaabek culture and language.

- In carrying out our mission, the BMCC Board of Regents stresses a positive, student-centered atmosphere, which promotes preservation of the customs and beliefs of Native Americans. The curriculum is designed to integrate traditional Native American values with higher education as a way of preparing students to assume responsible roles in their respective communities.

Inter-Tribal Council of Michigan
Board of Directors, Chairperson

Sault Ste. Marie, MI

- To advocate for member tribes in the development of programs and policies which will improve the economy, education, and quality of life for Michigan's Native Americans; and
- To provide technical assistance to member tribes, assisting in the development of tribal regulations, ordinances, and policies applicable to health and human services.

Michigan Advisory Council on Environmental Justice
Commissioner

Lansing, MI

- The Michigan Advisory Council on Environmental Justice is the State of Michigan's first Environmental Justice advisory council. Members represent an intentional combination of frontline activists, advocacy organizations, academia, tribal representation, local governments, business and industry, public health, and labor to advocate for immediate relief to frontline communities while simultaneously supporting development of long-term, sustainable Environmental Justice solutions.

Mr. SIMPSON. Thank you, Whitney. Kirk.

TUESDAY, MAY 7, 2024.

UNITED SOUTH AND EASTERN TRIBES SOVEREIGNTY PROTECTION FUND (USET SPF)

WITNESS

KIRK FRANCIS, CHIEF OF THE PENOBCOT INDIAN NATION, UNITED SOUTH AND EASTERN TRIBES SOVEREIGNTY PROTECTION FUND (USET SPF)

Mr. FRANCIS. Thank you. Good morning, Chairman Simpson, Ranking Member Pingree.

Mr. SIMPSON. If you would, could you explain what the United States South and Eastern Tribes Sovereignty Protection Fund is?

Mr. FRANCIS. Happy to. United South and Eastern Tribe Sovereignty Protection Fund is an organization that is made up of 33 tribal nations, from Maine to Florida, over to Texas, and focusing primarily on our relationship with the United States Government.

So again, sir, it is good to see you this morning, Ranking Member Pingree as always, and members of the subcommittee, and thank you for the opportunity to provide testimony. I am Kirk Francis. I am the chief of the Penobscot Indian Nation in the great State of Maine, the potato capital of the world, by the way. [Laughter.]

Mr. FRANCIS. I knew I was starting—[Laughter.]

Mr. FRANCIS. And the president of the United South and Eastern Tribe Sovereignty Protection Fund.

Tribal nations appear before you on the heels of another foreign aid package that has sent tens of billions of dollars overseas. Since 2022, Ukraine alone has received \$135 billion from the U.S. Government. I raise this issue not because we feel this aid is unnecessary, but because this is a frustrating reminder that in spite of barriers, like deficits and procedural rules, Congress is capable of finding billions of dollars in flexible funds for other units of government, including foreign governments. However, year after year, Indian Country is expected to advocate for the funding that we are owed by this country, only to receive minor increases and burdensome requirements for its use. These increases fail to address the chronic underfunding of trust and treaty obligations and often fail to account for inflation. As the U.S. works to support and rebuild its allies, it must work to provide the same support and restoration to the domestic nations within its own borders, including through a Marshall Plan for tribal nations.

You are already well aware of our history and the Federal Government's ongoing failure to honor its obligations. We remind you that our relationship with this country is ultimately about honor, fulfilling commitments and promises. To that end, we offer solutions representing a fundamental shift in Federal Indian policy and funding. They will allow Indian Country to realize its great potential and create lasting, positive change for tribal nations and our people.

In pursuit of this change, we extend our strong support for the full implementation of Executive Order 14112 and ask that you join

us in working to ensure this executive order is meaningfully implemented across the Federal agencies. In the short term, the EO will result in greater deference to tribal decision-making and improved services across Indian Country through funding flexibilities. In the long term, proper implementation will provide the detail necessary for the subcommittee to advocate for additional funding for tribal nations. We urge you to not only exercise oversight as this EEO is implemented, but to also support the legislative change and increased appropriations necessary for it to be successful.

Appropriators must work with Indian Country to achieve mandatory funding for Federal Indian agencies and programs. We continue to appreciate certainty and stability for IHS under advanced appropriations, but this is a temporary solution. Full and mandatory funding for agencies like IHS and BIA better honors your obligations to Indian Country and will truly change conditions for our people.

We should start immediately with mandatory funding for CSC and 105(l) so that appropriations increases go towards services and not binding Federal obligations. Relatedly, the processes under which OMB develops budgets and policies that impact us require reform. In concert with its newly established tribal affairs advisor, a position that must be made permanent, OMB must be required to produce a full, detailed accounting of the funding distributed to Indian Country, comparing what actually tribal nations can access against what is factually received. Congress should also work with OMB to hold States accountable for any passthrough dollars that are intended for tribal nations.

Finally, in addition to our regional priorities for IHS and BIA, we extend our support to the following: the President's proposal for a tribal land and water Conservation fund and a consolidated grant program at ACF; funding and permanency for the Treasury's Office of Tribal and Native Affairs, OMB's Tribal Affairs Office, and the White House Council on Native American Affairs; and the following additional policy changes—a special behavioral health program at IHS, payment in lieu of taxes for tribal trust land acquisition, increased funding for tribal historic preservation, and interagency transfer authority for tribal funding. We call upon Congress, and this subcommittee in particular, to work with tribal nations and the administration to fulfill the government's trust and treaty obligations through the Federal budget.

While each member of Congress shares equally in these obligations, you have a unique understanding of this responsibility and, more importantly, the opportunity to drive historic change. We urge you to lead this change within Congress and improve how the United states views, honors, and fulfills its promises to Indian Country, and, again, it is my pleasure to be here, and I am happy to answer any questions.

[The statement of Mr. Francis follows:]



**Testimony of President Kirk Francis, United South and Eastern Tribes Sovereignty Protection Fund
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
FY 2025 Tribal Public Witness Hearings, May 7, 2024**

Chairman Simpson, Ranking Member Pingree, and members of the Subcommittee, thank you for the opportunity to testify regarding our funding priorities for Fiscal Year (FY) 2025. My name is Kirk Francis. I serve as the President of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF). I am also the Chief of the Penobscot Indian Nation, located at Indian Island, Maine. My testimony will focus on funding for federal Indian agencies and programs at the Department of the Interior (DOI), the Indian Health Service (IHS), and beyond. We appreciate this Subcommittee's longstanding commitment to holding Tribal Public Witness hearings. Having the opportunity to provide our views on the President's Request is an important oversight opportunity for appropriators to ensure that budget proposals reflect Tribal expectations and objectives.

USET SPF is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico. USET SPF member Tribal Nations are within the Eastern Region and Southern Plains Region of the Bureau of Indian Affairs (BIA) and the Nashville Area of the Indian Health Service (IHS), covering a large expanse of land compared to other regions. Due, in part, to this large geographic area, USET SPF Tribal Nations have great diversity in cultural traditions, land holdings, and resources.

Chronic Underfunding of Existing Obligations. I come to you today on the heels of yet another infusion of nearly \$100 billion in federal funding to several allies overseas. Since February of 2022, Ukraine, alone, has received over \$135 billion while Tribal Nations have received far less. Though USET SPF does not dispute the necessity of this aid, it is a frustrating reminder that when Congress feels compelled to do so, it can direct substantial government resources toward other units of government – both foreign and domestic. And yet, Tribal Nations must appear before Congress year after year to advocate for U.S. payment on debt that we are due—only to receive minor “increases” that fail to address the chronic underfunding of trust and treaty obligations and, often, fail to keep pace even with inflation.

USET SPF, our partner organizations, federal entities, and various research bodies have consistently provided data necessary for the U.S. to understand its own shortfalls in delivering upon its obligations to Tribal Nations, with little action taken in response. For example, the most recent annual Tribal Law and Order Act Report to Congress, for FY 2021, revealed the total obligation of BIA for public safety and justice funding is \$3.5 billion – over one billion more than the entire BIA budget. And yet, in FY 2024, Congress allocated a total of just \$556 million to the BIA’s public safety and justice lines—a decrease from FY 2023 enacted. It is no wonder, then, that in its 2018 *Broken Promises* Report, the U.S. Commission on Civil Rights concluded that the funding of federal trust and treaty obligations remains “grossly inadequate” and a “barely perceptible and decreasing percentage of agency budgets.” The report confirms what we in Indian Country already know—with the exception of some minor improvements, the U.S. continues to neglect to meet its “most basic” obligations to Tribal Nations. Though these chronic failures have persisted throughout changes in Administration and Congress, it is time that both branches confront and correct them.

As the Subcommittee is well aware, Native people have endured many injustices as a result of federal law and policy, including federal actions that sought to terminate Tribal Nations, assimilate our people, and erode Tribal territories, learning, and cultures. This story involves the cession of vast land holdings and natural resources, oftentimes by force, to the U.S., out of which grew an obligation to provide benefits and services to Tribal Nations—promises made that exist in perpetuity. These resources are the very foundation of this nation, allowing the U.S. to become the wealthiest and strongest world power in history, with each U.S. citizen a direct beneficiary of this exchange. Federal funding and services to Tribal Nations and Native people are simply a repayment on this perpetual debt. Regrettably, funding allocated to Indian Country represents a tiny fraction of the annual value that the U.S. enjoys from the lands and natural resources which once belonged to us. USET SPF has consistently called upon the U.S. to fulfill its sacred promises to Tribal Nations and to act with honor and integrity in its dealings with Indian Country.

While we take a firm position that all members of Congress have an obligation to Tribal Nations, this Subcommittee has a greater role in working toward fulfillment of trust and treaty obligations. As leaders who have consistently demonstrated a deeper understanding of our sacred relationship, we urge you to lead the change within Congress to improve how the U.S. views, honors, and fulfills its promises to Indian Country. The federal budget is a reflection of this commitment. We recognize that there are many causes and issues that this body considers. However, we ask that you always remember this nation's first promise to its First People—the promise that resulted in an exchange responsible for the vast wealth, power, and influence of this country. This is especially critical as we recognize you are working with statutory spending caps in FY 2025 in order to reduce our \$34 trillion national debt. However, as we have stated repeatedly before this Subcommittee and others, deficit reduction must never be accomplished to the detriment of federal trust and treaty obligations owed to Tribal Nations. In fact, the U.S. should prioritize payment on debt to Tribal Nations as its original creditors.

Executive Order (EO) 14112. USET SPF is encouraged by the issuance of this EO and underscores its importance, as it seeks to address many centuries of broken promises through long-sought reforms to the ways in which funding is delivered to Tribal Nations and quantify federal failures to provide full funding in fulfillment of trust and treaty obligations. USET SPF and the Administration are committed to the success of this EO, but Congress also has a role to play. This body, in particular, should be invested in seeing the E.O. deliver meaningful, actionable information regarding unmet funding obligations, so that they may be addressed. Congress should also be prepared to exercise its oversight responsibilities in holding federal agencies accountable to the mandates of this EO. Congress should ensure immediate action is taken to streamline and create funding flexibilities where barriers are administrative or regulatory, and that agencies support Tribal Nations in seeking legislative change where barriers are statutory. As we continue to face chronic underfunding, these flexibilities are critical opportunities to improve services to our people, including expansion of 477 and self-governance authorities. Additionally, Congress should be appropriating necessary resources to federal agencies and exploring opportunities for legislative change, in order facilitate compliance with the EO's directives.

Mandatory Funding for the Indian Health Service and Binding Obligations. USET SPF continues to express its gratitude for the historic achievement of advance appropriations for IHS. For the very first time, the agency's clinical services have experienced budgetary certainty in the face of several continuing resolutions. It is our expectation that the Subcommittee will continue to include language providing advance appropriations for IHS beyond FY 2025 and work to expand this mechanism through the IHS and into other federal Indian agencies and programs. Despite its importance, however, we continue to view advance appropriations as a temporary funding mechanism in our overall advocacy for the full delivery of trust and treaty obligations.

Above all, payments on debt to Indian Country should not be vulnerable to year to year "discretionary" decisions by appropriators. Since FY 2023, the Biden Administration has consistently proposed a shift in funding for the IHS to the mandatory side of the federal budget, including a 10-year plan to close funding gaps and an exemption from sequestration. While we firmly believe all Indian Country funding should be fully funded today, we continue to strongly support this proposal, recognizing that additional detail and planning is necessary to provide a fully developed plan to fund IHS on a full and mandatory basis. This includes ensuring that it reflects the full depth of unmet funding obligations as uncovered by E.O. 14112. We look forward to working with IHS to draft legislation that reflects our guidance for implementing these changes and urge this Subcommittee to ensure that IHS is working swiftly with Tribal Nations to develop this proposal.

The FY 2025 Request also proposes mandatory funding for Contract Support Costs and 105(l) leases—binding obligations—at IHS, BIA and the Bureau of Indian Education (BIE) beginning in FY 2026. While we contend that all federal Indian agencies and programs should be subject to mandatory funding, we continue to support the immediate transfer of these lines. This will ensure that funding increases are able to be allocated to service delivery, as opposed to the federal government's legal obligations.

Indian Health Service (IHS). In addition to supporting full and mandatory funding for IHS, Nashville Area Tribal Nations identified the following top six priority line items for increases in FY 2025:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Purchased/Referred Care 2. Hospitals & Health Clinics 3. Mental Health | <ol style="list-style-type: none"> 4. Alcohol & Substance Abuse 5. Dental Health 6. Health Care Facilities Construction |
|---|--|

Nashville Area standing priorities and hot issues also include funding for Facilities Construction, Facilities and Environmental Health, special initiative funding for newly recognized Tribal Nations, increases for Urban Indian Health programs, telehealth resources, recurring funding for Public Health Education, impacts of COVID-19 on user population and workload data, funding for Substance Use Disorder aftercare and housing programs, funding to reduce Hepatitis C, continued funding for Community Health Representatives, modernizing health information technology, parity in group payor authorities when sponsoring patients on insurance plans, funding for long-term care services and supports, and provider/staffing recruitment and retention.

Special Behavioral Health Program. Despite the disproportionate impact opioid and other substance use has had in Indian Country, Tribal Nations continue to lack access to sufficient resources to address the damaging effects of substance abuse disorder in our communities. We continue to support legislative proposals that would establish a Special Behavioral Health Program for Indians at IHS, with dollars eligible for receipt through self-governance compacting and self-determination contracting.

Department of the Interior (DOI). Working in partnership with Indian Affairs, the yearly budget formulation process now offers a much more comprehensive look at the priorities of Tribal Nations across the many lines and accounts found within the BIA and BIE budgets. However, we remain focused on the addition of a component outlining BIA's unfunded obligations in order to measure how well the U.S. is honoring its promises, on which Indian Affairs recently agreed to collaborate. This body should also want to know the full extent of DOI's unmet funding obligations to Indian Country. In addition, we offer the Eastern Region's top priorities for FY 2025 in eight different strategic funding categories:

- Strengthening Tribal Communities: Social Services (TPA)
- Trust-Natural Resources Management: Natural Resources (TPA)
- Trust-Land & Water Rights Management: Trust Services (TPA)
- Public Safety & Justice: Tribal Courts (TPA)
- Economic Development: Economic Development (TPA)
- Education: Scholarships & Adult Education (TPA)
- Construction: Education Facilities Improvement and Repair
- Resource Management Construction: Federal Power Compliance [FERC]

Payments in Lieu of Taxes (PILT). In addition to the above priorities, USET SPF remains focused on the restoration of Tribal homelands as a top priority and would like to reiterate a funding request that we believe will increase the amount of land going into trust for Tribal Nations. Since 1977, the DOI has issued billions in PILT to local governments that help offset losses in property taxes due to the nontaxable federal lands within their boundaries. However, while PILT payments are made for lands administered by numerous other DOI Bureaus, federal water projects, and some military installations, lands held in trust for Tribal Nations are not currently eligible. USET SPF believes that PILT for lands put into trust could remove barriers to the restoration of Tribal homelands while also easing the perceived impacts to local government as a result of lost tax revenue. We urge the Subcommittee to consider working with the Administration to provide funding for this purpose in FY 2025.

Land and Water Conservation Fund (LCWF) Program for Tribal Nations. The FY 2025 Request proposes \$8 million for the establishment of a permanent LCWF Tribal Land Acquisition program. This will ensure that Tribal Nations have direct access to the LCWF for the first time, supporting Tribal self-determination and the restoration of our homelands. Though we urge that the level of funding be increased, we strongly support this proposal.

Funding for Tribal Historic Preservation. Due to chronic underfunding, many Tribal Historic Preservation Offices (THPOs) are currently operating without the necessary personnel to conduct National Historic Preservation Act Section 106 and other cultural reviews. THPOs are the protectors of irreplaceable resources: our cultures and spirituality. The explosion in infrastructure development funded by recent infrastructure laws is overwhelming THPO capacity. We urge this Subcommittee to provide increased resources for THPOs, so that we may protect our cultural and sacred sites.

Preservation of Structural Gains. Several advancements have been made during this Administration that must be institutionalized and supported in order to continue their progress. USET SPF is requesting permanency and dedicated funding for OMB's Tribal Affairs Advisor, as well as Treasury's Office of Tribal and Native Affairs. In addition, this Administration has once again prioritized the work of the White House Council on Native American Affairs (WHCNA). In order to build upon its progress and provide necessary resources to coordinate the implementation of EO 14112, WHCNA requires dedicated funding. USET SPF supports the Tribal Interior Budget Council (TIBC) request of \$5 million for WHCNA.

Improving the Office of Management and Budget (OMB) Crosscut. OMB asserts that over \$30 billion in federal dollars is appropriated to Indian Country annually. This number seems to be widely inflated, with far less actually reaching Tribal Nations and Tribal citizens. Both USET SPF and TIBC have asked OMB for a full, detailed accounting of federal funding distributed to Indian Country. While OMB is working to refine its Native American Crosscut, we have not yet seen the level of detail we are seeking. This information is essential to the measurement of the federal government's own success in meeting its obligations to us, as well as developing accountability mechanisms for instances where states fail to provide pass-through funding to Tribal Nations. In order to increase accountability, states must be required to detail actual dollars passed through to Tribal Nations, with accordant consequences for failure to provide us with funding to which we are entitled.

Invest in and Rebuild Tribal Infrastructure—A Marshall Plan for Tribal Nations. For generations, the federal government – despite abiding trust and treaty obligations – has substantially under-invested in Indian Country's infrastructure and engaged in hostile actions against Tribal Nations. While the United States faces infrastructure issues nationally, Indian Country frequently lacks even basic infrastructure. Much like the U.S. investment in the rebuilding European nations following World War II via the Marshall Plan, the legislative and executive branches should commit to the same level of responsibility to rebuilding Tribal Nations, as our current circumstances are, in large part, directly attributable to the shameful acts and policies of the U.S. In the same way the Marshall Plan acknowledged America's debt to European sovereigns and was utilized to strengthen our relationships and security abroad, the U.S. should make this strategic investment domestically.

Other Selected Lines and Programs. Though not an exhaustive list, USET SPF strongly supports increases for the following lines and programs: Good Health and Wellness in Indian Country (CDC), Rural Community Facilities (ACF), Tribal Opioid Response Grants (SAMHSA), Community Development Financial Institutions Fund grants, the Indian Community Development Block Grant, USDA Rural Business Development grants, EPA state and Tribal assistance grants, BIA Tribal Climate Science Centers, the Crime Victims' Tribal set, and Native American Housing Block Grants. Finally, we strongly support ACF's proposal to consolidate child welfare funding for Tribal Nations.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Appropriations

Subcommittee: Interior, Environment, and Related Agencies

Hearing Date: 04/29/2024

Hearing Title :

American Indian/Alaska Native Public Witness Hearings

Witness Name: Kirk Francis

Position/Title: President of USET Sovereignty Protection Fund, Chief of Penobscot Indian Nation

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

United South and Eastern Tribes Sovereignty Protection Fund

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

United South and Eastern Tribes Sovereignty Protection Fund
United South and Eastern Tribes

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

See attachment.

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

N/A

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
 - (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
 - (C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
 - (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

False Statements Certification	
Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.	
	<u>4/29/24</u>
Witness signature	Date

**Chief Kirk Francis
Penobscot Indian Nation**

Chief Francis was born and raised at Indian Island, Maine-the home of the Penobscot Nation. He has deep cultural ties to the people, the land, and the river. He is an avid outdoorsman practicing the traditions of hunting and fishing for which his family is well known.

Chief Francis has been the elected Chief at Penobscot Indian Nation since 2006 and is currently serving in his fifth term. Before becoming Chief he served in many leadership roles within the Penobscot Nation including chairing various committees and serving three terms as a member of the Tribal Council. He was first elected to the Council at 21 years old and when elected Chief he was the second youngest to be elected to this position in the modern era. He now owns the distinction of being the longest serving Chief at Penobscot since the electoral system began in 1850. Chief Francis has become knowledgeable and effective in handling the myriad of issues facing tribal governments today.

Chief Francis graduated from Old Town High School in 1987 and attended the Bridgeton Academy and the University of Southern Maine where he majored in Business Administration.

Beyond his local service, Chief Francis also serves as a national leader on many issues facing Native Americans. He currently is President of the United South and Eastern Tribes (USET)/United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) an organization comprised of 33 federally-recognized Tribal Nations from the Canadian Border to the Everglades and across the Gulf of Mexico.

Mr. SIMPSON. Thank you. Lee, it doesn't surprise me that we have the same issues that we have been working on for a long time. We have got to get the high walls down, and I don't know if I will be around when it finishes, but I am going to be around while it starts because we are going to get that done. Law enforcement, you and I have talked about before, both law enforcement and firefighting. You hire law enforcement and firefighting people, and with Pocatello being 12 miles south of you and Blackfoot being 12 miles north of you, as soon as you train them up, they get more pay, and that is where they go. And so you are a training ground, and somehow we got to change that. That is something we have talked about in the past.

Interesting that you brought up roads. I will tell you the story that Ms. McCollum and I were out on a Navajo Reservation, and they took us out to a school on a dirt road. We both had Fitbits on. We sat in the bus that took us out there. I got 50,000 steps just sitting in the bus, that is how bad the road was. But I know that Mr. Cole, our full community chairman now, is very interested in that, and he bumped the roads budget in the transportation bill, and I am sure that we will be looking at that again because roads are a big thing. So thank you for being here, and I talk to you all the time.

So you brought up one thing, and I am going to mention it here. I don't expect anybody to answer it right now because it is something I want everyone to think about. I have been asked by several tribes why do we fund the Indian Health Services when money comes off the top through that party, through their administration, and some tribes that have talked to me believe that they could deliver more services by direct appropriation to the tribes. That is a complicated subject, and it is different for different tribes. Our goal is to make sure that we get the money that we are appropriating to tribes for health services.

And we will be sending out some letters to the tribes and asking them to respond what they think. I don't know if it is a good idea or a bad idea. All I am trying to do is get the best services that we can for the money that we are spending. And I would like to hear from the different tribes, and I suspect it is going to be different from smaller tribes to larger tribes, so that is an issue. Nobody cares about Indian Health Services and their member services than the tribes do. So that is a question that will be coming up, but thank you all for being here today. Ms. Pingree.

Ms. PINGREE. Yeah. Thank you very much. Thank you, Mr. Chair. Thank you, all of you, for your testimony. Good to learn a little bit more about the challenges that are being faced back in the chairman's home State, and I hope we can do more to help with that cleanup. That is really a devastating description of the amount of waste that you have to deal with and the fact that it has never been cleaned up. So maybe between the work we do on this committee and also with the EPA, we can give that a little push.

And good to hear about the work you are doing on the fishing in the Great Lakes. I am originally from Minnesota, so my heart is still a little bit in the Great Lakes, even though I am solidly saltwater now. But still, I agree with your ending statement that if you

have the right to manage the species and the water, you will do a very good job. So we will be happy to help on that.

And, Chief Francis, really appreciate your coming here from Maine, and I know we will have a chance to hear again a little bit from the Penobscots later today, but I really appreciate your taking sort of the UCET point of view and this broader picture because that is not something we get to do that much in this committee is sort of back up and say, you know, it is a really good point. We all care deeply about making sure we got funding to Ukraine, but we often don't think about how we get beyond just like, oh, maybe we can eke this up, \$2 million here and \$6 million there, and really, really getting into meeting our treaty obligations, and you touched on so many different points of view. I would like to have a follow-up conversation really sometime with this committee because I think many of our colleagues do turn to us and think, like, well, what else should we be doing. They know there are issues in their home State and that our funding levels are not enough. And even just the process, looking at OMB, how it does things, how we oversee these things.

So you brought up way too many points for me to kind of go through, but I think we really should have a follow-up conversation, especially with the people on this committee who have been working on these issues for a long time and sort of seen the frustration of, you know, we are not doing enough here, you know, the roads. I mean, we talk about the law enforcement issue every single time and the shortage, and, you know, it is not a moment in time where we can just let that slide. As you said, you know, if this was, if this was a big city in the United States, you know, we would be all over it, talking about it every day on the floor, what are we doing about this, and yet, we have got communities all over the country that don't have sufficient law enforcement and certainly aren't getting the resources that they need.

So thank you so much for your thoughts, and I don't want to let that go. I want to dig in on that, so thank you. I yield back.

Mr. SIMPSON. Mr. Ellzey.

Mr. ELLZEY. Thank you all for being here.

Mr. SIMPSON. Ms. McCollum.

Ms. MCCOLLUM. Well, thank you all for your testimony. We started working when I first came on the committee, I think it was Mr. Cole, who was chair at the time, trying to get OMB to give us an accounting. And we have had some success, but the challenge for tribes, especially smaller tribes, but it is a challenge for all tribes, is there is money in Judiciary, there is money in Ag, there is money here, and there is money in the Health and Human Services bill. It is all over, and to ask a tribe to write all these different grants and try to make a matchup at the same time to do something is really herculean task. And you are absolutely right, there is more that we can do on that, so thank you for bringing that up again.

Mr. Chair, I am ready to go to school because I know a little bit about mining and mine reclamation because of, you know, other members who have served on this committee, Mr. Rodgers and that. But the Bureau of Land Management, I know, sometimes helps write the leases, so did they write a good lease to make sure

that we can get everything back? I am a history teacher. I already know the answer, but, you know, I am supposed to look for the facts first, so I would like to learn more about that and work with you on that.

I want to talk about the funding for the tribes and the State passthroughs, especially with you, Mr. Francis, because in Maine, after we passed VAWA, the Women Against Violence Act, we did a set aside in this committee, and your tribe was not able to access it. Minnesota, during COVID, we did everything right with the tribes. We have been passing everything direct, not taking anything off in Minnesota, but then you have the exact opposite in Maine. Would you just briefly tell the committee what happens in Maine when the Federal Government thinks that we are getting money to honor our trust and treaty obligations?

Mr. FRANCIS. Sure, and thank you, and I think it is a good example of kind of what we are saying in terms of OMB's crosscut. They talk about a \$20 billion figure that gets out to Indian Country. We really know it is not half of that actually reaches Indian communities. So like in Maine, for example, you guys did a great job addressing opioid funding, for example, and getting opioid funds into States. We have not received a dollar of those funds through State government in Maine. We have also not received any money, as the congresswoman points out, in dealing with the Violence Against Women Program. However, I want to thank you all for your fix of that a few years ago, the reauthorization and including the main tribes. That was extremely important and historic, so we appreciate that.

So it is an example of tribes all across the country really struggling, whether they are PL 280 self-governing tribes. Whatever the statutes are in their State funding, I think just Congress needs to understand that with all the well intentions, it is not reaching everybody and that States need in their reporting, I think, to be held more accountable in terms of what demographic of people are actually being reached that the funding is intended for.

Ms. MCCOLLUM. And, Mr. Chair, before I conclude, I want to thank you for your testimony on behalf of the Great Lakes. We heard all about Idaho and Maine and their potatoes, but nobody can beat our water, so thank you for the work you do on that, and we are looking to see what we can do more. I took some more notes, and we will be talking with the GLIFWC and others that all work together on those issues, so Miigwetch.

Mr. TYLER. Chairman, may I something?

Mr. SIMPSON. Quickly, yeah.

Mr. TYLER. Yeah. I just wanted to share real quickly the Public Law 280, and since 1963, it was forced on us in Idaho. You are talking about direct funding. Is that funding actually coming to those seven areas of the concurrent jurisdiction, and there should be, like, an investigation because where is all that money going in those four counties. And then looking at those four areas up there, Department of Interior, EPA and Forest Service, and Department of Agriculture, and Indian Health Service, that is all part of life. We want to make sure that is all protected for resources of our reservations, Minesto plants, et cetera. I am really honored to be here as well and appreciate your time.

Mr. SIMPSON. Thank you. Whitney, what kind of fish is that on your bead work?

Ms. GRAVELLE. This is a pike. So Ghanoush Nakanims where I am from is the place of Northern Pike, so that is here representing the fish in the Great Lakes.

Mr. SIMPSON. Great. I appreciate it. I will tell you that we are going to hold a hearing later on this year on missing and murdered Indian women. It is a huge problem in this country. We lose 6,000 people. If that was any other subpopulation, there would be an outrage across this country, but not many people know that, and I think we need to delve into it. You got very, very few police officers and a lot of large reservations that they cover. Congress needs to do something about that, but I think it is going to come down in large part to the funding and the relationship with the FBI.

And I will tell you one quick story before we get on to the next panel. I was holding—I probably shouldn't say this—a fundraiser one day, and Lee came over to it. And I was talking at this fundraiser about how the far left and the far right in Congress are kind of at odds, and they make it hard to get anything done and all that kind of stuff at the end. I mean, he had a beaded necklace on, and it had a big eagle on it, beautiful piece of beadwork. And he said, I want you to know this magnificent bird has a left wing and it has a right wing, and it can only fly if both wings work together, which is something to think about. Anyway, thank you all for being here today. I appreciate it very much.

PANEL NUMBER TWO: Mr. Johnson, Mr. Seki, Mr. Dupuis, and Mr. Schlender.

[Pause.]

Mr. SIMPSON. Mr. Johnson, you are first.

TUESDAY, MAY 7, 2024.

PRAIRIE ISLAND INDIAN COMMUNITY

WITNESS

GRANT JOHNSON, PRESIDENT, PRAIRIE ISLAND INDIAN COMMUNITY

Mr. JOHNSON. Good morning, Chair Simpson, Ranking Member Pingree, and distinguished members of the subcommittee, and good morning to Congresswoman McCollum. It is good to see you.

Ms. MCCOLLUM. Good to see you, too.

Mr. JOHNSON. My name is Grant Johnson. I am the president of the Prairie Island Indian Community. Our tribe is grateful to be invited to testify today, and we thank you for your efforts to ensure that Indian Country receives the funding it so desperately needs.

While our tribe and our Mdewakanton Dakota ancestors have lived along the banks of the Mississippi River for countless generations, the Federal Government took all the lands from us in the 19th century. The Department of Interior later reversed course and acquired land for our tribe on an island known as Prairie Island in the Mississippi River. Today, that land forms the core of our reservation. Unfortunately, the Federal Government also built and licensed infrastructure projects on and adjacent to Prairie Island that benefit other communities at our expense. More specifically,

we are burdened by a Federal dam that contributes to the repeated flooding of our reservation. The Federal Government's National Weather Service characterizes the worst level of flooding as a major flood event. Our reservation has been subject to four major flood events in the last 3 decades, the most recent one occurring just last year, in 2023. During these events, as well as in years with lower but still damaging flood levels, we are forced to use our own financial and human resources to build temporary barriers and to take other actions to try to protect homes, sacred and cultural sites, government offices, and tribal businesses.

Making matters worse, since the early 1970s, the Federal Government has licensed the continued operation of a nuclear power plant less than 700 yards from our reservation, despite the tribe's longstanding objections. Even though this nuclear plant is already one of the oldest in the United States, its operators are now petitioning to extend its license to 2054. Further, the Federal Government licensed the storage of more than a thousand tons of nuclear waste at the plant over the express objections of the tribe and the Bureau of Indian Affairs. Plant operators are now petitioned to expand this nuclear waste storage to as much as 2,100 tons. Finally, trains carrying hazardous materials across our reservation and often block the only access on and off Prairie Island even in emergency situations. We are constantly concerned about what would happen if our members, business patrons, and employees are unable to evacuate the island in a nuclear or flooding emergency due to rail traffic.

Separately and together, these three infrastructure projects continuously endanger the health and safety of our members and the viability of the tribal businesses that provide the bulk of the revenue to fund our government. We know of no other community in America forced to live in such close proximity to these threats. It is against this backdrop that we urge the subcommittee to prioritize three categories for Federal funding.

First, we are in desperate need of relocation funds. Our tribe has had no choice but to seek additional reservation land to remove ourselves from the threats I have just described. We use our own money to buy land, known as Elkron, that is located within our historic territory and within 50 miles of Prairie Island, consistent with an agreement we have with State of Minnesota. We need Federal funding to build infrastructure and homes on this land. Unfortunately, existing Federal funding for tribal relocation is woefully inadequate, and nearly all such funding has been directed to addressing land loss caused by climate change. The Prairie Island Indian Community's relocation needs are necessitated not just by climate change, but most fundamentally, by hazards caused by Federal-constructed and licensed infrastructure projects. We urge Congress to make relocation funding available to tribes with environmental justice threats like ours.

Second, we urge that more Federal funding needs to be available to support law enforcement in the country. In light of the severe threats faced by our tribe, adequate law enforcement, public safety, emergency response infrastructure is critical for the protection of our citizens, patrons, and employees. The BIA has long reported that Indian Country law enforcement funding is adequate, and we

urge Congress to prioritize funding to meet these public safety needs. We note we have submitted a community project funding request for an updated mobile command vehicle for our first responders to use in an emergency.

Finally, we need funding for the preparation of a comprehensive emergency plan. Without adequate planning, chaos inherently follows a nuclear event, catastrophic flooding, or hazardous substance released from a train derailment. We need a single point of contact to help coordinate the multiple Federal agencies that would be involved, and we need funding for the development of a Federal emergency plan. Our funding request is compelled by the Federal Government's general trust responsibility to our tribe, particularly given that the grave threats we face are federally created.

Thank you for your time today, and I am happy to answer any questions.

[The statement of Mr. Johnson follows:]



**THE PRAIRIE ISLAND INDIAN COMMUNITY
TESTIMONY OF THE HON. GRANT JOHNSON, PRESIDENT**

**U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

May 7, 2024

Summary of Agency/Program and Funding Requests

- 1. Funding for Relocation of Tribal Communities Threatened by Existential Environmental Justice Issues*
 - 2. Funding for Tribal Law Enforcement and Emergency Response*
 - 3. Funding for Tribal Emergency Plan Development / Agency Contact*
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INTRODUCTION AND BACKGROUND

Chairman Simpson, Ranking Member Pingree, and distinguished Members of the Subcommittee, thank you for this opportunity to testify on behalf of the Prairie Island Indian Community. My name is Grant Johnson. I am the elected President of the Prairie Island Indian Community Tribal Council. Our Tribe and our Mdewakanton Dakota ancestors have resided along the banks of the Mississippi River for countless generations. In the late 1800s and again in the 1930s, the federal government acquired land for our Tribe on an island – Prairie Island – located in the Mississippi River between Minnesota and Wisconsin. The core of our Reservation today is located on that same island. Unfortunately, federal (and federally licensed) infrastructure projects continuously threaten the health and safety of our members and the continued viability of the Tribal economy that provides the bulk of the funding we need to run our government.

As described below, our Tribe faces a “trifecta” of threats on our Reservation: flooding caused by a federal dam, immediate proximity to a federally-licensed nuclear power plant and nuclear waste storage site, and hazardous train traffic that often blocks access on and off the island even in emergency situations – all infrastructure that benefits other people at our expense. These circumstances underpin our request that the Subcommittee prioritize funding for (1) relocation of Tribal communities facing existential Environmental Justice threats (especially ones created by

federal actions), (2) tribal law enforcement and emergency response, and (3) emergency plan development (including identification of a centralized agency contact point) for deployment on reservation lands.

Due to the federal government's construction of Lock and Dam No. 3, our Reservation constantly faces the risk of flooding. Congress did not authorize this flooding, and we have not been compensated for the taking of our property rights. Flooding endangers our citizens, threatens our livelihood, and prevents safe housing and economic development on our Reservation. In response to each flood event, we are forced to use our own resources to construct expensive safeguards to protect our employees, patrons, and the tribal businesses (primarily our gaming facility) that generate funding to run our government.

As recently as a year ago – in April 2023, our Reservation was inundated by a “major flood” event.¹ The National Weather Service explains that a “major flood” event is one in which there is “extensive inundation of structures and roads in addition to the possible significant evacuations of people and/or transfer of property to higher elevations.”² Over the last three decades our Reservation has been subjected to four “major flood” events – meaning the youngest generation of our Tribal members has experienced the “significant evacuations of people and/or transfer of property to higher elevations” four times already – something most other Americans never experience in a lifetime. In addition to the major flood that occurred last year, major floods have been recorded on our Reservation in 1951, 1952, 1965, 1969, 1997, and twice in 2001.³ The National Weather Service also has recorded floods at lower but still damaging levels in 1967, 1993, 2010, 2011 (twice), 2014, and 2019.⁴ During these flooding events, we are forced to use our own financial and human resources to build temporary sandbag barriers and to take other actions to try to protect homes, sacred and cultural sites, government offices, and Tribal businesses.

Making matters significantly worse is the fact that in 1973 and 1974 the federal government licensed the operation of the Prairie Island Nuclear Generating Plant on our same island less than 700 yards from our Reservation. Our Tribal members and Tribal lands are exposed to constant low-dose radiation emissions,⁵ various nuclear “incidents,” and the continuing threat of a catastrophic nuclear accident. The nuclear plant – already one of the oldest in the United States – is in the process of being relicensed to continue to operate through 2054 to meet carbon reduction goals.

¹ See <https://water.weather.gov/ahps2/hydrograph.php?wfo=mpx&gage=rdwm5>; see also, e.g., “Mississippi crests in Red Wing at highest levels since 2001,” CBS News (Apr. 26, 2023), <https://www.cbsnews.com/minnesota/news/mississippi-crests-in-red-wing-at-highest-levels-since-2001/>.

² Flood Preparedness Week - Flooding and Related Phenomena, National Weather Service, https://www.weather.gov/ffc/flood Awareness_flooding, (emphasis added).

³ See <https://water.weather.gov/ahps2/hydrograph.php?wfo=mpx&gage=rdwm5>.

⁴ *Id.*

⁵ Our tribal members grow up exposed to low-dose radiation risks that the federal government admits are unstudied and not well understood. The White House’s National Science and Technology Council has warned that the “[i]nadequate understanding of low-dose radiation health effects, including whether or not low-dose radiation causes cancer, results in significant societal and financial impacts.” *Radiation Biology: A Response to the American Innovation and Competitiveness Act*, National Science and Technology Council (January 2022) at 2.

Because there is no permanent federal repository for spent nuclear fuel,⁶ the nuclear power plant stores its nuclear waste on-site at Prairie Island pursuant to a license issued by the federal Nuclear Regulatory Commission in 1993. Currently more than 1,000 tons of nuclear waste are licensed for storage, and that storage also is located less than 700 yards from our Reservation. The owners of the nuclear plant are petitioning to expand the amount of nuclear waste that can be stored there to as much as 2,100 tons. When the nuclear plant finally is decommissioned in the 2050s, *even more* nuclear waste will have to be sited there.⁷ The Bureau of Indian Affairs strongly opposed the licensing of nuclear waste storage next to our Reservation, writing that the “imposition of risks of containment failure, the increase in radiation exposure, and the emotional impact of the [nuclear waste storage facility] upon the Prairie Island Indian Community *is an unreasonable burden.*”⁸ And yet the amount of nuclear waste stored there continues to grow. No other community in the United States has been forced to live in this close proximity to a nuclear plant or nuclear waste. It is against this backdrop that the Tribe urges Congress to provide much needed federal funding as follows.

I. RELOCATION FUNDING FOR TRIBES THREATENED BY ENVIRONMENTAL JUSTICE ISSUES

Our Tribe has had no choice but to seek additional reservation land located at a safe distance from the existential threats described above. We used our own funds to buy land within our historic territory far enough away from the threats created by the federal government, and within a 50-mile radius of Prairie Island consistent with an agreement with the State of Minnesota. We need this new land placed in trust and we need federal financial help to develop infrastructure, housing, and employment opportunities there. Unfortunately, existing federal funding for tribal relocation is woefully inadequate,⁹ and nearly all such funding has been focused on addressing only land loss caused by climate-related flooding.¹⁰ The Prairie Island Indian Community’s relocation needs are necessitated not just by climate change, but most fundamentally by hazards caused by federally constructed and federally licensed infrastructure projects that benefit other communities while creating untenable Environmental Justice issues for our Tribe. We urge Congress to make

⁶ See U.S. Gov’t Accountability Off., GAO-21-603, “Commercial Spent Nuclear Fuel: Congressional Action Needed to Break Impasse and Develop a Permanent Disposal Solution” (2021).

⁷ In The Matter Of The Application Of Northern States Power Company, Minnesota D/B/A Xcel Energy For A Certificate Of Need For Additional Dry Cask Storage At The Prairie Island Nuclear Generating Plant Independent Spent Fuel Storage Installation, Docket No. E002/CN-24-68.

⁸ Letter from Earl Barlow, Area Director, Bureau of Indian Affairs, to Robert Cupit, Minnesota Environmental Quality Board cmt. ltr. 16 (Jan. 1991) *contained within* Minnesota Environmental Quality Board, Prairie Island Independent Spent Fuel Installation, Final Environmental Impact Statement at 7.1 (Apr. 12, 1991), <https://www.leg.state.mn.us/docs/pre2003/other/910498.pdf>.

⁹ See generally “Informational Report: The Unmet Infrastructure Needs of Tribal Communities and Alaska Native Villages in Process of Relocating to Higher Ground as a Result of Climate Change,” Bureau of Indian Affairs (May 2020) (estimating that up to \$5 billion will be needed across the next 50 years to help tribes relocate in response to climate change impacts).

¹⁰ See, e.g., “Biden-Harris Administration Announces \$120 Million from President’s Investing in America Agenda to Enhance Climate Resilience in Tribal Communities,” Department of the Interior (Mar. 14, 2024), <https://www.doi.gov/pressreleases/biden-harris-administration-announces-120-million-presidents-investing-america-agenda>.

relocation funding available to Tribes like ours that face existential, federally created Environmental Justice threats.

II. TRIBAL LAW ENFORCEMENT, PUBLIC SAFETY AND EMERGENCY RESPONSE

Given the severe threats faced by our Tribe, adequate law enforcement, public safety and emergency response infrastructure is crucial so that we can protect our citizens, patrons, and employees. Yet as you know, federal funding for law enforcement, public safety and emergency response does not come close to meeting Indian Country's needs. In 2018 BIA estimated that it would cost \$1.3 billion to fully fund Indian Country law enforcement services, with another \$1.2 billion needed to fund tribal courts.¹¹ The amount of such funding needed for Indian Country has only increased since then. We urge Congress to prioritize funding to meet this need. In light of the risk of a catastrophic event occurring at our Reservation, the Tribe requested funds through the FY 2025 Community Project Funding process to purchase a mobile incident command vehicle. The Tribe's current mobile incident command vehicle (a retrofitted recreational vehicle) is outdated and ill-equipped. The Tribe seeks funds to purchase an updated, specialized vehicle to be better prepared for the wide range of emergencies that could occur on our Reservation, whether that be a nuclear event, flooding, or a train derailment. Even if that funding is awarded, though, the need for additional public safety funding for Prairie Island and tribes across Indian Country is acute.

III. DEVELOPMENT OF TRIBAL EMERGENCY PLANS

Without adequate planning, chaos inherently follows a nuclear event (*e.g.*, Fukushima), catastrophic flooding (*e.g.*, Katrina), or a hazardous substance release from a train derailment (*e.g.*, East Palestine). (And these threats could interact to create an even greater catastrophe, *e.g.*, derailment of a train carrying hazardous materials causing loss of life and property could potentially also trigger a nuclear incident.) Yet our Federal Trustee has not developed a comprehensive emergency plan to respond to the threats facing us. If and when an emergency takes place, we have nowhere to go to obtain help coordinating communications with the multiple federal agencies that would be involved (*e.g.*, Interior, the Federal Emergency Management Agency, Nuclear Regulatory Commission, and possibly the Department of Transportation). Further, with our governmental infrastructure compromised and our businesses shuttered, we would have no funding to pay for emergency services (*e.g.*, emergency personnel, expert assistance, infrastructure redevelopment, and temporary housing) during the aftermath of the catastrophe and no way to rebuild afterwards. We need a single point of federal contact to be identified and funding for the development an emergency plan. This requested funding is compelled by the federal government's general trust responsibility to us and because the existential risks we face are federally created and facilitated.

CONCLUSION

The Prairie Island Indian Community is very appreciative of the Subcommittee's interest in our concerns and our funding needs. We are happy to answer any questions you may have, and we look forward to working with you.

¹¹ Bureau of Indian Affairs, Office of Justice Services, "Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2018" at 1 (July 2020).

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Appropriations

Subcommittee: Interior, Environment, and Related Agencies

Hearing Date: 05/07/2024

Hearing Title :

American Indian/Alaska Native Public Witness Hearings

Witness Name: Grant Johnson

Position/Title: President, Prairie Island Indian Community

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Prairie Island Indian Community

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

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Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

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Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (S)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
 - (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
 - (C) The disclosure referred to in subdivision (B)(ii) shall include—(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
 - (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

Appropriations

05/07/2024 American Indian Alaska Native Public Witness Hearings

False Statements Certification	
Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.	
	<u>4/29/24</u>
Witness signature	Date



Prairie Island Indian Community Tribal Council
President – Grant Johnson



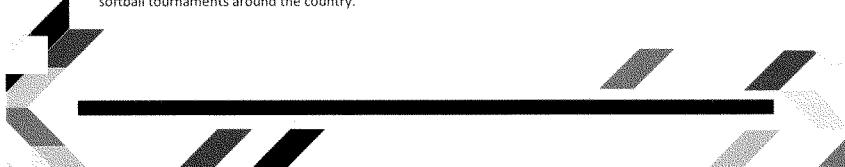
President Grant Johnson is serving his first term on Tribal Council for the Prairie Island Indian Community.

While new to Tribal Council for the 2023-2025 term, President Johnson has over 20 years of service to his Community in various positions. For the past five years, Johnson served as the Tribal Administrator managing government operations for the Tribe. In that role, he managed the Tribe's employees and operating budget, and led or assisted in various significant efforts for the Tribe, including navigating government through the COVID-19 pandemic, a major strategic planning initiative, the net zero project, and economic diversification planning. Before taking on the Tribal Administrator role, President Johnson spent nine years on the Tribe's Gaming Commission overseeing compliance and surveillance.

President Johnson believes strongly in the importance of Members being involved in their government and giving back to their community, and that's why he ran for Tribal Council.

As a Council member, President Johnson's priorities include protection of the Tribe and its members, economic development and diversification, furthering education and employment opportunities for Tribal members, and supporting the preservation and revitalization of Dakota culture and language.

President Johnson has lived most of his life on, around, or working for Tinta Wita (Prairie Island), and he graduated from Red Wing High School. He currently lives in Cottage Grove with his wife and three children. Johnson enjoys traveling, spending time with family and friends, coaching, and watching his kid's sporting events. He likes to hunt, fish, and stay active by playing hockey, and has played in All-Native softball tournaments around the country.



Mr. ELLZEY. [Presiding.] Chairman Seki, the Red Lake Band of Chippewa Indians.

TUESDAY, MAY 7, 2024.

RED LAKE BAND OF CHIPPEWA INDIANS

WITNESS

DARRELL SEKI, SR., CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS

Mr. SEKI. Good morning. [Speaking native language.] Good afternoon to all our friends here. I am Darrell Seki, senior chairman of the Red Lake Nation. This is my third term as chairman, and I am proud to say this subcommittee has always worked in bipartisan manner to do the best they can for Indian Country, and I believe in all of you to continue this tradition.

Today I want to talk about four appropriation requests. These funding requests would help improve the lives of Red Lake's 17,000-plus members. First, we support the Tribal Interior Budget Council's recommendation based on the latest TLOA report to Congress for additional \$1.1 billion for tribal law enforcement, \$1.1 billion for tribal courts, \$103 million for detention operations, and \$8.5 million specifically for Red Lake law enforcement.

Red Lake is in the midst of opiate crisis spurred by the non-Indian drug dealers. Red Lake law enforcement is doing their best, but they are hamstrung by two things. One, RBI funding is way too low. RBI public safety expenditures were \$8.5 million more than BIA provided over the last 2 years. Two, we cannot arrest and detain non-Indians. The drug dealers know this and they keep coming back. Congress needs to authorize tribal police to arrest detained non-Indian drug dealers. The 1978 Oliphant Law has to be changed so tribes can arrest and detain non-members that are hurting our people that are violating our tribal laws. Second, we request that you fully fund and expand, make permanent BIA's Tiwahe Initiative, that Tiwahe be declared an official government policy. Tiwari addresses many vital needs in our community from youth suicide prevention efforts, allowing our Children's Healing Center to implement a 27 youth residential treatment program for mental health, and substance abuse efforts to combat tribal members' unemployment rates.

I just returned from the third National Tiwahe Conference, and there were more than 250 attendees sharing their success stories and dreams of strengthening families. Thanks to you, last year, BIA was able to onboard four more Tiwahe sites, bringing the number to 10 sites and 65 tribes, and this year, BIA was able to provide one-time funds to 12 Tiwahe incubator sites to enable them to develop Tiwahe implementation plans so they will be ready to become full Tiwahe sites when Congress provides additional funds. The President has requested additional Tiwahe funding, and we ask for your support to expand Tiwahe to more tribes.

Third, we request financial assistance for Red Lake's crumbling water and wastewater infrastructure system. Most of this infrastructure dates back to the 1960s, and the lines are made of asbes-

tos, cement, and are seriously deteriorating. Our projects have been unable to get on the IHS sanitation deficiency list because IHS prioritizes projects where houses are crammed together to provide more service per mile. This IHS policy unfairly harms Red Lake, and we have nowhere else to go for financial assistance. We have six projects totaling \$39 million that are shovel ready, and we request this amount in fiscal year 2025.

Fourth, as I have raised in the past years, you must direct the IHS to immediately include both depreciation principal interest payments for eligible 105 lease facilities just as BIA does. In my hand, I have the Red Lake Nation treaties and agreements outlining the Federal trust responsibility to the tribes. You must continue to enforce these agreements, and I renew my call that the funding honoring these treaties must be mandatory and discretionary. In my right hand, I have the United States Constitution of America. Article VI treaties were adopted. It is the supreme law of the land. Promises were given to tribes but always broken promises, and we are forgotten. Do the right thing, Jimmy.

[Speaking native language] for allowing me to request your support for some of our most immediate needs at Red Lake as you enact 2025 appropriations that direct impact my constituents, and I want to say, we are a nation within a Nation. We are exercising our sovereignty inherent to self-govern. Miigwech.

[The statement of Mr. Seki follows:]

**RED LAKE BAND
of CHIPPEWA INDIANS**
RED LAKE NATION HEADQUARTERS

PO Box 550, Red Lake, MN 56671

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**TESTIMONY OF THE HONORABLE DARRELL G. SEKI SR.
CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS**

To the House Appropriations Subcommittee on Interior, Environment, & Related Agencies
on the FY 2025 Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), Indian
Health Service (IHS), and Environmental Protection Agency (EPA) Budgets

May 7, 2024

Chair Simpson, Ranking Member Pingree, chi miigwetch (thank you) and the other distinguished Subcommittee members for this opportunity to testify on behalf of the Red Lake Band of Chippewa Indians (Red Lake). Red Lake has 17,023 members, and an 840,000 acre Reservation held in trust by the United States. While diminished in size over time, our Reservation was never broken apart or allotted, and we are exempt from P.L. 83-280. Thus, we are responsible for a large area over which we exercise full governmental authority and control, in conjunction with the United States. Due to our remote location, there are few job opportunities available. While unemployment in Minnesota is 2.7%, ours remains close to 40%. The lack of good roads, communications, and other critical infrastructure impedes economic development and job creation. Federal appropriations are the primary way in which the United States fulfills its trust responsibility and honors its obligations to Tribes. And it is these appropriations that fund critical programs Red Lake uses to overcome the challenges of our region. As such, **Red Lake requests an additional \$53.5 million in FY 2025 funding for our programs as described in more detail below.**

Administer Federal Funding Through Formulas, Not Grants. Tribes are overwhelmed by the myriad of grants established by Congress, navigating burdensome applications, and complying with complicated reporting requirements which overwhelms our limited staff. Through hundreds of Tribal consultations, Tribes across the country have expressed this same frustration. For this reason, **Red Lake urges this Subcommittee to administer funding for Indian Country using formulas which are based on certified Tribal enrollment data instead of complicated grants.**

Provide Robust Funding for BIA and BIE. For years, BIA and BIE funding has fallen far below the President's budget request, less than this Subcommittee's recommendations, and less than Senate Interior Subcommittee's recommendations. We cannot recall a time when the final appropriation levels did not fall somewhere between the House and Senate recommendations. We do commend this Subcommittee for your strong support. You have always understood the importance and the need for more funding. But when the enacted levels for BIA and BIE fall hundreds of millions below what the President, the House, and Senate all recommended, something is wrong. For this reason, **we encourage you to fight tooth and nail to fund BIA and BIE at a combined total of \$23.7 billion, as recommended by the Tribal Interior Budget Council (TIBC) in their FY 2025 Budget Recommendations, and which comports with E.O. 14112, calling for full funding of tribal unmet budget needs across the federal government.**

TRIBAL COUNCIL Organized April 18, 1918 (Revised Constitution & By-Laws, January 6, 1959)
CHIEF COUNCIL OF 1889: May-dway-gwa-no-nind Nah-gaun-e-gwon-ab, Mays-o-co-clu-ay, Ahnab-me-ay-ge-slug, Naw-ay-tah-wowb;
Nah-wah-quay-go-slug

Protect Tribal Program Funding from Across the Board Rescissions. Since FY 2000 there have been 20, across-the-board rescissions to Tribal programs totaling 9.5% to provide support for things like Hurricane Katrina recovery. While the needs of these rescissions were met long ago, the cuts stayed in place. And since FY 2013 we lost another 5% from sequestration. These cuts have greatly reduced our ability to serve our citizens. Worse yet, inflation since FY 2000 was 65%. Pay Costs are the only increase many Tribal programs receive but since FY 2000 Interior agencies lost more than \$3 billion from only partial funding of Pay Costs. This Subcommittee has told all Administrations to request full Pay Cost funding in all budgets. We ask that you renew this call, and we ask for **\$5 million for Red Lake to partially restore what we have lost since FY 2000.**

Fully Fund and Expand the Tiwahe Initiative. Red Lake was one of the first Tribes to successfully implement the Tiwahe Initiative established in 2015 to improve the health and wellbeing of families in Tribal communities by reducing poverty, substance abuse, domestic violence, and associated outcomes, such as youth suicide. And we are seeing great success. In the last five years, we have only lost two youth to suicide. Although these losses hurt, we've made significant progress in our push to end youth suicide. Tiwahe has been critical for our Juvenile Wellness and Family Drug Courts, by providing funding to keep the courts staffed and functioning. Tiwahe Job Placement/Training funds have allowed us to offer training programs which directly create jobs and reduced reliance on TANF and other public assistance. Tiwahe enabled us to open and operate the Red Lake Children's Healing Center, a 24/7 youth residential treatment program providing vital mental health, substance abuse, and recidivism reduction services in a culturally sensitive way. And, Tiwahe has benefitted our family reunification program, keeping more children out of foster care, with a 56% reduction in out of home placements in the last 6 years.

Tribes are anxious to see Tiwahe expanded to benefit more tribal communities. I just returned from the third national Tiwahe conference hosted by the Pascua Yaqui Tribe, and there were more than 250 attendees excited to share their success stories and their hopes for strengthening families. Tiwahe tribes are in 14 states: Alaska, Washington, Idaho, Montana, Maine, Minnesota, Oklahoma, Arizona, North Dakota, South Dakota, New Mexico, Utah, Colorado, and Wisconsin. We also note Tiwahe's influence internationally. Former U.S. Sen. Tom Udall, now U.S. Ambassador to New Zealand, supported the conference by noting that one of his "priorities while serving as the U.S. Ambassador to New Zealand has been to engage with and learn from Māori communities and facilitate more indigenous community ties between our two countries." He noted the participation of a "delegation from New Zealand's Whanau Ora" at the conference and that "[t]hese two initiatives, (Tiwahe and Whanau Ora were) birthed independently, (and) are making great strides and it is wonderful that you are working together to help all of your communities go further."

We appreciate your ongoing funding provided to the original six Tiwahe sites, and we encourage you to continue providing the same level of support in FY 2025. And we much appreciate your providing new funding in FY 2022 and FY 2023 to add a total of four new demonstration sites (now 10 sites representing 65 tribes). In addition, BIA provided one-time funding this year to each of 12 additional Tiwahe Incubator tribes/consortia, to assist them in developing Tiwahe implementation plans, so that they will be ready to onboard as full Tiwahe demonstration sites in FY 2025 if Congress provides the additional funds. To achieve these efforts, **Red Lake supports the President's FY 2025 budget request for an increase of \$28.6 million across several Tiwahe budget lines, as well as additional funding, to support all the Tiwahe tribes, and to expand**

Tiwahe to benefit even more tribes:

- \$17.2 million in Tiwahe Social Services to expand Tiwahe to 13 additional Tribes/consortia, 15 additional Tiwahe Incubator sites, and National Tiwahe office support;
- \$7.5 million increase in Tiwahe ICWA funding;
- \$2 million increase for the Tiwahe Housing program;
- \$1.9 million increase for Tribal Justice Support for healing to wellness courts;
- \$2 million in Tiwahe Job Placement/Training funds;
- \$1 million in Tiwahe Courts funds; and
- \$5 million to establish a Tribal Economic Development component within Tiwahe to further development and deployment of multi-disciplinary socioeconomic solutions.

Increase Funding for BIA Law Enforcement, Courts, Detention, and Community Fire Protection.

Protection. In 2017, Red Lake declared a Public Health Emergency due to a sharp increase in opioid overdoses. Sadly, we continue to see horrific numbers of opioid and fentanyl related overdoses and deaths. Last year we had 107 overdoses and 8 deaths. Part of the problem is non-Indians entering the Reservation to peddle drugs. We routinely banish these criminals and turn them over to other agencies, because we lack the authority to arrest and detain non-Indians. The criminals know this and keep coming back here. We are working with U.S. Sens. Tina Smith (D-MN) and Amy Klobuchar (D-MN), and Congresswoman Betty McCollum (D-MN) to enact legislation that would authorize Tribal police to arrest and detain non-Indian drug dealers, and AS-IA Bryan Newland to assist in addressing this problem until that occurs.

We need your support to increase funding authorized in the Tribal Law and Order Act (TLOA). Since TLOA began, BIA public safety funding has shrunk. In the last two years, Red Lake had to spend \$8.5 million more than the BIA provided, which was taken from other critically underfunded Tribal programs. The BIA's latest TLOA report says Tribal law enforcement needs \$1.7 billion per year for minimal public safety. That is more than six-times the current funding level. The report also says Tribal courts need \$1.5 billion per year to provide adequate justice for Tribal citizens. That is thirty two-times the current level. We support TIBC recommendations for **an additional \$1.1 billion for law enforcement, \$1.1 billion for Tribal courts, and \$103 million for detention, and, an additional \$8.5 million for Red Lake Law Enforcement to combat our drug crisis.**

Community Fire Protection has been neglected for decades. We are responsible for fighting fires and protecting lives at Red Lake, on a yearly BIA-funded budget of only \$42,500. Our actual expenditures exceed \$1 million each year. We ask that you **provide \$10 million for Community Fire Protection in FY 2025, as well as \$1 million for Red Lake Community Fire Protection.**

Ensure Increases to Trust Natural Resources Support Self-Determination Tribes. Red Lake thanks this Subcommittee for providing General Increases for several important natural resource TPA programs in recent years, including Water Resources, Wildlife and Parks, Forestry, and the Tribal Management/Development program (TMDP). These increases are critical for Tribal governments with large land bases. Red Lake manages the 6th largest freshwater lake in the U.S. on less than \$1 per acre. Despite these much-needed increases, BIA excluded nine self-governance Tribes, including Red Lake, that operate TMDP programs from receiving a share of the TMDP increases despite these Tribes operating the same type TMDP programs as the other 638 tribes who received increases. In addition, the BIA did not follow Congressional intent with respect to

the General Increases in 2022 and 2023 for Water Resources and Wildlife and Parks. Red Lake has operated these programs for more than 30 years, but we received NO share of these General Increases. The Indian Self Determination and Education Assistance Act requires that self-governance Tribes be treated equally in any general funding increases. We ask that you direct BIA to fix these serious problems, provide an equitable share of all funding increases to self-governance tribes, and to follow Congressional intent with respect to General Increases, by including an equitable share of these increases to the tribes that operate these programs. **At the Subcommittee's request, we can provide documentation on the history of BIA's failure to treat Self Governance Tribes equitably regarding TMDP and other Natural Resource programs.**

Fully Fund IHS at \$54 Billion, Continue Support for Advanced Appropriations. We appreciate your efforts to secure advanced appropriations in FYs 2023 and 2024 and we ask you to continue this support in FY 2025 and beyond. There is a tremendous unmet need for IHS and Tribal health programs, stemming from years of chronic under funding. Mandatory increases for inflation, population growth, pay costs, and CSC surpass enacted increases. **We support the IHS Tribal Budget Formulation Workgroup's request to fully fund IHS at \$54 billion in FY 2025.** We also support budget requests of the National Indian Health Board, American Cancer Society Cancer Action Network, and others working to address shortfalls in our healthcare systems.

Direct IHS to Pay Both Sec. 105(l) Lease Depreciation and Principal and Interest Payments, Make Sec. 105(l) Mandatory Spending. Sec. 105(l) leases are a critical tool to ensure federal programs are provided in well-maintained buildings. However, the BIA and IHS do not implement the authority the same. The BIA correctly reads Sec. 105(l) to require the payment of debt service obligations (both principal and interest) of new construction, acquisition, or rehabilitation costs of leased facilities, as well as depreciation. But in 2021, the IHS refused to follow the law and would only pay depreciation, not principal and interest. Then, in 2022 IHS reversed course, and allowed principal and interest payments, but refused to allow depreciation. **IHS should be directed to immediately pay both depreciation and principal and interest payments for eligible facilities, just as BIA does to provide consistency for Indian Country.** Red Lake also calls upon Congress to classify Sec. 105(l) leases, and CSC, as mandatory spending.

Fully Fund EPA Programs. Spanning a geographic area the size of West Virginia, 60% of the Indian trust land in EPA Region 5 consists of Red Lake's Reservation. To manage and protect our water, wetlands, animals, and plants, Red Lake relies on critical EPA programs like Tribal GAP, Clean Water Act Sections 106 Pollution Control and 319 Nonpoint Source, Brownfields, and Clean Air Act Section 105. **We urge you to provide robust funding for these programs.**

Increase Funding for Drinking and Wastewater Infrastructure Projects on Tribal Lands. Red Lake maintains 85 miles of water lines and 45 miles of sanitary sewer lines, most of which were installed in the 1960s and are of deteriorating asbestos cement. We have three sewage lagoons that are at, or over capacity, which need to be expanded. Our crumbling water and sewer systems are in dire need of replacement and pose health and safety risks to both users and maintenance staff. We have been unable to get our projects on the IHS sanitation deficiency list because it prioritizes projects where houses are crammed together to provide more service per mile. This unfairly hurts Red Lake, and we have nowhere else to go for financial assistance. **We have six projects totaling \$39 million that are shovel-ready, and we request this amount in FY 2025.**

Truth in Testimony Disclosure Form

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Committee: Appropriations

Subcommittee: Interior, Environment and Related Agencies of the House of Rep. American Indian and Alaska Native Public Witness Day

Hearing Date: 05/07/2024

Hearing Title :

Tribal Witness Day

Witness Name: Darrell G. Seki, Sr.

Position/TITLE: Tribal Chairman

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

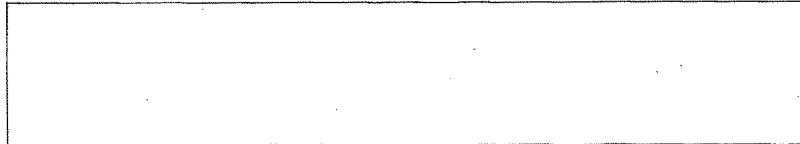
Red Lake Band of Chippewa Indians

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.



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Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
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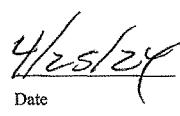
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	 Date
Witness signature	

Biography for Red Lake Tribal Chairman**Darrell G. Seki, Sr.**

Darrell G. Seki, Sr. was born in Red Lake, Minnesota. Raised by his grandparents, he has spent the majority of his life in the culturally rich village of Ponemah.

He graduated from Red Lake High School with honors, and received an Associate's Degree in Junior Accounting from Rasmussen College, as well as two years of study at the University of Minnesota. Darrell is a veteran of the Vietnam War.

Darrell has worked for the Red Lake Nation in various capacities for over 40 years, including as Executive Administrator. Darrell was elected by the people of Red Lake as Treasurer of the Tribal Council in 2002, where he served three, 4-year terms, until his election as Chairman of the Tribe in 2014. He was re-elected as Chairman in 2018 and in 2022. He is currently serving his 3rd term as Chairman.

Darrell is also one of the longest-serving members of the Tribal Interior Budget Council (TIBC), and has represented the Midwest Region for 20 years.

Mr. ELLZEY. Thank you, Chairman, and welcome home. Chairman Kevin Dupuis of Fond du Lac Band of Lake Superior Chippewa and an 8-year Marine. Over to you, sir.

TUESDAY, MAY 7, 2024.

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

WITNESS

KEVIN DUPUIS, SR.

Mr. DUPUIS. [Speaking native language.] Hello. My name is Kevin Dupuis. I am the Fond du Lac chairman. I would just like to say thank you, Chairman Simpson and Ranking Member Pin-gree.

I have come here for many, many years, and I don't think there is anything that I can say today that you haven't already heard from tribal members throughout the country over the years. But what I want to bring up is the reality of the things that people request, including Fond du Lac and other tribes.

We listen to my brother to my left here, Chairman Seki. I have known him for many years and working together with him, and hearing the issues of my brother over here from Prairie Island, my brother here from LCO, and listening to what they all have to say, and prior tribal leadership that have come in front of them. Again, what you have been hearing is nothing new. It is a continuation, and I heard comments earlier when I was sitting there on why these things are the way that they are.

I don't know what the reason is why they are the way they are, but the simplicity is this. We are dual citizens in the Act of 1924, and people forget that. Individual States forget that they still have a duty and responsibility based on that dual citizenship. And to Chairman Seki's point, the treaty rights and reserve rights trust responsibility is supreme law of the land. And every time we go into a perspective to talk about what we need and what we want for our reservations and our home, it seems that we have this bureaucracy that sits in front of us, but the reality is this. We are a people, too, and I need to say the way that I feel. We see you, but does everybody see us?

And we live in every direction we turn. To the forward, to the back, to our left or to our right, we are looking at somebody who surrounds us. And the question always comes up from my brother, Kevin Jensvold from Upper Sioux, is be invisible. I am not going to use that term, "invisible." I am just going to make the basic term of the simplicity of saying, do you see us?

Our land, our resources, everybody wants, everybody has used. Treaty rights, usufructuary rights, things that have been taken out of the ground—granite, marble—to build these great, huge, beautiful buildings in every city in the country, and that resource has been taken, and sometimes it is to the point that we are just asking for it back. If somebody is done using it and destroyed it the way it is, give it back to us so we can build land mass.

The other thing is when we take a look at the reality, and we talked about VAWA, that is a very big thing in Indian Country. We

have our own police departments, we have our own law enforcement, we have our own court systems, but we are still looked at as, again, as second class compared to everything else. If we were a regular municipality, to your words, ma'am, why won't we be treated like everybody else? And the issue is the original inhabitants of this land, we have a true identity, we have a language, we have a culture, and it needs to be understood. If we can look at and the law says that we have true sovereignty and legitimate governments, then why aren't we looked at as true, legitimate governments?

Why are we the only group of people that really has to come up and ask for help when the reality is if we were treated basically the same as everybody else and looked at the same, we wouldn't be doing these things. But as this unique political entity that we are under that principles, and we understand that, then we are going to come here every year and we are going to ask for these things, and it is not a point of asking anymore. It is got to be a demand.

Our people are dying in alarming rates. If we only make up 1 percent of the population in the State of Minnesota and there is 5.7 million people, and we have the highest disparities of anywhere, we have to do the math. We have to do the math. If every assessment is done on a disparity and it is based on a hundred thousand, and the tribal membership in the State of Minnesota is federally-recognized tribes of 11 bands and tribes in the State, we don't make up a hundred thousand, so in theory, we are not part of anybody's formula. But these numbers are used to generate revenue throughout, and we are the ones not getting the revenue. So if we make up 12 percent of the homeless population in the State of Minnesota, why aren't we getting 12 percent of the funding? If we make up 34.7 percent of the suicide rate in the State of Minnesota, then why aren't we receiving 34.7 percent of the suicide prevention revenue? It is a simple math issue and in reality.

We try to do what is best for our people. And again, I didn't want to come here and talk about things that you guys have already heard, and you are going to hear it a thousand more times, but these are the things that we need to understand that we are here and does everybody see us. And if everybody truly does see us, then everybody has to come to the table and listen to what we have to say and find resolve to the issues that we have. Miigwech.

[The statement of Mr. Dupuis follows:]

TESTIMONY CONCERNING FISCAL YEAR 2025
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
KEVIN R. DUPUIS, SR., CHAIRMAN

May 7, 2024

Chairman Simpson, Ranking Member Pingree, and respected members of the Committee, I am Kevin Dupuis, the Chairman of the Fond du Lac Band of Lake Superior Chippewa. On behalf of the Band, I would like to thank you for inviting me to testify. We submit this testimony to urge Congress to increase, or, at the very least preserve, the federal funding levels for Indian programs.

As we talk about funding needs in Indian country, it is essential to keep in mind that the problems that face communities nationwide are far more severe for Indian communities, with tribes having far fewer resources to address problems like substance abuse, domestic violence, public safety, and homelessness. The Band has worked, and will continue to work, to find solutions to problems of this kind. With seed money from federal funds, we provide health, education, social services, public safety and other governmental services to our 4,200 members and more than 7,300 Indian people who live on and near our Reservation. We are proud of what we have accomplished, but more remains to be done. Federal funding allows us to use Band resources and attract private partners so we can provide jobs, grow the local economy, educate our children, prevent crime, and care for our elders and infirm. We urge Congress to continue to fund these programs.

BIA: Trust-Natural Resources Management. There is nothing more important than preserving and protecting the territories and resources that our ancestors reserved for our people when they signed our Treaties with the United States. The Band is committed to the management, conservation, and sustainability of the natural resources of the Fond du Lac Reservation and within our Ceded Territory, where we have Treaty rights to hunt, fish and gather. We urge you to provide full funding for Trust-Natural Resources Management in FY 2025, including increased funding for Rights Protection and Implementation which will allow us to protect, enhance, and restore natural resources within our Reservation and Ceded Territory.

Our Reservation consists of 101,153 acres, including forests, lakes and rivers that must be managed and protected for the current and future generations. Our Ceded Territory covers 30 million acres in portions of Upper Michigan, Northern Wisconsin, North Central Minnesota and all of Lake Superior within the United States. The challenges to our natural resources across the region are diverse and complex, from species restoration and reintroduction to adaptation to climate change. Band members depend on our Treaty rights to put food on the table and for ceremonial practices that serve as the foundation for our culture. The stewardship of those natural resources—through scientific study, resource management, and enforcement of Band laws that regulate tribal members who hunt, fish and gather—is critical and an important source of local employment.

A great example of how the Band utilizes BIA funding can be seen with how we use BIA Endangered Species Program dollars to monitor our local ma'iinganag (wolves). Ma'iingan (the wolf) is an animal of special cultural significance to the Ojibwe people. BIA's Endangered Species Program

funding has enabled the Band to annually estimate the number of wolves, track where they go and what happens to them. We have been able to determine how wolves responded to oil pipeline construction across the Reservation, we annually cooperate with the Minnesota Department of Natural Resources to estimate statewide wolf populations and cooperate with local school districts and students on wolf ecology presentations and student science fair competitions.

Environmental Protection Agency (EPA). We appreciate Congress's continued support to provide federal funds for EPA, but we ask that funding for EPA in FY 2025 be increased.

State and Tribal Assurances Grants (STAG). We thank Congress for continuing to support funding for STAG, including increasing funding for Sections 106 and 319 funding. We strongly urge Congress to increase funding for this Program, which has not seen a substantive increase in years, yet the Band's responsibilities continue to grow and face increasing pressures and obstacles.

Water Quality. We have a robust federally-approved water quality standards program. Given the current threats to water resources in our region, we urge that Tribal Section 106 funding be doubled so that we can do the work needed to protect our waters. Additionally, Congress should continue to provide funding to EPA to support tribal training in ATTAINS, the national water quality assessment database as well as training funding to assist tribes in conducting and reporting on water quality assessments. Finally, as tribes apply for treatment as a state to implement various Clean Water Act regulatory programs, such as 303(c) or water quality standards, 404 wetland dredge and fill permitting, 402 NPDES permitting, or 303(d) impaired waters listing and Total Maximum Daily Load implementation, there should be financial support for that capacity.

Air. We have a long-standing air monitoring program that has faced a steady decline in federal funding. As the impacts of climate change continue to be felt in higher temperatures and more frequent heavy precipitation events, both indoor and ambient air quality concerns continue to impact Band members and their health. We request that air quality program funding for tribes be increased.

Climate Change. Climate crisis is imminent, and we request funding for planning, preparation and adaptation to deal with this existential threat to resources both on our Reservation and in our Ceded Territory.

Wetlands. One-half of our Reservation is made up of wetlands. Funding for sustained wetland monitoring and protection for proper management and restoration of this valuable resource is needed.

Great Lakes Restoration Initiative. The Band fully supports this initiative and thanks Congress for its continued bi-partisan support. We ask that Congress maintain the current level of funding for this initiative. This initiative has broad-reaching benefits to resources of importance for all stakeholders (state, tribal and private) in the Great Lakes region. Funding helps support our wildlife programs, wild rice restoration efforts, fisheries stewardship and environmental staffing capacity. A good example of how this funding has a regional impact is how the Band has led an effort supported by the Great Lakes Restoration Initiative to restore omashkooz (elk) to the Band's Reservation and parts of the Lake Superior basin where they've been absent for over 150 years. Elk restoration will return a native species adaptable to a wide range of future climates, diversify and increase the Band's natural food sources and provide a local economic boost from elk tourism.

Invasive Species. Invasive species threaten all natural resources within the Reservation and in the Band's Ceded Territory. They can inhibit cultural, agricultural, recreational, and ecological use of the land. Due to increasing pressure from climate change, development, and transportation we are finding invasive species in more areas than ever. To protect our resources, the Band utilizes federal funding for its comprehensive program for the prevention, control, education, and monitoring of invasive species. We request continued funding and more capacity funding be made available for long term positions and programs for invasive species management.

BIA: Public Safety and Justice. A significant part of protecting our homeland is having a fully staffed and trained law enforcement department. We appreciate Congress's decision to increase funding for BIA's Public Safety and Justice, including funding to solve Missing and Murdered Indigenous Women cold cases. Our law enforcement responds to a wide range of issues and calls, with the largest issues being related to opioids and other substance abuse problems.

We address law enforcement by a combination of tribal and available federal funds and cooperative agreements with local law enforcement agencies, but more funding is needed. To meet need, we should have 25 full-time peace officers to provide 24-hour coverage on the Fond du Lac Reservation, but currently we only have 21. Those 21 peace officers include the Chief of Police, Lieutenant Chief of Police, 4 Investigators (General Crimes, Sex Trafficking, Narcotics), 1 Victim Advocacy Officer, 4 Patrol Sergeants, 9 Patrol Officers, 1 Officer in Field Training Program, and 1 K-9 Officer. With additional funding we would be able to add 2 more General Crimes and Narcotics Investigators. This would allow us to better respond to calls and protect our Reservation community. We currently respond to over 9,100 calls per year in two counties, an increase of approximately 30% in the last year.

Funding is also needed for training. Due to the COVID-19 pandemic and with an increase in the drug epidemic and related crimes, our officers need, but are not receiving, vital training, including for dealing with an increase in people with mental health issues. We have consistently seen an increase in Heroin and Fentanyl overdoses, including fatal overdoses. We are also seeing that these incidents correlate with general crimes, burglary, theft and assaults. We have a regular need to replace equipment, including both marked and unmarked squad vehicles for narcotic investigations. A patrol vehicle typically only lasts three years due to the needs of law enforcement and our expansive patrol area—we have 2 major highways on the north and south borders of our Reservation and 1 major interstate along our eastern border.

With the evolving trends in drug/illegal substances, our law enforcement has experienced an increase in services and equipment needs. Officer safety is critical in this area as the substances are becoming more dangerous to officers and all parties involved. Increased funding for Personal Protection Equipment is needed as costs are rising. Although our officers are utilizing equipment and training to address these community needs, more funding is needed for substance testing and identification, as well as First Aid response supplies for medical overdoses.

Bureau of Indian Education. With funding from the BIE and the Department of Education, we operate the Fond du Lac Ojibwe School serving an average of 220 children from pre-K through 12th grade. BIE has failed to provide any funding increases to meet our needs.

More than 90% of our students come from very low-income households, and 97.3% receive free or reduced-price lunch, which is an increase from prior years. We are slowly making progress in improving the outcomes for our students. While the high school graduation rates for American Indians in Minnesota is at 61.3%, we are now at 71.43%, which is still far behind the state-wide rate of 83.7%. BIE funding has never kept pace with need, which prevents us from providing the educational services needed for our students. We urge Congress to significantly increase federal funding for Indian education.

Indian Health Service. We appreciate Congress's continued support to increase funding for IHS. However, incremental increases do not begin to address substandard outcomes in tribal communities. We urge Congress to both provide full funding and continue to advance appropriations for IHS. Our members continue to face severe disparities across a broad range of health issues. We serve over 7,300 Indian people at our clinics, but the current funding level meets only 33% of our health care funding needs.

We support the preservation of Medicaid, and the continuation of the Indian Health Care Improvement Act ("IHCIA") and other Indian-specific provisions in the Patient Protection and Affordable Care Act. We believe there needs to be dedicated funding to begin implementing the new authorities contained in the IHCIA, which have not yet been implemented and funded.

We continue to support Congress's prior actions to provide advance appropriations for IHS and request that this be continued. We also believe that tribal health and other programs should be permanently excluded from sequestration and rescissions. IHS is the only federal health care system created as the result of treaty obligations, yet it is the most chronically underfunded.

We support the proposal to make both Contract Support Costs and the 105(l) leasing funding mandatory, including establishing a mandatory appropriations account that is funded every year. This is important because this funding, which is a non-discretionary funding obligation for the agency, competes with discretionary funding. As a result, any Congressional increase in discretionary funding for IHS never truly results in the full amount of that funding reaching discretionary programs because a large part gets redirected to cover IHS's legal obligations to fund Contract Support Costs and 105(1) leasing requirements.

We also support permanent reauthorization of the Special Diabetes Program for Indians ("SDPI") and that it be funded at \$250 million per year indexed for inflation. Tribes and tribal organizations should also be authorized to receive SDPI awards through P.L. 93-638 contracts or compacts.

Congress recognized that the COVID-19 pandemic exposed the lack of infrastructure funding and support for tribes. To address this need we support an increase of \$627.5 million as well as recurring funding to support Public Health Infrastructure. Lastly, Congress should authorize Federally-Operated health facilities and IHS headquarters to use federal dollars efficiently and adjust programmatic fund flexibility across accounts at the local level, in consultation with tribes.

Miigwech. Thank you.

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Subcommittee:	Interior Environment and Related Agencies	<input checked="" type="checkbox"/>
Hearing Date:	04/25/2024	
Hearing Title :	Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies of the House of Representatives American Indian and Alaska Native Public Witness Day	

Witness Name: Kevun Dupuis Sr.

Position/TITLE: Chairman

Witness Type: Governmental Non-governmental

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Fond du Lac Band of Lake Superior Chippewa

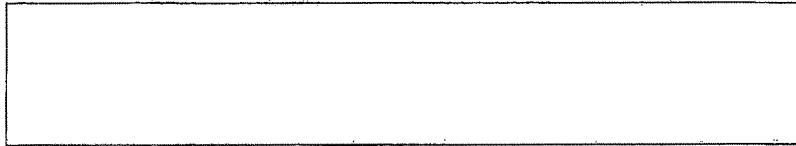
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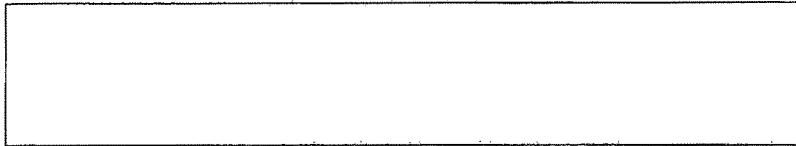
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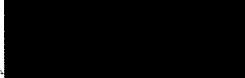
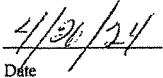
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Appropriations



04/25/2024 Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies of the House of Representatives American Indian and Alaska Native Public Witness Day

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Witness signature	Date

Appropriations



04/25/2024 Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies of the House of Representatives American Indian and Alaska Native Public Witness Day

**Chairman Kevin Dupuis Sr.
Biography**

Kevin R. Dupuis, Sr. serves as Chairman of the Fond du Lac Band of Lake Superior Chippewa since his election to that position in 2016. In that capacity, he is committed to improving the lives of the Band's 4,200 members and the overall community of 7,300 Indian people who rely on the services that are provided by the Band in the region. In addition to serving as Chairman of the Fond du Lac Band, Mr. Dupuis was, in 2016, also elected to serve as the President of the Minnesota Chippewa Tribe, which is comprised of the Fond du Lac Band along with five other Chippewa Bands in Minnesota. Mr. Dupuis has devoted his life to his people and his country.

He served in the U.S. Marine Corps for eight years (1982-1990). After completing basic training, he volunteered for Marine Reconnaissance and was first was stationed at Camp Talega, Camp Pendleton, CA. Thereafter he served as an instructor for the ship defense force at the Naval Amphibious Base in Little Creek, VA, and later as a reconnaissance instructor at Fort Story, VA and then Camp Lejeune, NC. He also was deployed overseas. As Mr. Dupuis has stated, "I have been given the greatest honor I believe a man can achieve and that is to lead my brothers in arms."

Following his honorable discharge in June of 1990, Mr. Dupuis returned home to the Fond du Lac Reservation where he has been actively involved in the Fond du Lac community and has studied the Band's Treaties with the United States, along with tribal law and the principles of Indian law that affect tribal rights and responsibilities. In 2002, he ran for and was elected to Tribal office, serving as the Secretary/Treasurer of the Fond du Lac Band for four years (2002-2006). Several years later, he was again elected as a Council member representing the Reservation's Brookston District (2012 to 2016).

At other times he has worked for the Band's various business enterprises, as a cement mason and construction foreman, and as part of the security staff for the Band's gaming enterprises. For several years he also worked on an oil rig in North Dakota. Through all his work, Mr. Dupuis has been guided by the teachings of his Anishinaabe grandfathers: humility (dabaadendiziwin), bravery (aakwa'ode'ewin), honesty (gwekwaadziwin), wisdom (nibwaakaawin), respect (minwaadendamowin), truth (debwewin), and love (zaagidwin).

Mr. SIMPSON. Thank you, Kevin. Jason.

TUESDAY, MAY 7, 2024.

**GREAT LAKES INDIAN FISH AND WILDLIFE
COMMISSION**

WITNESS

**JASON SCHLENDER, ADMINISTRATOR, GREAT LAKES INDIAN FISH
AND WILDLIFE COMMISSION**

Mr. SCHLENDER. [Speaking native language.] So good morning, everybody. My name is Jason Schlender. I am the executive administrator of the Great Lakes and Indian Fish and Wildlife Commission. First of all, I would like to acknowledge Chairman Simpson, Ranking Member Pingree, and also distinguished Member McCol- lum from the State of Minnesota.

The Great Lakes Indian Fish and Wildlife Commission recently celebrated the 40th anniversary of its founding and of the 7th Circuit opinion reaffirming the rights guaranteed in treaties of 1837 and 1842. We also celebrated this year the 25th anniversary of the Supreme Court's reaffirmation of our treaty rights in the Mille Lacs v. Minnesota case. We truly appreciate Congress and this committee's support over the years. That support not only allows tribes to exercise their right to self-governance and the implemen- tation of Federal court orders that resulted from litigation, but also helps to fulfill the United States obligation under those treaties.

As you know, GLIFWC's fundamental job relates to the assist- ance of implementation of our treaty rights, whether it is issuing harvest permits, monitoring harvests, enforcing tribal laws, and ensur- ing safety of our tribal members. And we do that work well, but we also strive to meet the myriad of challenges that face us by re- maining creative, innovative, and responsive. From climate change to non-native beings, the threats to treaty resources are many.

One current challenge, less directly related to environmental con- ditions, which is equally, if not more important, relates to transfer- ring knowledge and cultural practices to the next generation of Ojibwe and Anishinaabe people. What good are our treaty rights if our youth have lost connection to their culture, their life ways, and the ability to harvest and consume healthy food?

One way GLIFWC seeks to meet that challenge is through com- munity outreach, which is organized and facilitated by our con- servation enforcement officers. Every summer, 50 middle-school- aged tribal members attend our Camp OnjiAking in the Odawa Na- tional Forest. They learn cultural teachings, harvesting techniques, and develop an appreciation for the outdoors. Unfortunately, the continuation of this camp may be in jeopardy.

GLIFWC has a vacancy rate of 44 percent in our warden force. We simply cannot compete in terms of salary with other similar State and Federal agencies. Thus, in our written testimony, we have asked this committee to provide additional funding. And just remember that our funding comes primarily through RPI funding for our enforcement division. So we ask that so that we can provide wage raises for our enforcement officers to a level commensurate

with their counterparts. We truly understand that this is an issue that many non-tribal agencies face as well. However, this is an unmet treaty obligation and, as such, should be prioritized.

The five commissions funded under RPI estimated their current combined need for RPI funding to be approximately \$66 million. Even if that full amount is not currently possible, we will place a priority on full employment in our Conservation Enforcement Division. We would also like to prioritize cost of living adjustments and competitive salaries for all of our staff should additional funds be available. We very much appreciate this committee's recommendation last year for an \$800,000 increase to RPI, but we are equally disappointed that the increase was not included in the final appropriation. And so in closing, we hope that you will try once again. Miigwetch [Speaking native language.]

[The statement of Mr. Schlender follows:]

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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www.glifwc.org

• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band

MINNESOTA

Red Cliff Band
St. Croix Chippewa
Sokogon Chippewa



FY 2025 TESTIMONY – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY

HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

JASON SCHLENDER, EXECUTIVE ADMINISTRATOR
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

1. DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, OPERATION OF INDIAN PROGRAMS

- a. TRUST-NATURAL RESOURCES MANAGEMENT, RIGHTS PROTECTION IMPLEMENTATION (RPI) No less than \$50,643,000 for FY 2025, with \$8,125,000 for Great Lakes Area Resource Management. An overall need of no less than \$66 million has been identified by the five Commissions funded within RPI, presuming historically proportionate shares for each Commission.
- b. TRUST-NATURAL RESOURCES MANAGEMENT, TRIBAL MANAGEMENT/DEVELOPMENT PROGRAM (TM/DP): At least the \$18,696,000 proposed for FY 2025 and the TM/DP requests of GLIFWC's member tribes.
- c. TRUST-NATURAL RESOURCES MANAGEMENT, FISH/WILDLIFE/PARKS PROGRAM: At least \$24,019,000 the amount proposed for FY 2025.

Funding Authorizations: Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes.¹

2. ENVIRONMENTAL PROTECTION AGENCY

- a. ENVIRONMENTAL PROGRAMS AND MANAGEMENT, GEOGRAPHIC PROGRAMS, GREAT LAKES RESTORATION: At least \$368,000,000, including no less than \$20,900,000 for the Distinct Tribal Program (DTP).
- b. STATE AND TRIBAL ASSISTANCE GRANTS, CATEGORICAL GRANTS, TRIBAL GENERAL ASSISTANCE PROGRAM: At least \$85,009,000, the amount proposed in FY 2025.

Funding Authorizations: Clean Water Act, 33 U.S.C. s. 1268(c); Water Infrastructure Improvements for the Nation Act, Pub. L. 114-322 s. 5005; and treaties cited above.

These programs fulfill federal treaty, trust, and contract obligations to GLIFWC's member tribes, providing vital resources to sustain their governmental programs. We ask that Congress maintain and enhance these programs.

¹ Specifically, the Treaty of 1836, 7 Stat. 491; Treaty of 1837, 7 Stat. 536; Treaty of 1842, 7 Stat. 591; and Treaty of 1854, 10 Stat. 1109. The rights guaranteed by these treaties have been affirmed by various court decisions, including a 1999 US Supreme Court case.

GLIFWC's FY 2025 FUNDING REQUEST HIGHLIGHTS

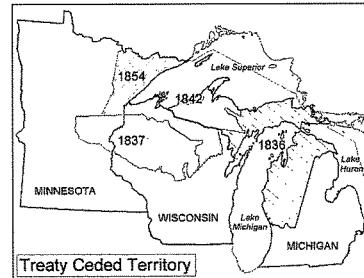
1. Should Congress provide an increase to the RPI line item, GLIFWC will use its share to address salary disparities between its staff and their colleagues at state and federal agencies -- \$300,000 of that increase would be used specifically to address the 44% vacancy rate in the Commission's warden force. While GLIFWC was able to use its FY 2023 increase to adjust its pay scale, years of Continuing Resolutions have led to a recruitment and retention problem in GLIFWC's warden force, primarily based on salary disparities with other similar agencies. GLIFWC's next funding priority with its proportionate share of the remaining RPI increase will be to compensate all its employees at rates similar to their state and federal counterparts, a situation that is similarly hindering its ability to attract candidates for open positions. Annual RPI increases are needed to keep pace with the federal scale so that no such shortfall occurs again.
2. Great Lakes Restoration Initiative funding of no less than \$368,000,000, as proposed in FY 2025, with an increase to the Distinct Tribal Program (DTP) to at least \$20,900,000.
3. Full funding for contract support costs, as required by the ISDEA Act.
4. Sufficient funding in the Tribal Management and Development line item for GLIFWC's member tribes to fulfill their needs for reservation-based natural resource programs and to fund the Circle of Flight wetlands program.

GLIFWC'S GOAL – A SECURE FUNDING BASE TO FULFILL TREATY PURPOSES AND LEGAL OBLIGATIONS

For over 35 years, Congress has funded GLIFWC to implement comprehensive conservation, natural resource protection, and law enforcement programs that: 1) ensure member tribes are able to implement their treaty reserved rights to hunt, fish, and gather throughout the ceded territories; 2) ensure a healthy and sustainable natural resource base to support those rights; 3) protect public safety; and 4) promote healthy, safe communities. These programs also provide a wide range of public benefits, and facilitate participation in management partnerships in Wisconsin, Michigan, and Minnesota.

**GLIFWC'S PROGRAMS – PROMOTING HEALTHY COMMUNITIES
AND EDUCATING TRIBAL MEMBERS THROUGH TREATY RIGHTS
EXERCISE**

Established in 1984, GLIFWC is a natural resources management agency of eleven member Ojibwe Tribes with resource management responsibilities over their ceded territory (off-reservation) hunting, fishing, and gathering treaty rights. These ceded territories extend over a 60,000 square mile area in Minnesota, Wisconsin, and Michigan.² GLIFWC employs over 80 full-time staff, including natural resource scientists, technicians, conservation enforcement officers, policy specialists, and



² GLIFWC's programs do not duplicate those of the Chippewa Ottawa Resource Authority or the 1854 Treaty Authority. GLIFWC also coordinates with its member tribes with respect to tribal treaty fishing that extends beyond reservation boundaries by virtue of the Treaty of 1854 and the reservations' locations on Lake Superior.

public information specialists.

GLIFWC strives to implement its programs in a holistic, integrated manner consistent with the culture and values of its member tribes, especially in light of tribal lifeways that the exercise of treaty rights supports. This means not only ensuring that tribal members can legally exercise their rights but supporting community efforts to educate them about the benefits (physical, spiritual, and cultural) of harvesting and consuming a more traditional diet, as well as promoting inter-generational learning and the transmission of traditional cultural and management practices.

GLIFWC and its member tribes thank Congress, and particularly this Subcommittee, for its continuing support of these treaty obligations and its recognition of the ongoing success of these programs. GLIFWC's FY 2025 funding request includes two main elements:

1. BIA RIGHTS PROTECTION IMPLEMENTATION/GREAT LAKES AREA MANAGEMENT (WITHIN THE RPI LINE ITEM): No less than **\$50,643,000**. The five treaty commissions have estimated the cost of full implementation of the court orders governing their treaty-reserved rights at, collectively, no less than \$66,000,000. The recent increases to RPI are greatly appreciated, but many years of Continuing Resolutions has led to shortfalls that are self-perpetuating without a proactive approach. With the FY 2023 increase, GLIFWC was able to adjust its pay to the FY 2023 pay scale. However, the funding discrepancy is still significant. GLIFWC estimates that it would need an increase of at least \$963,000 to fully adjust its compensation structure.

Appropriating through Continuing Resolutions has not allowed the RPI line item to keep up with inflation and cost-of-living increases. This shortfall is most acutely felt in GLIFWC's warden force. To highlight the significance of this shortfall, GLIFWC's warden force has a 44% vacancy rate. GLIFWC provides conservation officers that enforce tribal conservation codes and who work with local authorities when they detect violations of state or federal criminal and conservation codes. These officers also play a significant role in educating tribal youth, including teaching hunter safety classes, cultural practices, and harvesting regulations; they provide tribal youth meaningful, healthy, and safe ways to engage in outdoor activities; and they build trust between communities and law enforcement. While recruitment and retention of law enforcement officers is difficult nationwide, the stagnation of RPI funding has made it impossible for GLIFWC to compete with state and federal counterparts; no amount of creative thinking has made up for the difference in wages. Beginning GLIFWC field wardens make an average of \$6,000 less than those employed by MI, WI, and MN, and by the time they reach seven years at their respective agencies, GLIFWC wardens will make, on average, \$31,670 less than their colleagues with the same experience in MI; \$34,660 less than those in WI; and \$49,758 less than those in MN.

These warden vacancies make meeting the treaty obligations to monitor treaty harvest more burdensome and are a blow to partnering jurisdictions. GLIFWC's wardens are often called upon to assist other jurisdictions in emergency situations, particularly in the more rural areas of Michigan's Upper Peninsula. In 2023, GLIFWC wardens responded to over 170 calls for assistance, for which they have received numerous acknowledgements. The Upper Peninsula of Michigan is currently without a stationed GLIFWC warden and relies on coverage from wardens that may be stationed many hours away. Seasonal harvesting activities, such as spring spearing, require wardens to travel to lakes located in areas with warden vacancies, and create added costs in travel and lodging for the duration of the season. This creates a self-perpetuating cycle of burnout

and makes it increasingly difficult to hire new wardens as senior officers retire.

There is a long history of federal funding for treaty rights protection and implementation programs. By now, this Subcommittee is aware of GLIFWC's holistic approach to protecting and supporting treaty rights and the natural resources that support them. We have always enjoyed and appreciated the Subcommittee's ongoing support for GLIFWC, its member tribes, and its programs. We urge the Subcommittee to support increases to the RPI line item that allow the Commission's work to continue unabated.

2. EPA GREAT LAKES RESTORATION INITIATIVE: \$368,000. DISTINCT TRIBAL PROGRAM (DTP): \$20,900,000. GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) as an important non-regulatory program that enhances and ensures coordinated governance in the Great Lakes, fulfillment of international agreements, and substantive natural resource protection and restoration projects. GLIFWC supports the continuation of GLRI funding at no less than \$368,000,000 proposed in FY 2025.

RESULTS AND BENEFITS OF GLIFWC'S PROGRAMS

- 1. MAINTAIN THE REQUISITE CAPABILITY TO MEET LEGAL OBLIGATIONS, TO CONSERVE NATURAL RESOURCES, AND TO REGULATE TREATY HARVESTS:** At its most basic level, GLIFWC's programs support tribal compliance with court decrees and intergovernmental agreements that govern the tribes' treaty-reserved rights. Funding for science and research enhances GLIFWC's ability to address ecosystem threats that harm treaty natural resources, including those related to climate change.
- 2. REMAIN A TRUSTED MANAGEMENT AND LAW ENFORCEMENT PARTNER, AND SCIENTIFIC CONTRIBUTOR IN THE GREAT LAKES REGION:** GLIFWC has become a respected and integral part of management and law enforcement partnerships that conserve natural resources and protect public safety. It brings a tribal perspective to interjurisdictional Great Lakes management forums and would use its scientific expertise to study issues and geographic areas that are important to its member tribes but that others may not be examining.
- 3. MAINTAIN THE OVERALL PUBLIC BENEFITS THAT DERIVE FROM ITS PROGRAMS:** Over the years, GLIFWC has become a recognized and valued partner in natural resource management. Because of its institutional experience and staff expertise, GLIFWC has built and maintained numerous partnerships that: i) provide accurate information and data to counter social misconceptions about tribal treaty harvests and the status of ceded territory natural resources; ii) maximize each partner's financial resources and avoid duplication of effort and costs; iii) engender cooperation rather than competition; and iv) undertake projects that achieve public benefits that no one partner could accomplish alone.
- 4. ENCOURAGE AND CONTRIBUTE TO HEALTHY TRIBAL COMMUNITIES.** GLIFWC works with its member tribes' communities to promote the benefits of treaty rights exercise. These include the health benefits associated with a more traditional diet and the intergenerational learning that takes place when elders teach youth. In addition, GLIFWC sponsors a camp each summer where tribal youth build leadership skills, strengthen connections to the outdoors, and learn about treaty rights and careers in natural resource fields.

Jason Schlender



An experienced educator, lecturer, and tribal leader with 12+ years of experience assisting tribal nations in enhancing and protecting tribal and educational sovereignty and the practice of treaty rights. A proven track record of using excellent personal, communication and organizational skills to lead innovative economic, educational, and cultural initiatives and improve tribal and state relations. Team player with excellent communication skills, high quality of work, driven and highly self-motivated. Solid negotiating skills, culturally competent, and able to work independently.

Experience

August 2021- Present

Tribal Administrator

St. Croix Chippewa Indians of Wisconsin

Reports directly to the Tribal Council regarding departments, contracts, and grants.

Provide supervision and direction of program directors and departments.

Participate in negotiations, content edits, and oversight of the implementation of grants/contracts, while ensuring compliance with governmental contracts.

Provide oversight concerning policies and procedures.

September 2019 – present

American Indian Leadership and Civic Engagement Educator/University of Minnesota-Extension, St. Paul, Minnesota

Developing and maintaining equitable partnerships that further enhance Tribal Economic development priorities

Teaching Leadership and Civic Engagement processes and/or programs that build capacity to meet economic development objectives

Developing and maintaining key relationships with counterparts at UM campuses, and tribal colleges.

July 2015 – July 2019

Vice Chairman & Council Member/Lac Courte Oreilles Tribal Governing Board, Hayward, WI

Protect and uphold the Tribal Constitution

Protect and defend the rights and resources of the tribe

Represent and advocate for the Lac Courte Oreilles tribe at federal and state level consultations

MAY 2013- July 2015

Professor/ Lac Courte Oreilles Ojibwe College

I taught all the Native American Studies courses with a focus on Federal Indian Policy and Law, Tribal Sovereignty and Treaty Rights and a student advisor

Skills

Cultural Responsiveness | DEI trainer | Team player | Public Speaking | Ojibwe Language | Treaty Rights practitioner | Communications | Research

Education

First Nations Education, Ed.D, 2022-present
University of Wisconsin- Green Bay, Green Bay, WI

Master of Tribal Administration and Governance 2013
University of Minnesota-Duluth, Duluth, MN
GPA: 3.94

Bachelor of Science, History 2009
University of Wisconsin-Superior, Superior, WI
Specialization: First Nation Studies

Associate of Arts, Native American Studies 2007
Lac Courte Oreilles Ojibwe Community College, Hayward, WI
Specialization: Ojibwe Language

Activities

*Member, St. Croix Economic Development Corporation, 2021-present
Chair & Tribal Rep, Voigt Inter-Tribal Taskforce, 2015-2019
Chair, Big Fish Golf Corporation, 2018-2019
Chair & member, WOJB Board of Directors, 2015-2019
Vice-chairman, Lac Courte Oreilles Ojibwe School Board, 2017-2019
Member, Lac Courte Oreilles Ojibwe School Board, 2015-2017
Chairman, Waadookodaading Ojibwe Language Institute, 2014-2019*

Presentations

Historical Trauma and Healing through Indigenous Storytelling, University of Illinois, 2023
Treaty Rights Lecture, Wausau West High School, 2023
Treaty Rights and Survival Methods, LCO Ojibwe School, December 2022
Deer Hunting Camp, Forest County Potawatomi, September 2022
Treaties, Alcatraz, and the American Indian Movement, Wausau West High School, May 2022
Ice Fishing Culture Camp, LCO Ojibwe School, January 2022

Deer Hunting Instructional Culture Camp, LCO Ojibwe School November 2021
Spring Spearfishing Culture Camp, LCO Ojibwe School May 2021
Ice Fishing Camp, LCO Ojibwe School January 2021
Thanksgiving Unstuffed, presenter, November 2020
Nation to Nation, presenter, November 2020
Conversations with Jay: Ojibwe perspective on Rural Equity Work, November 2020
Biwabikowanzh, presenter, October 2020
Growing Group Impact, co-presenter, October 2020
Navigating Change, co-presenter, September 2020
Water is Life, Women and Water Symposium, Presenter, July 2020
White Tailed Deer Hunting Exhibition, Indian Community School, Presenter, October 2019
Wild Rice Camp, Green Lake Film Festival, Presenter, September 2019
Ojibwe Treaty Rights, University of Illinois, Presenter, September 2019
Environmental Subsistence through an Indigenous Lens, Presenter, July 2019
Act 31 Celebration, Facilitator, August 2016
LCO Community College Graduation, Keynote, May 2013
Ojibwe Culture, Lecturer, Washburn Elementary, May 2013
Walking in Two Worlds, Invocation, April 2013
Lighting the 7th fire, Panel facilitator, March 2013
Indinwewininaan, Bayfield School In-Service training, October 2012
Cancer Awareness Meeting, Invocation, September 2012
Ayaangwaamizidaa, A Historical Overview of Wisconsin Treaty Rights, August 2012
Bayfield School In-Service, Language & Culture training, June 11-13, 2012
Mooringwanekaaniing-Minis, Anishinaabe recollection of Madeline Island, May 2012
Anisaadiziwin, presenter, WI April 2012
Ojibwe Storytelling, storyteller, Lac Courte Oreilles, WI February 2012
Aweneniwiyaanen (I wonder who I am): Examining the core of Anishinaabe Identity, presenter, 2012
First American Prevention Center, K-12 Red Cliff Wellness Curriculum Teacher Training. Red Cliff, WI
October 2011
Superior Stew: A conversation about American Indians in Education, guest lecturer, Superior, WI
October 2011

Mr. SIMPSON. Thank you. Thank you all for being here today. I am going to turn to Ms. Pingree first.

Ms. PINGREE. Well, thank you all very much. I really appreciate what you had to say. As I mentioned to the earlier panel, I am originally from Minnesota, so, and I had a chance to visit the Mille Lacs Tribe this year and so always appreciate the challenges that you are facing in that State. And thank you so much for drawing some of the bigger picture connections there.

I won't use the word "invisible" either, but I think it is a really important point to make with all of us all the time about some of the things that Chief Francis had mentioned earlier. Why aren't we stepping back and looking at the big picture, not asking you to come every year and saying, could you give us another \$100,000 or \$15 here or there. These are really big issues that we are not facing right now at the level of the lack of funding. So thank you for talking about the sort of deep challenges that that provides.

And I was particularly concerned to hear what you mentioned about the youth camp funding, which, you know, again, it is only a microcosm of the challenges, but that is such an important thing to be able to allow young people to have that connection to, whether it is foraging or just understanding sort of their natural surroundings, and it would be really tragic not to have those vacancies filled so you could make sure that the opportunities were there. But thank you all. Really important testimony. We appreciate you all very much.

Mr. SIMPSON. Ms. McCollum.

Ms. MCCOLLUM. In office, I use my hometown team mask up here, so not as large as some of the others, but my eyes, the mightiest.

Chairman Johnson, he brings up a real important point, and unless you are on the Prairie Island reservation and you see the kids' playground and you know when they are up in the swings that they are looking at cast upon cast of nuclear storage in the Mississippi floodplain with railroad tracks not too far from it. I was there, I voted against the storage, and my fear was not only we were being disrespectful to the tribes, but that it would be permanently stored there.

And it was NSP at the time, a different company owned it, and they weren't going to, you know, do 12 casts. Oddly enough, the day after the law was passed, they had 12 concrete platforms, and they have used them, and then they re-racked when they told us and they told you that they couldn't re-rack. So it is really something to behold, and I know people get upset with me sometimes from certain States, but that I will vote for Yucca Mountain every chance I get, but I fear because the State of Minnesota took an affirmative vote to store the nuclear waste, even if that were to open, we are at the bottom of the list. Thank you for reminding us that nuclear waste has an impact on communities, and your community was not consulted, and for that, I didn't prevail, but I was glad to be part of the fight along the side with you.

I want to pick on what you two gentlemen said about Tiwahe, and we have been working on it. It started out as pilots. It is successful in that, so anything we need to do with the authorizing committee, I think we should look at and make sure we get things

in place to move forward with it. The President has recognized it now, and it is a game changer in communities. You still need the other resources, as you both pointed out, but it has been a game changer.

We just had a vote on the floor last week, and it had to do with the boundary waters and the proposed mining to go up there. All these mines have failed, but would you maybe explain, and I will have Fond du Lac do that because you are the most impacted directly. All the tribes have been supportive, including Sioux Nation tribes. Could you explain what happens when the sulfite gets in the water because they say how the mine is not in the boundary waters, but it is like a sponge up there. All these mines have failed. What happens? What happens?

Mr. DUPUIS. Has everybody heard of the Laurentian Divide?

Ms. MCCOLLUM. I am a geography teacher.

Mr. DUPUIS. Okay.

Ms. MCCOLLUM. So water flows north.

Mr. DUPUIS. So that means the water flows north. So north of the mine area is the boundary waters, so anything at that point in time we look at is where Fond du Lac as a downstream State for anything flowing into the St. Louis river and then flow into Lake Superior. But the misconception is that the Laurentian Divide at that point in time absorbs water and moves north, so it flows north into the boundary waters itself. So opening up a mining principle into Superior National Forest for that principle will find its way into the boundary waters. So when you take a look at the law for the protection of this place and restoring it to what it is and maintaining in perpetuity in the boundary waters, that won't happen.

Sulfate, it kills wild rice. It kills things into the water. Principles of mining, reverse osmosis. You can't put that pure water back into a system because when it doesn't have the minerals and doesn't have principles like that, it also kills the ecosystem. So when we take a look at where it exactly is and what they are going to do with it, it will go into the boundary waters. The water will make its way into the boundary waters. There is no safe mining that exists. There is responsible mining that can happen, but there is also irresponsible mining that continues to happen. So if we think of that, it is like anything. What is the residual of this toxin? Well, there are all kinds of residuals from every toxin that exists and then other things that have to be monitored under that principle.

To my friend's comment there, it is basically this. There isn't any mining that can happen that will not affect an ecosystem in a negative way. I think that is the simplicity way to put it, but there are responsible ways of mining, and nobody has come up with the responsible ways of mining. I shouldn't say that. I apologize. They have come up with the responsible ways for mining. The other thing, too, is the one biggest piece that needs to be looked at is that consultation piece with tribes. Listen to ecological knowledge that has been here for four ice ages, and that is where it needs to come. That consultation needs to happen. That conversation with tribes need to happen to understand what the ecosystem is and how the ecosystem has survived for four ice ages under this principle. Miigwetch.

Ms. MCCOLLUM. Thank you. And as was pointed out, military service, you mentioned how tribes are often viewed as invisible. I serve on the Defense Appropriations Committee. I knew before I was on the committee, but now that I am on the committee, I understand it even more. The percentage of Native Americans who serve our Nation compared to any other population is off the charts, and you can't go to one pow-wow where veterans aren't recognized. So thank all of your veterans for their service. Miigwetch. I yield back.

Mr. SIMPSON. Thank you all for being here. Let me just say that I appreciate your testimony. I have been rereading a book that I read when I was first chairman of this committee. It is called "The Rights of Indians and Tribes." I just read last week the section on law enforcement, and you brought up that issue. I don't know how you do any law enforcement on reservations with the different laws that exist. If you are a Native American and you commit a crime on trust land against another Native American, it is one thing. If it is against a non-Native American, it is another thing. If it is on non-trust land but on the reservation, it is treated differently. I don't know how you ever find out who the hell is in charge of any of this, and we need to simplify this.

I am one of those who believe that tribes have the right to police their own reservations and enforce the law against whoever breaks the law, so I would like to, get into how we change these laws. And it is due to different Supreme Court decisions along the way and all sorts of crazy stuff, but I am more confused after I read it than I was before I read it. Go ahead, Darrell.

Mr. SEKI. Okay. I want to make a comment on that. You know, like, non-members violate our tribal laws, bring drugs in. They abuse our women and children and grandparents. They keep doing it and then we banish them, but they still come back in. So 3 years ago, this one individual got caught 5 times violating the banishment, so we incarcerated them. As a chairman of the tribe, this person was abusing this woman and the kids and plus the grandma, and I kept him in jail. The BIA, they were going to take our funds away. They also were going to charge me for obstruction of justice. And so without me still against to let him go, they released him to the county. The county kept him only 2 or 3 days and let him go, and then, sure enough, he got arrested on the outside of the reservation, but this is the problem we have.

Mr. SIMPSON. Yeah.

Mr. SEKI. Now they are using our tribal members. The drug dealers are using our tribal members to bring the drugs in. It is a continued fight.

Mr. SIMPSON. Yep.

Mr. SEKI. We are doing our best to stop it, but we got to be allowed to incarcerate these non-members and detain them and charge them, but we are not allowed because of the 1978 Oliphant law.

Mr. SIMPSON. Yeah.

Mr. SEKI. That has got to be changed for tribes. It is just not Red Lake. It happens all over.

Mr. SIMPSON. That is right.

Mr. SEKI. All over Indian land. I ask you guys, do the right thing. Miigwetch.

Mr. SIMPSON. I have always found it strange that you can only incarcerate for a year at the most. And so a lot of times, if there is a drug dealer you want it prosecuted by the county or by the State, it is just a bizarre set of laws, and somehow I think we need to look at that whole situation and how we can improve that. But that takes an authorizing bill, and I think the Natural Resources Committee that oversees this ought to be looking at how can we reform these laws to have them make sense because you guys care more about what happens on your reservations than anybody else does. And drug dealers are using them because they know of the challenges if they are not on the reservation.

Mr. SEKI. They know well.

Mr. SIMPSON. Yeah. So anyway, thank you all for being here today. We appreciate your testimony and look forward to working with you on these.

[Pause.]

Mr. SIMPSON. Mr. Lowes.

TUESDAY, MAY 7, 2024.

SAULT STE. MARIE BAND OF CHIPPEWA INDIANS

WITNESS

AUSTIN LOWES, CHAIRMAN, SAULT STE. MARIE BAND OF CHIPPEWA INDIANS

Mr. LOWES. [Audio malfunction.]—is in the upper peninsula of Michigan. We administer 23 governmental divisions and manage over 75 Federal, State, local and tribally-funded programs across our seven-county service area. We have a tribal membership of approximately 50,000. Our territory includes 2,800 acres of trust land. We also utilize territories throughout Michigan to exercise our treaty rights to hunt, fish, and gather.

For almost 50 years, the Sioux Tribe of Chippewa Indians has built its government capacity to provide the full range of services to its members, including healthcare, education, elder services, law enforcement, housing, social services, and cultural programs. We operate eight health clinics across our seven-county service area. In these clinics, we offer a wide range of services, including medical, dental, behavioral health, special diabetes, nutrition, pharmacy, wellness programs, and traditional medicine. We are proud of the work that we do in this space.

The Sioux Tribe of Chippewa Indians at this time would like to express its deep appreciation for the Congress' action in providing advanced appropriations for fiscal year 2025 for the Indian Health Service. Given the very uncertain fiscal times facing our Nation, we appreciate the knowledge knowing that this base budget of our Indian health system is secure. This allows our program and staff to plan accordingly on how to best meet the healthcare needs of our people.

Regarding healthcare, one of the greatest threats to the future of tribal communities is substance abuse and mental health condi-

tions, and this is important to me because prior to being elected chairman of my tribe, I was a mental health therapist who worked in this area. Since the heroin/opioid public health emergency of 2018, illicit drug use and mental health illnesses have only escalated to a national emergency, particularly in Indian Country. With healthcare staff shortages, long waiting lists, and patients in crisis, the need for mental health and addiction treatment services is absolutely overwhelming. It is clear that funding and staff shortages continue to be primary barriers to safety services.

According to the 2021 National Survey on Drug Use and Health, nearly half of young adults aged 18 to 25 in 2021 had either any mental health illness, AMI, or a substance use disorder, SUD, in the past year. American Indian or acquisitions were 11.4 percent higher than all other nationalities at 34.2 percent to have either an AMI or an SUD in that same period. As these rates continue to climb, the access to necessary hospital treatments to combat the mental and opioid epidemics continue to be nonexistent. Key programs offered by IHS, SAMHSA, DOI, and partnering agencies provide limited respite to exhausted communities and health staff.

While the Department of Interior, Department of Health and Human Services, and the Department of Justice have been tasked with coordinating certain existing department programs pursuant to the Tribal Law and Order Act, funding to expand and implement successful prevention, treatment, and aftercare programming is stagnant. The current interagency agreement calls for the development of tribal action plans. However, funding is limited to SAMHSA's available competitive funding instruments, leaving out necessary full funding of tribal action plans that have already been adopted by tribes. Notwithstanding the lack of funding for the tribal action plans, the Sault Ste. Marie Tribe of Chippewa Indians was one of the first tribes in the Nation to have completed a tribal action plan to combat substance abuse on our reservations.

Tribes now need the resources to implement their plans. We would call on the committee to provide additional funding to both the BIA and IHS to fund the implementation of tribal action plans. It is also time to fully fund Indian Health Services. Miigwetch, and thank you for your time.

[The statement of Mr. Lowes follows:]

**Mr. Austin Lowes, Chairman
Sault Ste. Marie Tribe of Chippewa Indians
Before the House Appropriations Committee
Subcommittee on Interior and Related Agencies
Indian Health Service, Bureau of Indian Affairs, and Fish and Wildlife Service
May 7, 2024**

The Sault Ste. Marie Tribe of Chippewa Indians is in the Upper Peninsula of Michigan. The Tribe administers 23 governmental divisions and manages over 75 federal, State, local and tribally funded programs across our seven-county service area—Alger, Chippewa, Delta, Luce, Mackinac, Marquette and Schoolcraft counties. We have a tribal membership of 43,376. Our territory includes 2,800 acres of trust land and our ceded territories throughout Michigan where we exercise our Treaty reserved rights to fish, hunt and gather. For almost fifty years the Sault Ste. Marie Tribe has built its governmental capacity to provide the full range of services to its members including health care, education, elder services, law enforcement, housing, family and social services, and cultural programs.

The Tribe operates 8 health clinics across our seven-county service area. In these clinics we offer a wide range of services including medical, dental, behavioral health, special diabetes, nutrition, pharmacy, wellness programs, and traditional medicine. We are proud of our work in this space, but it is time to fully fund Indian Health Services.

The Tribe wants to express its deep appreciation for the Congress's action in providing advanced appropriations for FY 2025 for the Indian Health Service. Given the very uncertain fiscal times facing our nation, the security in knowing that the base budget of our Indian health system is secure critical. This allows our programs and our staff to plan on how best to continue to meet the health care needs of our people.

A. Indian Health Service

1. Substance Abuse and Mental Treatment

One of the greatest threats to the future of tribal communities is substance abuse and mental health conditions. Since the Heroin / Opioid Public Health Emergency of 2018 illicit drug use and mental health illnesses have only escalated to a National Emergency, particularly in Indian Country. With Health Care Staff Shortages, long waiting lists and patients in crisis, the need for Mental Health and Addiction Treatment Services is overwhelming. It is clear that funding and staff shortages continue to be primary barriers to services.

According to 2021 National survey on Drug Use and Health, "nearly half of young adults aged 18 – 25 in 2021 had either Any Mental Illness (AMI) or a Substance Use Disorder (SUD) in the past year". American Indian or Alaskan Native were 11.4% higher than all other nationalities, (at 34.2 percent) to have had either an AMI or an SUD in that same time period. Illicit Drugs are the number one drug of choice for adults aged 18+ by Mental Health Status. Adolescents aged 12-17 who had both a past year Major Depressive Disorder (MDE) and a past year SUD (i.e., drug use disorder, alcohol use disorder, or both) were classified as having co-

occurring MDE and SUD, greatly increasing instances of SMI, SUD, Overdose, and Suicide among American Indian communities. However, as these rates continue to climb, the access to necessary hospital treatments to combat the Mental and Opioid Epidemic Crisis continues to be non-existent. Key programs offered by IHS, SAMHSA, DOI, and partnering agencies provide limited respite to exhausted communities and health staff.

While the Department of the Interior (Bureau of Indian Affairs), Department of Health and Human Services, and the Department of Justice have been tasked with coordinating certain existing department programs pursuant to the Tribal Law and Order Act. However, funding to expand and implement successful prevention, treatment, after care programming is stagnant.

The current interagency agreement calls for the development of a Tribal Action Plan. However, funding is limited to SAMHSA's available competitive funding instruments, leaving out necessary full funding of Tribal Action Plans that have been adopted by tribes. Notwithstanding the lack of funding for the Tribal Action Plans, the Sault Ste. Marie Tribe of Chippewa Indians was one of the first tribes in the Nation to have completed a Tribal Action Plan to combat substance abuse on reservations. The Tribe now needs the resources to implement this Plan. We would call on the Committee to provide additional funding to both the BIA and IHS to fund the implementation of Tribal Action Plans.

2. Sanitation Facilities

Health Care facilities and sanitation program continue to be underfunded, given the vast need of facility space and staffing needed to take care of the overwhelmed health care systems in Indian Country. Alaskan villages are still living in third world standards when it comes to access to clean water. New facilities in Indian Country, require additional utility infrastructure from communications cabling to large wells and sewage systems. Residential scale water and sewage programming is underfunded, leaving many American Indians without necessary clean water sources. This was a key factor for why the pandemic was so devastating to tribal communities across America.

B. Bureau of Indian Affairs

1. Tribal Natural Resources Division

The Sault Ste. Marie Tribe of Chippewa Indians are co-managers of a large part of lakes Michigan, Huron, and Superior, as we hold Treaty-protected rights to fish in these lakes under the 1836 Treaty. We also hold Treaty-protected rights to fish in inland lakes, hunt, and gather across the 13.8 million acres of Ceded Territory. Thus, it is critical that Congress provide full funding for the Chippewa Ottawa Resource Authority to ensure proper management of the resources consistent with the court-approved consent decrees.

The BIA's Natural Resources Management Endangered Species program is an important program, vital to the maintenance of important threatened and endangered species. Since 2012, Sault Ste. Marie Tribe of Chippewa Indians has identified several endangered species needs and submitted funding requests. To date, however, our funding requests have not been granted. This

is due to the competitive nature of limited funds available to the Midwest region. My Tribe recommends full funding for the program.

The Sault Ste. Marie Tribe of Chippewa Indians has relied on the BIA Forestry Program for several planning and management of forestry projects on the Reservation and are working with the BIA Fire Program. While my Tribe does not have substitutive commercial forest resources, we do have over 2,000 acres of forest lands that are maintained, and are actively acquiring more forest lands to be held in trust. The management of, and restoration of prescribed fire on, these acres are dependent on the Forestry and Fire Program funds and the BIA staff that work on our behalf. We have a strong interest in increasing our capacity for forest and fire management. We see this as an opportunity for the Tribe to create new jobs for Tribal members and increase access to natural resources for subsistence harvesting. We strongly recommend full funding of the BIA Forestry and Fire Programs.

2. Tribal Court Programs

Our Tribal Court program, an integral component to our Tribe's sovereignty, is significantly underfunded. In fact, the federal government provides only 3.76% of base need funding necessary to operate a Tribal Court capable of meeting our Tribe's service population needs. In fact, federal base funding for our Tribal Court program has only increased a total of \$3,000 in the past 21 years. In the end, our Tribe provides additional funding necessary to meet the needs of basic needs of our government, but that money is taken from other governmental programs, such as health, education, and care for the elderly.

Even with this strong tribal support for our program, our courts are still lacking. Our most recent BIA assessment of our courts identified the need to upgrade the Court's technology and improve the Tribal Court building's security. We recommend Congress fully fund Tribal Courts base funding levels to meet the budget model provided by the BIA.

C. Fish and Wildlife Service

The Sault Ste. Marie Tribe of Chippewa Indians has prioritized the resilience of coastal ecosystems throughout the 1836 Treaty Ceded Territory, with special emphasis on coastal wetlands along the St. Mary's River. We have relied on partnerships with, and funding from, the Fish and Wildlife Service to plan and implement stewardship of our coastal communities. We recommend increased funding for the Fish and Wildlife Service Coastal Program to provide more science support for our Tribe's coastal resilience work, with more scientists located in our communities and positioned to contribute to research in these unique ecosystems directly. We support full funding of the Wildlife Co-Op Unit as it provides valuable science support within the 1836 Treaty Ceded Territory.

The Sault Ste. Marie Tribe applauds the USDOI efforts to increase staff and funding in the Great Lakes Basin and looks forward to increased emphasis on engaging our Tribal communities in the implementation of Joint Secretariat Order 3403. We have felt the increased presence of

Tribal liaisons in our region and have appreciated their contributions to advancing meaningful engagement of Tribes in advancing treaty rights. We support increased engagement in the co-stewardship and co-management of federal lands, however, this cannot come at the cost of our already underfunded programs. We would like to see new funding tools aimed at providing adequate support for tribal fish, wildlife, forestry, and fire programs to fully engage in co-management and co-stewardship processes.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Appropriations

Subcommittee: Subcommittee on Interior and Related Agencies

Hearing Date: 05/07/2004

Hearing Title :

House of Representatives American Indian and Alaska Native Public Witness Days

Witness Name: Austin Lowes

Position/Title: Chairman

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Sault Ste. Marie Tribe of Chippewa Indians

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

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Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

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Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

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Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

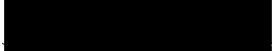
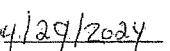
* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
 - (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
 - (C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
 - (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

Appropriations



05/07/2024 — House of Representatives American Indian and Alaska Native Public Witness Days

False Statements Certification	
Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.	
	
Witness signature	Date

Bio for Chairman Austin Lowes

Chairman Lowes was elected to fill the position of Chairman in December, 2022 and his current term is until June 2024. He previously served as the Tribe's Vice-Chair and has served on the Tribal Board of Directors since 2020. He holds a bachelor's degree in political science from Lake Superior State University. He holds a master's degree in social work from Michigan State University. As graduate student, he was awarded fellowships from the National Congress of American Indians and the National Association for Social Work for his commitment to addressing tribal issues. His career as a social worker has taken him to three reservations, the Sault Tribe's, the Flathead Indian Reservation in Montana, and the Bay Mills Indian Community, where he gained further insight into the needs of Indigenous communities.

Mr. SIMPSON. Thank you, Austin. George.

TUESDAY, MAY 7, 2024.

**LAC DU FLAMBEAU BAND OF LAKE SUPERIOR
CHIPPEWA**

WITNESS

**GEORGE W. THOMPSON, VICE PRESIDENT, LAC DU FLAMBEAU BAND
OF LAKE SUPERIOR CHIPPEWA**

Mr. THOMPSON. Mr. Thompson. Good morning. George Thompson, vice president of the Lac du Flambeau Tribal Council. On behalf of the Lac du Flambeau tribal president, John Johnson, I thank you for inviting us to testify today concerning the fiscal year 2025 budget needs. Unfortunately, President Johnson could not make it due to the recent passing of his wife, Manedu Wigan, also known as Sue Johnson. She was known as Auntie Sue, Grandma Sue to many youth, and was very passionate about integrating tribal culture and education. Our Ojibwe ancestors entered into the treaties of 1836, 1837, 1842, and 1854 that ceded certain lands while reserving the right to hunt and fish and gather in ceded territories. The Federal Government must honor these treaties that are now a part of the United States trust responsibility to Indian peoples.

I am joined today by our chief of police Thomas Bills, state of emergency data analyst Stacey Stone, and administrator Dee Allen. The unified theme of my testimony is the epidemic that continues to devastate our community like other tribal nations heard this morning. Drug addiction, including, but not limited to, meth, fentanyl, and heroin, harms our members. It diminishes our housing stock, increases the mental health crisis, and spurs human trafficking on our reservation. To combat crime and addiction, the tribal government subsidizes Federal programs with millions of dollars that the BIA, IHS, and EPA accounts should cover as a part of the Federal trust responsibility. About 40 percent of our annual arrests by tribal police involve drugs. We ask the subcommittee to respond to this crisis with significant funding increases to address this emergency.

I turn to our requests. Within Vilas County, our tribe has eleven officers compared to the sheriff's department's 39 officers. Both respond to an equal amount of calls, which average around 6,000 per year. This takes a toll on our tribal police officers, who work 12-hour shifts. They are stretched too thin. Please increase BIA law enforcement accounts in the fiscal year 2025 budget and pass H.R. 4524. Our tribal social programs need additional BIA funds to address the consequences of substance use disorders. This includes domestic abuse and child neglect. Please increase BIA human services accounts and expand the successful Tiwahe initiative to all tribes and have more resources to address these challenges. Please increase the IHS accounts for mental health counseling and drug treatment, such as medication-assisted treatment programs that require trained health professionals, counselors, and local access to culturally-appropriate treatment and aftercare centers to succeed.

Finally, we see the gaps in the statutory authority that appears to prohibit the use of Federal funds in EPA, IHS, and BIA accounts to clean meth- and fentanyl-contaminated homes. EPA funds can clean meth-contaminated labs but not meth-contaminated homes. IHS personnel can and do provide technical assistance to the tribes to develop standards to clean homes, but IHS has no funds to award the tribes to clean a contaminated tribal home or rental unit. It costs the tribe at least \$4,000 to \$8,000 to clean and test a meth-contaminated home. We are losing our housing inventory due to drugs. This is causing overcrowding and domestic and child abuse. Please provide clear statutory authority and appropriations for IHS, EPA, and BIA to permit the use of Federal appropriations to clean tribal homes from drug contamination and direct IHS and EPA to assist tribes to develop a uniform standard to mitigate illicit drug contamination of tribal homes. Thank you. Miigwetch.

[The statement of Mr. Thompson follows:]

**Testimony of George Thompson, Vice President
Lac du Flambeau Band of Lake Superior Chippewa Indians Before the House
Appropriations Subcommittee
on Interior, Environment and Related Agencies May 7, 2024**

Thank you for giving me the opportunity to testify on behalf of the Lac du Flambeau Band of Lake Superior Chippewa Indians concerning the Tribe's FY 2025 funding needs primarily in the BIA, IHS, and EPA accounts. The Tribe is located in northern Wisconsin. Our 144 square mile reservation lies in Vilas, Iron, and Oneida Counties. The name of our Tribe means "Lake of the Torches" and derives from our ancestors' practice of harvesting fish at night by torchlight. Nearly half of our reservation is water with 260 lakes, 65 miles of streams, rivers, and lakes.

Thank you for your bipartisan support of Tribes and for educating your colleagues on the needs of Tribal governments and the government-to-government relationship between the United States and Indian Tribes. The Chippewa bands to which we belong entered into many treaties with the United States. Our ancestors forever ceded territory to the Federal government, but reserved the right to hunt, fish, and gather food in the ceded territory.

Our Tribal citizens live close to the land, Waaswaagoning, our homeland. We harvest fish, operate a fish hatchery, cultivate wild rice, and hunt deer and other game. For that reason, protection of our waters, lands, air, wildlife, and vegetation are critical to the health of our citizens. These resources are at risk from pollution, contaminants such as PFAS "forever" chemicals, mercury, and chronic wasting disease that endanger our citizen's health.

Our enrollment is over 4,400 members and as a rural, remote Wisconsin reservation, our Tribal government is the first responder for so many needs. We operate the "Lake of the Torches Casino," provide jobs, and generate revenues from tourism and other Tribal enterprises. Despite being the largest employer in Vilas County, Wisconsin, according to the most recent HUD data (FY 2024), there are 725 Native families on our reservation whose family income ranges from less than 30% Median Family Income to 80% of Median Family Income. The U.S. Census Bureau lists Median Family Income on our Reservation as \$51,742 (2022). That means that these Tribal families earn less than \$15,222 - \$41,394 annually. This imposes great hardships on these families and the Tribe.

Increase FY 2025 funding for BIA Law Enforcement and Pub. L. 280 Court accounts – I will be blunt. Annual Federal appropriations to the BIA Public Safety & Justice account and Pub. L. 280 Tribal Court accounts are insufficient to address the immediate and urgent needs of rural, remote Tribal communities for public safety officers and Tribal Courts. In FY 2024, Congress appropriated \$274 million for BIA Criminal Investigations and Police Services, and \$21 million for the Pub. L. 280 Tribal Court program, the same funding levels as FY 2023. As you consider the FY 2025 budget, I ask this Subcommittee to consider the great unmet need we face for public safety services and Tribal Court needs and prioritize these accounts for increases.

There are three significant community safety issues in our community: 1) a fentanyl epidemic and with it; 2) an increase in mental health crises; and 3) the emergence of human trafficking (MMIP). Our Police Department sees a direct correlation between the presence of fentanyl and offenses such as child abuse/neglect, elder abuse, domestic violence, sex trafficking and property crimes.

We began to see heroin use in 2018 that has now transitioned to fentanyl alone or meth/fentanyl combined. Of the nine law enforcement agencies in the surrounding jurisdictions, Tribal law enforcement incidents and service calls are much higher than any other jurisdiction. From 2020 to 2023, the Tribe's Police Department averaged 6,000 calls per year and the trend is increasing. From 2018 through 2023, our Police Department made a total of 2,062 arrests; of those 706 or one-third were for meth. While meth arrests are down, heroin/fentanyl drug arrests are increasing.

Fentanyl overdoses are common and officers must use several Narcan/naloxone to revive users who have strong addictions. For non-Indian offenders, our officers must drive off-reservation to county detention facilities. Thus, the two patrol officers/12-hour shift are reduced because an officer is driving off-reservation.

About 50% of Tribal Police arrests involve drugs, yet we only have 7 Full-Time Patrol Officers, 2 Sergeants, 1 Chief of Police, and 1 Detective, 1 part-time Detective Canine Officer, and 2 administrators. Our Tribal Police Department should be twice its size. Vilas County has a police force of 39 and Oneida Country has a police force of 36.

We also see an increase in the number of welfare investigations (welfare checks) the Tribe performs. These checks are for well-being, suicide threats, missing persons, and voluntary and involuntary emergency commitments. These checks take time and we are shortstaffed.

Please prioritize the BIA Criminal Investigations and Police Services and Tribal Pub. L. 280 Court accounts for meaningful increases. Public safety and judicial services are essential Tribal government functions. Our Tribe subsidizes law enforcement, Tribal Court, Wellness and Drug Court operations with some \$3 million annually. We have MOUs with Wisconsin County police and sheriff offices. We apply for Department of Justice COPS grants and work with State and other Federal agencies to improve our law enforcement capabilities and training, such as the FBI, DEA, AFT, and Department of Homeland Security. But we need recurring BIA funding to sustain our Police Department and Tribal Court.

We are proud of our Tribal Police and the incredible job they do with the few personnel and resources they have. But we are losing good officers due to non-competitive salaries and limited retirement benefits that do not vest until 10 years of service, twice the time a State-employed officer must wait for their pension to vest. Our situation is not sustainable. I respectfully request that Congress pass this session the bipartisan **"Parity for Tribal Law Enforcement Act,"** H.R. 4524 and for this Subcommittee to provide funds to support such legislation.

Our officers serve 12-hour shifts and respond to 50% more calls than surrounding non-Indian jurisdictions that have two and three-times the number of officers. Our Tribal Court docket handles domestic abuse, drug and alcohol abuse, truancy, theft, with nearly half of our Tribal Police arrests involving meth, heroin, and fentanyl. At times, Tribal Police are also called to appear in court to provide security for cases involving heated custody disputes and child welfare matters. The Officers are also first responders for emergency management services including motor vehicle crashes, spills, fires, and weather incidents.

Our officers are also challenged by the fact that many Tribal health and social service programs

operate weekdays only and close on the weekend. Physical and mental health services for individuals detained by Tribal Police after hours and on weekends require Tribal Police to transport individuals off-reservation for such services and programs. This leaves us short-staffed on a recurring basis. Tribal communities need more resources to keep families safe.

Tribal Court - For our Tribal Court, we employ one full-time Judge, two contracted Judges, three Clerks, a full-time Tribal Attorney/Prosecutor, and four judicial staff.

Our court handled over 2,000 cases in FY 2023, including Civil Code violations, Juvenile Code violations, illegal drug possession, foreclosures, foreign judgments and garnishments, probate, adoption, child welfare petitions, family custody petitions, domestic abuse/harassment injunctions. The Tribe must subsidize the Tribal Court based on the inadequate funding we receive from the BIA under current appropriations. We need Federal assistance to cover the costs of additional court personnel, including two deputy clerk positions, an associate judge position, and a bailiff for Tribal Court hearings, elections and other public events.

We also operate the “Zaagiibaga” Healing to Wellness Court (Ojibwe word interpreted as budding shoot or sprig, new life, new beginning) funded through the State of Wisconsin and SAMHSA grants as an alternative to incarceration program. It is a four-phase program: 1) treatment; 2) skill building; 3) walking straight on mother earth; and 4) transition: getting ready to leave the nest.

Tribal members suffering from addiction do not receive the level of treatment required to break addictions when incarcerated in county jails. Medical data reveals that six-month and greater term treatment programs work better than limited term treatments. With increases in the BIA accounts supporting alternatives to incarceration, and an opportunity to compete for such funds, the Tribe would like to develop transition programming for Tribal inmates. Please prioritize for funding increases in FY 2025 those demonstrably successful programs that reduce addiction, recidivism, and improve the wellness of rural Tribal communities.

Wisconsin is a Pub. L. 280 State. Tribal Police refer all criminal cases to the District Attorney in Vilas County Circuit Court. Criminal prosecutions for drug and alcohol are turned over to the Vilas County District Attorney. If the District Attorney’s Office declines, the Tribal Attorney/Prosecutor may prosecute the case on a civil citation.

Increase FY 2025 Funding for BIA Human Services accounts - In FY 2024, Congress appropriated \$164 million for BIA Human Services programs, about a 2% cut from the FY 2023 enacted level of \$167 million. We cannot understand these funding decisions. The BIA Social Services account was cut to \$53 million in FY 2024, Welfare Assistance funding was flat at \$78 million, and ICWA was cut \$1 million to \$17 million for FY 2024.

ICWA enables the Tribe to maintain and protect the sanctity of the Anishinaabe family unit. The ICWA is one significant legislative action that provides the opportunity to protect the preservation of the tribal family unit and tribal culture, values, and norms.

The Tribal Court handled about 2,000 cases in 2023. There were 248 petitions in FY 2023

involving children and families, an increase of 7 % over the prior year. These petitions involve child welfare, child support, parental and custody issues, domestic relations or divorce, guardianship, paternity actions, truancy citations and domestic abuse and harassment restraining order petitions/notice of injunctions and injunction hearings. There were 52 petitions relating specifically to Child Welfare involving child abandonment or children left without proper care, custody or guardianship. Over half of these petitions were filed by the Child Welfare office under emergency conditions.

We need more resources in the Social Services accounts, including funds for increased Tribal foster families and housing improvements. We seek to provide child advocacy services on the Reservation, rather than having to add further trauma to Native children by providing various exams and forensic interviews 250 miles away in Marshfield, Wisconsin and 165 miles away (round trip) in Wausau, Wisconsin. We need more resources on the Reservation to address the impacts of child abuse, child sex abuse, and trauma.

Expand the Tiwahe Initiative Program - Congress, responding to the request by Tribes, is gradually expanding funding for the Tiwahe “Family” Initiative Program that assists Tribes by supplementing ICWA, BIA Social Services, HIP, and Job Training and Placement (JTP) programs with Federal funds and authority to Tribes to utilize these funds to help keep at-risk Tribal families together and to bring the parents and children of such families culturally appropriate services and programs to put them on a better path. We urge the Subcommittee to increase funding for the Tiwahe Initiative so that more Tribes may benefit from this successful program.

Increase FY 2025 Funding for BIA Rights Protection Implementation (RPI) account and EPA’s GLRI account – In FY 2024, Congress appropriated \$49.2 million for the BIA Rights Protection Implementation account (Trust-Natural Resources), the same level as FY 2023. As a member of the Great Lakes Indian Fish & Wildlife Commission (GLIFWC), the Tribe supports the Commission’s request for no less than \$8.125 million of a requested \$50.6 million for Rights Protection Implementation. More broadly, the Tribe supports full funding for the RPI at no less than \$66 million.

Increase funding for BIA Natural Resources, Wildlife and Parks, TMDP, Fish Hatchery Operations and Maintenance Accounts – The Tribe operates a comprehensive Natural Resources Program, including the William J. Poupart, Sr. Fish Hatchery that produces and stocks Walleye, Fingerlings, Perch, Brown Trout, and White Sucker Fry. The hatchery is 25-years old and requires significant renovations if we are to maintain our fish stocks and compete to stock Wisconsin lakes and waters. Growing fry to fingerlings to better ensure their survivability is costly. The hatchery supports Tribal subsistence and non-Tribal fishing stocking Reservation and ceded territory waters to provide sports fishing in northern Wisconsin. We appreciate the \$290,000 U.S. F&WS award to replace worn pumps and make other emergency improvements, but we have only \$1.3 million set aside from ARPA and State funds for a \$6.5 million hatchery upgrade. Please take Tribal infrastructure replacement needs into account in the FY 2025 budget. Miigwech.

Bio for George Thompson

George W. Thompson is an enrolled member of the Lac Du Flambeau Band of Lake Superior Chippewa and currently serves as the Vice President of the Tribal Council. He has served the role as an employee and director of Transportation for the Lac Du Flambeau Tribe for over 24 years. He has dedicated his time as a Tribal Leader and member towards economic expansion, protection of Tribal natural resources, and the health and wellness of tribal members and their families to the place he calls home.

In addition to his Council duties, George is also engaged in various volunteer activities through the community. He strongly supports native rights and has involved himself in historical research activities.

- 13 years on the local Fire/EMS and Rescue with various trainings in hazmat and incident command response and retiring with the rank of lieutenant.
- 2 years as the Vice Chairman of the Tribal Police Commission
- 3 years as a board member for NIIJII Lending and Economic Development
- Currently serving on the Wisconsin Department of Transportation (Inter-Tribal Taskforce) created under the Doyle administration to strengthen State and Tribal communication for road maintenance and construction.

Born and raised in Lac du Flambeau, Wisconsin, George and his wife are proud parents of 5 and grandparents of 2 Grandsons.

Mr. SIMPSON. Thank you. Ms. Pingree.

Ms. PINGREE. Thank you. Thank you both very much for your testimony and certainly for covering the substance use disorder challenges that we are all facing, particularly in rural States like mine, but also at a high level. And everything you talked about—fully funding IHS funding, the tribal action plans that you are talking about—seems just critically important, so thank you for addressing that and raising our attention to that. So I hope we can make a difference on that.

And the point you made about decontaminating a home is an interesting point and maybe something we can figure out, since, in the scale of things, you are not talking about an enormous pot of funding, but you are talking about something that is critically important and very expensive for the tribes to have to deal with themselves. And I think we all know how devastating it is to lose housing stock because that compounds all the other problems that we are talking about, so thanks for bringing that to our attention. But really, overall, the law enforcement, supporting the funding on mental health and substance use disorder, thank you for bringing our attention to that. I yield back.

Mr. SIMPSON. Ms. McCollum.

Ms. MCCOLLUM. Wow. Pointing out that there is no funding for cleaning the houses, I know when we were dealing with meth, even in the municipalities I represented, dangerous for police officers to go in. The cleanup was very complicated. Very complicated. And then you have got all the hazardous material after you are done doing the clean, and then sometimes flooring and everything has to come out, so the \$4,000 to \$5,000 is probably maybe even the low range for doing that. So would the housing be eligible to be cleaned if there was more money? I want to make sure I understand that right because I know there were different pots of money, even for municipalities in, like, North St. Paul and St. Paul, and this is what the State of Minnesota had to draw on. Could you help me understand that a little better? And it might not be in this committee, it might be in Judiciary or something like that, but I would like to take a look. Could you help navigate that?

Mr. THOMPSON. You asked if housing could receive funds?

Ms. MCCOLLUM. Yeah, so there is money that you get for doing some of the hazmat, and the police departments usually get equipment and that for going in. But for cleaning up the housing, is it a lack of funding available to clean up the housing, or is it that the money would not even be eligible for cleaning the houses? We can look into that, too.

Mr. THOMPSON. It is a little bit of column A and column A on that.

Ms. MCCOLLUM. Okay.

Mr. THOMPSON. They sometimes have to subsidize funding through housing in order to clean these units just because of the same EPA regulations. Of course, you know, tribes have the EPA regulations we use because it is the higher standard.

Ms. MCCOLLUM. Right.

Mr. THOMPSON. So part of the problem is, you know, having the funds, access the test kits, cleaning the houses, retesting the houses to make sure they are at safe levels. This is a very lengthy

process, and depending on the amount of drugs that were used inside of the home, you know, you could go through multiple cleanings, so you take that number and sometimes multiply it by 2 or 3. We were at a point with the amount of drug use, it damn near bankrupted our housing authority, and it still continues to hurt our housing authority, but at the same time, you also have a lot of homes that were owned by individual tribal members with no housing attached to it.

That is where a portion of that funding comes into play for us as well to clean these homes up so they are available stock for someone to purchase and have their own home. Could that be the responsibility, yes, but, you know, being as remote as we are in the North Woods, access to that type of cleaning service—

Ms. MCCOLLUM. Yeah.

Mr. THOMPSON [continuing]. Or materials is very hard to come by.

Ms. MCCOLLUM. Okay, well, it might not be the funding that is in this committee. It might be something we need to, as appropriators, talk to some of our fellow appropriators on other committees because losing housing stock is a crisis on these tribal lands, and housing goes to a lot of the mental health and substance control issues that you were talking about. Would you just take a second and talk about how housing plays into that? There is a whole lot of things, and your testimony is wonderful, but just staying on the theme of housing.

Mr. LOWES. Yeah. So regarding the theme of housing, I believe that tribal families are more likely to use substances if they don't have certain opportunities available to them, and that includes housing, education, and employment. So if people have a stable place to live and they have a good life, they are less likely to use, plain and simple.

Ms. MCCOLLUM. Thank you. Thank you, Mr. Chair.

Mr. THOMPSON. And as you mentioned, really quick, if I can respond to that, I do understand that that is another committee, but we are asking for some help in addressing this committee as well, and we do appreciate that if you can reach out to us. You know, as I mentioned before, it is not just housing. It is also on the tribal land, too, and we have subsidized close to \$200,000 this year to try and combat that. That only leaves us a small window of opportunity to get so many houses cleaned and ready, and it goes back to what Austin was saying as well. Without that lack of housing, you know, it just keeps creating that downward spiral for people, and just it pushes the drugs harder on our reservations as well.

Ms. MCCOLLUM. Well, Chief Francis was making an excellent point earlier about, and Ms. Pingree and the chair have talked about this, too, about how we have control over limited amount of funding in this appropriations committee. Then there is the authorizing committee to do some of the work that Chairman Simpson was talking about in law enforcement. But the challenge that we have in this committee, too, is we don't have a unified budget to look at if we want to plus something up to go to our colleagues in another committee and say, hey, we can be real impactful if we do that because we don't see that either. So we pay attention to it, but we are kind of in the same canoe as you all are when it comes to

being impactful because we touch other committees as well. So I think the testimony today about getting a unified budget would be very helpful for us in allocating our dollars more effectively, too.

Mr. THOMPSON. And we as tribes are more than willing to come to the table and advocate as well. We spent the last day or so, and we are going to spend the next day or two, speaking to IHS and other departments requesting some additional funding for this help. We aren't just looking at this as, well, it is one and done. You know, we have created so many things within our reservation alone to think outside the box, to try and get people help, try and restock the housing. We are very forward thinking, so it is not just like the money is there and it just goes to something and that is it.

You know, I give our administration, our chief of police, and our state of emergency data analysts a lot of credit over some of the outreach programs that we have created in the past 2 years trying to help a person that comes in and says I have a problem with addiction find those resources within that right amount of time so that it doesn't cause that person to just say, well, I ain't getting nothing, so this is how my life is going to be. We try very hard, and we are willing to speak to whomever to try and get assistance, not just for Lac du Flambeau, but for other tribes.

And I believe you heard it in the previous testimonies, and you will probably hear it more today, that is an issue plaguing us. And now we have trafficking that is starting to pick up on our little reservation, and it is horrible. You know, these people are taking advantages of young women, and it is very sad to see it come down to that. So thank you again.

Mr. SIMPSON. Mr. Zinke.

Mr. ZINKE. Thank you, Mr. Chairman, and I agree with you on fentanyl, but also, you know, my understanding is on building costs, is that building costs, when you are looking at materials that can be cleaned, sometimes it is 200 or 300 times more the elevated cost. So just the building, and then in the case of the Blackfeet, is the infrastructure. So you need the infrastructure in order to do it.

But talking about enforcement, when I was Secretary, we put together a drug task force, and it was multiagency, because as you point out, jurisdiction is an issue. You have BIA, you have county, and you have the sovereignty of the nation. So the task force, in coordination with the nations, we had FBI, DIA, and Interior has a lot of law enforcement, and we didn't knock everything out, but we were successful at least giving the message that, look, you know what? On Indian territories, drugs aren't free anymore. Would you agree that a task force of that type, with multiagency, in coordination with the tribes, would at least be helpful in addressing some of the problems we have between missing and killed and murdered and indigenous women as well as the tribes?

Mr. THOMPSON. Yes, I would agree that increased support to these task force would definitely be a help. We do have good working relationships with State DCI Naji and other task force that are just slipping my mind at the moment—I am sorry—but they work great together, and they have combated our drug issues as soon as they come in to our reservation. You know, I can't speak enough about how grateful I am for the law enforcement that we have in

our community right now. They went from your standard patrol people to drug enforcement agencies.

But, you know, as you mentioned, these task force that you talk about, sometimes their hands get really tied and, you know, we are starting to see more interaction between cartels targeting tribes and bringing this stuff directly to the reservation. That is where that flow up and beyond our reach, you know, can definitely use some reinforcement. I think our tribal police can offer a lot of information.

Mr. ZINKE. Mr. Chairman, do you share the same?

Mr. LOWES. I share that sentiment. I do, yes.

Mr. ZINKE. I appreciate it. Mr. Chairman, I yield back. Thanks.

Mr. SIMPSON. Thank you, and thank you both for being here today. Interesting testimony, something that we will certainly look into consideration of when we are trying to put together a budget. Thank you.

Mr. THOMPSON. Thank you very much.

Mr. SIMPSON. Panel Number 4: Mr. Fox, Ms. Buckles, and Ms. Langford.

[Pause.]

Mr. SIMPSON. Henry, you are your first from the White Earth Nation.

TUESDAY, MAY 7, 2024.

WHITE EARTH NATION

WITNESS

HENRY FOX, VICE CHAIRMAN, WHITE EARTH NATION

Mr. FOX. [Speaking native language.] Good morning, Chairman Simpson, Ranking Member Pingree, and members of the sub-committee. My name is Henry Fox. I am the vice chairman of the Reservation Business Council of the White Earth Band Ojibwe. Established by the Treaty of 1867, the White Earth Reservation is a 36-miles-by-36-mile square in Northern Minnesota. I am grateful for the opportunity to share with you today some of our physical priorities and needs at White Earth and in Indian Country. Lagging Federal investment in infrastructure on tribal lands over the last several decades has created serious need within our communities. My testimony today will focus on roads, tribal management, acquisition of the Tamarack National Wildlife Refuge, and IHS funding.

First, I will address the reservation roads program by highlighting funding levels as well as BIA policy. Despite having a very large rural land base with many reservation roads and isolated communities, the White Earth Nation does not receive anywhere near the necessary funding to build or maintain roads for their citizens. This jeopardizes public health and safety. We understand that Federal funding is limited, but we believe the BIA policies on distributing existing monies also plays a key role in these budget shortfalls. Transportation facilities located on Indian reservations and within tribal communities are maintained largely by the tribe. Funds for road maintenance programs are administered at the BIA

region offices for roads identified as part of the BIA road system as public roads, BIA roads, and bridges are often major corridors that provide critical access for tribal communities through which medical, education, commercial, and recreational services and opportunities are delivered or made available to tribal members and the general public.

The White Earth Reservation has a large land base, and the Band finds it increasingly difficult to maintain the current roads and bridges into inventory to acceptable standards. While the Band once received about \$5 million-plus dollars in annual allocation, the amount the Band now receives has decreased to approximately \$1.5 million. This is a 70-percent reduction in funding, yet there is no reduction in the Band's responsibility or cost. Without adequate funding, the Band must make difficult decisions to choose which projects to fund over others. These decisions are often no-win choices that all have unavoidable risks associated with them. Recent increases in construction costs and equipment repair have made this progressively more difficult. The BIA maintenance formula provides only pennies to a dollar compared with our local counterparts for cost per mile to maintain. We simply cannot continue to upgrade and maintain our roads under the current system. The allocation system must be fair to all.

Based on the Band's long-range transportation plan to meet future residential expansion and economic growth, we require a total of \$30 million for road repairs and upgrades. These repairs and upgrades will assist the Band in meeting the goals within our transportation plan. They will also provide safer transportation on the many roads which Band members use to travel to their homes and between communities. Currently, many of these are gravel or dirt roads and investment in maintaining and improving them will help make our roads safer and more well-suited to our northern climate.

My second topic is the Tamarack National Wildlife Refuge. The Tamarack National Wildlife Refuge was created within White Earth Reservation by the Collier Agreement in 1935. This was an agreement between the Biological Service, now the U.S. Fish and Wildlife Service, and the Bureau of Indian Affairs. Unfortunately, the terms of the Collier Agreement have not been fulfilled to the satisfaction of the White Earth Band. The Federal Government has failed to meet its obligation with respect to protecting the interests of the Band in many ways, including hunting, fishing, gathering, and allotments in the refuge area. Additionally, some of the lands used to create the Tamarack were taken from tribal allottees who were deprived of their land at below market value under methods that were deceptive, underhanded, and would not be allowed today.

The White Earth Band of Ojibwe is now seeking to manage these lands once again. We believe the first step to this should be a co-stewardship and co-management agreement between the Band and the U.S. Fish and Wildlife Service. We believe that the White Earth Band of Ojibwe can better administer these lands more effectively and at a lower cost to the taxpayer than the current approach. Many areas at the Tamarack contain important cultural and historical heritage areas and patrimony, all of which the White Earth Band would be most qualified to manage and preserve. Last year, White Earth sent a letter to Secretary Deb Haaland request-

ing the DOI enter into co-management agreement with the U.S., and we have been having productive discussion with the DOI. We have also worked to keep the Minnesota congressional delegation briefed on progress. Today, we respectfully request that funding be included in fiscal year 2025 Interior approach appropriations to help fund a 638 self-determination executive and imminent co-management agreement for the Tamarack.

While funding for 638 contracts is mandatory for BIA programs, 638 contracts with other agencies are discretionary and are heavily impacted by the availability, or lack thereof, of appropriated funds.

Mr. SIMPSON. I am going to have to ask you to speed quickly.

Mr. FOX. Okay.

Mr. SIMPSON. Very quickly.

Mr. FOX. I will move on from that then, right away. My third topic is highlight the urgent need for increased financial support for the White Earth Tribal Police Department to address its acute recruitment and retention challenges. Despite its unwavering commitment to safeguarding the White Earth Reservation community, our police department has faced significant obstacles due to limited resources. The struggles we have with recruiting and retentions are primarily rooted in our inability to offer competitive salaries and benefits compared to other law enforcement agencies, so they had to make cuts in some positions just to get what we got today for our tribal police.

I urge the subcommittee to allocate additional financial resources to the BIA to support the recruiting and retrenchment efforts of the tribal police departments nationwide. Thank you for your opportunity to testify today, and I would be happy to answer any questions you may have.

[The statement of Mr. Fox follows:]



WHITE EARTH RESERVATION

CHAIRMAN Michael Fairbanks SECRETARY-TREASURER Michael LaRoue
 DISTRICT I Henry Fox DISTRICT II Eugene Sommers DISTRICT III Cheryl "Annie" Jackson

WRITTEN TESTIMONY
 SUBMITTED TO THE
 HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED
 AGENCIES

HENRY FOX, VICE-CHAIRMAN, RESERVATION BUSINESS COUNCIL
 WHITE EARTH NATION

On behalf of the White Earth Band of Ojibwe (the "Band"), as the Vice-Chairman of the Reservation Business Council, I am grateful for the opportunity to share with our some of our needs to ensure that our concerns and voices are heard on these issues. My name is Henry Fox and I am thank you for this opportunity to address fiscal priorities and needs in Indian Country. I respectfully submit the following written testimony for the House Appropriations Subcommittee on Interior, Environment, and Related Agencies for your consideration.

Established by the Treaty of 1867, the White Earth Reservation is a 36 mile by 36 mile square in northwestern Minnesota. Our homelands are very important to us but lagging investment in infrastructure over the last several decades has created serious need within our communities. This testimony will focus on roads, Tribal Management/Acquisition of the Tamarac National Wildlife Refuge and I.H.S. Funding

ROADS

First, I will address the reservation roads program by highlighting funding levels as well as BIA policies. Despite having a very large, rural land base with many reservation roads and isolated communities, the White Earth Nation does not receive anywhere near the necessary funding to build or maintain roads for their citizens, thus jeopardizing public health and safety. We understand that federal funding is limited, but we believe that BIA policies on distributing existing monies also play a key role in these budget shortfalls.

Under the operation and maintenance of BIA roads, transportation facilities located on Indian Reservations and within tribal communities are maintained largely by the tribe. Roads maintenance program funds are administered at the BIA Region offices for the maintenance of roads identified as part of the BIA roads system. The BIA road system is part of the National Tribal Transportation Facility Inventory (NTTFI). As public roads, BIA roads and bridges are often major corridors that provide critical access for tribal communities through which medical, educational, commercial, and recreational services and opportunities are delivered or made available to tribal members and the general public.

The White Earth Reservation has a large land base, and the Band finds it increasingly difficult to maintain the current roads/bridges in the inventory to acceptable standards. While the Band once received about \$5 million (plus) dollars in annual allocation, the amount the Band now receives has decreased to approximately \$1.5 million. This is a 70% reduction in funding yet there is no reduction in the Band's responsibility or cost. Desperate for adequate funding, the Band often must position the Tribal Road Department to make difficult decisions to choose which projects to fund over others. Typically, the Band must seriously consider whether to convert or revert the Band's roads back to aggregate with a failing surface type or a failing road bed condition. Either decision has unavoidable risks associated with it.

With the recent increase of construction costs and equipment repair, the needs of the Band have become progressively difficult. The maintenance formula is only pennies to a dollar compared with our local counterparts for cost per mile to maintain. We simply cannot continue to upgrade and maintain our roads under the current system. The allocation system must be fair to all.

Based on the Band's Long Range Transportation Plan (LRTP) to meet future residential expansion and economic growth, we require a total of thirty million dollars (\$30,000,000.00) for road repairs and upgrades. These repairs and upgrades will not only assist the Band in meeting our goals within our LRTP but provide safer transportation within the Reservation boundaries. Many roads Band members use to travel to their homes and between communities are gravel or dirt roads and this investment will help make our roads safer and more well suited to our northern climate.

Despite having a very large, rural land base with many reservation roads and isolated communities, the White Earth Nation does not receive anywhere near the necessary funding to build or maintain roads for their citizens, thus jeopardizing public health and safety. We understand that federal funding is limited, but we believe that BIA policies on distributing existing monies also play a key role in these budget shortfalls.

TRIBAL MANAGEMENT/ACQUISITION OF THE TAMARAC NATIONAL WILDLIFE REFUGE

My second topic is the Tamarac National Wildlife Refuge. The Collier agreement of 1935 was an agreement between the Biological Service (now the US Fish & Wildlife Service) and the Bureau of Indian Affairs (BIA) to create the Tamarac National Wildlife Refuge within the White Earth Reservation. The White Earth Band of Ojibwe is now seeking to manage these lands again. The first step to this should be a co-stewardship and co-management agreement between the Band and the USFWS. On January 26, 2023, White Earth sent a letter on this topic to Secretary Deb Haaland and the congressional delegation was briefed. We believe that the White Earth Band of Ojibwe can better administer these lands, many of which contain important cultural and historical heritage areas and patrimony. We respectfully request that funding be included in FY 25 Interior Appropriations to help fund a 638 self-determination contract between the USFWS and the Band to execute an imminent co-management agreement for the Tamarac. While funding for 638 contracts is mandatory for BIA programs, 638 contracts with other agencies are discretionary and are heavily impacted by the availability (or lack thereof) of appropriated funds.

The terms of the Collier Agreement have not been fulfilled to the satisfaction of the White Earth Band. The Federal Government bears the burden of protecting the best interests of the Band and its members, however, the Federal Government has failed to meet its obligations with respect to allotments in the Refuge area. Many allotments within the Refuge area were sold by the Federal Government on behalf of the original allottee at values far below the then market rate. For instance, the allotment owner for O-1789 accepted \$280 for her entire 80-acre allotment which is a rate of \$3.50 per acre. Other parcels received a rate of \$10-\$15 per acre. This discrepancy shows that Indian beneficiaries were deprived of their land at below-market value. While White Earth members can hunt, fish, and gather within the Refuge, we believe the Band would be an ideal steward for these lands and welcome that opportunity.

LAW ENFORCEMENT

My third topic is to highlight the urgent need for increased financial support for the White Earth Tribal Police Department (WETPD) to address its acute recruiting and retention challenges. Despite its unwavering commitment to safeguarding the White Earth Reservation community, the WETPD has faced significant obstacles due to limited resources. In response, the department made the difficult decision to cut positions to

reallocate funds towards enhancing wages in a bid to compete with neighboring law enforcement agencies. However, this approach has further strained the department's ability to maintain adequate staffing levels, exacerbating recruitment and retention difficulties.

The WETPD's struggles with recruiting and retention are primarily rooted in its inability to offer competitive salaries and benefits compared to other law enforcement agencies. While the department's dedication to serving the community is unwavering, the financial constraints have hindered its ability to attract and retain qualified officers. The decision to cut positions to boost wages was a necessary step to address this issue. However, without additional financial support, the WETPD remains at a disadvantage, perpetuating staffing shortages and impeding its effectiveness in fulfilling its mission.

Moreover, the ramifications of underfunding the WETPD extend beyond staffing challenges to impact public safety and community trust. A shortage of officers compromises the department's capacity to respond effectively to emergencies, investigate crimes thoroughly, and engage in proactive community policing efforts. Furthermore, high turnover rates disrupt continuity within the department and erode trust between law enforcement and tribal members. Therefore, increased funding is urgently needed to address these critical issues and ensure that the WETPD can recruit and retain a dedicated workforce committed to protecting and serving the White Earth Reservation community.

In light of these pressing concerns, I urge the BIA to allocate additional financial resources to support the recruiting and retention efforts of the WETPD. By investing in the department's capacity to offer competitive compensation packages, we can bolster recruitment efforts, reduce turnover, and enhance public safety in tribal communities. It is imperative that we take decisive action to address these urgent challenges and uphold the safety and well-being of all tribal members on the White Earth Reservation.

Biography of Vice Chairman Henry Fox
White Earth Nation Reservation Business Council

Henry Fox is a respected White Earth Nation community leader and serves as the District 1 Representative on the tribal council. He is known for his dedication to the community, his tireless work ethic, and his commitment to preserving the traditions and culture of the White Earth Nation.

Born and raised on the White Earth Reservation in northern Minnesota, Henry has always been an active community member. After serving in the US Army, Henry returned to the White Earth Reservation and started his career as a dedicated substance abuse counselor for over 15 years, helping individuals that struggled with addiction. Henry is passionate about his work and committed to assisting people to heal and overcome the challenges of addiction. He started his career as a peer counselor, drawing on his own experiences with addiction and recovery to provide empathy and support to others. As he gained experience, Henry pursued additional education and training, eventually becoming a Clinical Supervisor and Program Manager. Henry is known for his compassionate approach and his ability to connect with people on a deep level. His work helped countless individuals find hope and healing. He is committed to continuing this work until everyone struggling with addiction can access the support and resources they need to thrive.

In 2022, Henry was elected as the District 1 Representative on the White Earth Nation Reservation Business Committee. Since then, he has been a powerful advocate for his constituents, working tirelessly to promote sobriety, increase access to services, and improve the quality of life for the members of his district.

Henry's leadership has contributed to advancing the White Earth Nation's goals and priorities. He has been a key player in the tribe's efforts to protect its sovereignty and preserve its cultural heritage. In addition to his work as a tribal representative, Henry is actively involved in the community. He serves on the board of several organizations, including the 1855 Treaty Authority.

Henry is a devoted husband, father, and grandfather, and he enjoys spending time with his family when he is not working. He is widely respected for his integrity, dedication to the community, and commitment to advancing the interests of his constituents and the White Earth Nation.

Mr. SIMPSON. Ms. Buckles.

TUESDAY, MAY 7, 2024.

**ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK
RESERVATION**

WITNESS

**DANA SAM BUCKLES, COUNCILMAN, ASSINIBOINE AND SIOUX TRIBES
OF THE FORT PECK RESERVATION**

Mr. BUCKLES. Thank you. Okay. Good morning. [Speaking native language.] That is “good morning” in my language. I am Dana Buckles, councilman of the Assiniboine and Sioux Tribes of the Fort Peck reservation. I want to thank the subcommittee to commit full funding for IHS, BIA, and EPA. I have spent decades in public service and most of my career in our tribal health system working to improve health outcomes for our tribal members, so today I want to spend most of my time addressing healthcare needs.

First and foremost, we are facing a significant mental health and addiction crisis. While these challenges are not entirely new, there are elements of the situation today that require significant additional resources and creative applications of resources. We are dealing with the widespread use of the accessibility of opioids, specifically fentanyl. The potency and lethal of the fentanyl are unlike anything before. This drug is impacting all our demographics in our community. The impact of the crisis is magnified by long-standing inequities in terms of healthcare and basic infrastructure of Indian Country. Fort Peck’s health system is operated on an utterly inadequate budget for decades. We are also very rural, which adds additional layers of complications to attracting and retaining healthcare professionals. It is critical now, as the need is heightened, that Congress commit funds to the IHS commensurate with documented needs.

On our reservation, we only have a single drug treatment facility, which is spottable, which, because of its current resources, only provide outpatient treatment. The demand for our outpatient treatment exceeds what we can provide, but even more notably, we have a dire need for inpatient treatment services and none to provide at this time. We are experiencing an unrelenting wave of overdoses and many resulting in death. These tragedies always have widespread impacts of our entire families. It is simply unacceptable. We cannot continue to lose people when the crisis is preventable and treatable if the resources are made available. I ask Congress to please commit additional resources to the tribal mental health and substance misuses programming.

Finally, there is a significant need for funding for our dialysis treatment. At Fort Peck, we operate a dialysis unit in high demand and does not receive any Federal funding. Despite clear statutory authority in the IHCIA and the demonstrated need for greater funding for dialysis treatment, including the need for additional staff, equipment, greater access to organ transplant, and facilities located locally in Indian Country, far too many Native Americans are losing their lives to diabetes. The Fort Peck Tribes subsidized

our tribal health dialysis program, carried out under a 638 contract, in the tune of \$300,000 to \$500,000 annually. We urge this subcommittee to appropriate funds to the IHS service account to fund direct and tribally-delivered dialysis treatment to address this emerging situation.

I thank you for the commitment to improving the quality of life of Indian Country. The Fort Peck tribes look forward to continue to serve our citizens with greater Federal resources. Thank you, sir.

[The statement of Mr. Buckles follows:]

**TESTIMONY OF DANA BUCKLES, COUNCILMAN
ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION TO
THE HOUSE APPROPRIATIONS COMMITTEE, SUBCOMMITTEE ON INTERIOR
AND RELATED AGENCIES ON THE IHS, BIA and EPA FY 2025 BUDGET**

May 7, 2024

I am Dana Buckles, Councilman of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. I would like to thank the House Interior Appropriations Subcommittee for the opportunity to present testimony concerning FY 2025 appropriations for the Indian Health Service (IHS) and Bureau of Indian Affairs (BIA).

The Fort Peck Reservation is in northeast Montana, forty miles west of the North Dakota border and fifty miles south of the Canadian border, with the Missouri River defining its southern border. The Reservation encompasses over two million acres of land. We have approximately 13,000 enrolled tribal members, with approximately 7,600 tribal members living on the Reservation. We have a total Reservation population of approximately 12,000 people.

Congress has long recognized that the foundation for economic development and prosperity in Indian country lies in community stability, which begins with quality healthcare and infrastructure, such as safe drinking water, roads, public safety and a clean environment.

A. INDIAN HEALTH SERVICE FUNDING

Last year, former Chairman Floyd Azure testified before you about the mental health and addiction crisis facing Indian country and which the people of Fort Peck, in particular, are experiencing at devastating levels. Over the last year, this crisis has only magnified. It is critical, therefore, that the Indian Health Service be fully funded and tribes economically empowered to face this crisis head on.

The COVID-19 pandemic showed the nation the chronic health care deficiencies in Indian country. Native people acquired and died of this disease at some of the highest rates in the nation. This is because we suffer from comorbidities at higher rates, and because Indian country lacks access to adequate healthcare and basic community infrastructure. These same health inequities facing Native people are also exacerbating the current mental health and addiction crisis.

For the current year, Congress funded the IHS Services Clinical Services account at \$4.46 billion, an increase of \$27.7 million over the FY 2023 enacted level—in other words, an increase of 6/10 of one percent. For FY 2025, the Administration proposes \$5.12 billion, a proposed increase of \$664 million, or what would be nearly a 15% increase over the FY 2024 level.

Within the FY 2024 funding amount of \$130 million for IHS Mental Health needs across Indian country, the Fort Peck Tribes receive \$132,205 (about 1/10 of one percent). Within the FY 2024 funding amount of \$267 million for the IHS Alcohol and Substance Abuse Program across Indian country, the Fort Peck Tribes receive \$1.77 million (6/10 of one percent). It is not enough, and we urge the Subcommittee to appropriate funds commensurate with the documented needs.

I do not know how to describe the level of our needs other than to say that modest budget increases cannot begin to address the shortage of health professionals and the shortage of long-term and in-patient substance use disorder (SUD) programs our Tribe requires to address the mental health and substance use needs of our Tribal citizens.

The addiction crisis at Fort Peck is fueled by opioids, specifically fentanyl, the availability on the Reservation of which has skyrocketed over the last several years. This is true across Indian country in Montana, where the opioid death rate for Indian people is twice that of non-Indians.¹

At Fort Peck, we have the Spotted Bull Recovery Resource Center (SBRRCC) that serves as the Tribal SUD program. We provide best practices, evidence-based and culturally appropriate prevention, intervention and treatment services primarily related to substance misuse, complemented by mental health services to patients who present with SUD needs. We provide services according to the American Society of Addiction Medication (ASAM) levels of care. Our program offers four levels of care: Level 0.5 (Prevention and Education); Level 1.0 (Outpatient); Level 2.1 (Intensive Outpatient); and Level 3.1 (Day Treatment). We make referrals to higher levels of care involving primary residential inpatient treatment programs that we do not offer on the Fort Peck Reservation. I wish it were otherwise.

At SBRRCC, we offer the following services:

- 10 hours of individual/group therapy per week;
- 2 hours of Level 0.5 Early Intervention per week;
- 2 hours of Anger Management related to SUD;
- 2 hours of Recovery Support per week;
- 2 hours of Family Programming per week;
- 4 hours of Clinical Staffing per week;
- 2 hours of Community Education/Outreach bi-weekly; and
- 4 hours of Prime for Life programming.

We urge the Subcommittee to devote additional appropriations to IHS mental health and substance misuse programs so that outpatient and inpatient treatment services can be greatly expanded and made widely available on our Reservation and across Indian country.

Furthermore, the Tribes contracted the IHS Dental and Public Health Nursing Program last fall. We are still working to establish Tribal servers and a Dentrix System independent of the IHS. We work daily to provide quality dental and PHN services with the few dentists, hygienists and PHN professionals we are able to employ. We urge the Subcommittee to consider more than a 1.7% increase (\$4.4 million) in FY 2025 for the IHS Dental Health Program budget of \$248 million and more than a 1% increase (\$1.2 million) in FY 2025 for the IHS Public Health Nursing Program.

¹ See *Tribal Leaders Sound the Alarm*, NPR (June 1, 2022), <https://www.npr.org/sections/health-shots/2022/06/01/1101799174/tribal-leaders-sound-the-alarm-after-fentanyl-overdoses-spike-at-blackfeet-nation>.

B. BUREAU OF INDIAN AFFAIRS FUNDING

1. Law Enforcement - One of the main symptoms of the fentanyl crisis on the Fort Peck Reservation has been a corresponding rise in crime on the Reservation. We have seen an increase in crime across the board, but especially in property crime and violent crime—including sexual and other violent assaults, kidnapping and homicide. Crimes at Fort Peck are being committed by and against every demographic within our community. Just last September, the Tribal Executive Board issued a state of emergency due to the severe increase in juvenile crime. Our Police Chief estimates that at least 80% of criminal conduct on the Reservation relates back somehow to drugs. For example, a perpetrator may have been high when they committed the crime, they may have committed the crime to secure money to purchase drugs, or they may have committed the crime in retaliation for something related to drug use or distribution.

The Fort Peck Tribes have provided law enforcement and correctional services on our Reservation since 1996 under an Indian Self-Determination and Education Assistance Act contract.

BIA law enforcement must be fully funded so that tribes like ours can attract, hire and retain more law enforcement personnel to live and work in our community. For FY 2024, Congress appropriated \$274 million for the BIA's Public Safety and Justice Program's Criminal Investigations and Police Services Account, the same funding level as FY 2023. We are losing tribal police due to burnout and the higher salaries and better benefits that surrounding state and county law enforcement programs can offer.

We urge this Congress to pass this session the “Parity for Tribal Law Enforcement Act” to provide increased salaries and fringe benefits to tribal law enforcement similar to other federal law enforcement officers. Crime doesn’t stop at our Reservation boundaries. We are not insulated and neither are surrounding areas. We must do better by our first responders. I ask this Subcommittee to include tribal public safety needs in the FY 2025 budget.

2. Tribal Court Funding - Similarly, BIA must increase funding for tribal justice systems. As Congress has known for years based on thorough, bipartisan study, the most effective law enforcement is locally determined and administered, and thus reflective of local values—in Indian country this means tribally determined and administered and reflective of tribal values.² At Fort Peck, we have always known that strong tribal government is the best way to keep our community safe.

It is for that reason that, for more than fifty years now, the Fort Peck Tribes have had an independent judicial system, including an appellate court. Our tribal court system includes law-trained judges, law-trained prosecutors and public defenders, probation officers and experienced

² See generally *A Roadmap for Making Native America Safer: Report to the President & Congress of the United States*, Indian Law & Order Commission (Nov. 2013), available at https://www.aisc.ucla.edu/iloc/report/files/A_Roadmap_For_Making_Native_America_Safer-Full.pdf.

court clerks and court reporters. Our tribal code is published and publicly available. We are also one of a small number of tribal court systems exercising expanded jurisdiction and enhanced sentencing under VAWA and the Tribal Law and Order Act.

This kind of work requires additional resources to attract, hire and retain skilled professionals and provide high-level services to all the individuals and families in the system. That is why I ask Congress to significantly increase funding for tribal courts in the FY 2025 budget.

3. **Housing** - It is important that sufficient BIA funding be dedicated to addressing the social conditions on the Reservation that are interrelated with many of the problems we see with the mental health and drug crisis, the Reservation crime rate and health disparities within our community—and one such area for this is housing. We have a significant shortage of housing at Fort Peck. In many cases, we have multiple families living in a single home. There is overcrowding. This means that exposure to illness and unhealthy behaviors is unavoidable for many people, especially children. We must have greater funding to increase housing on the Reservation for families, to increase housing for people in recovery so that they do not go homeless during such a critical time (or return to homes where they may endanger others if they experience a relapse or other crisis), and to enable Tribes to better be able to recruit professionals to live and work in our community—especially teachers, law enforcement and healthcare professionals. Importantly, housing funding must include the resources so that new developments are built with access to basic infrastructure like water, sewer, electricity and broadband.

Additionally, the BIA Housing Improvement Program (HIP) is insufficiently funded to address housing needs on the Reservation for the least well off. FY 2024 funding was \$12 million. We understand, however, that the Tiwahe Initiative Program provides greater flexibility regarding Tiwahe HIP funding than the BIA HIP Program. We urge the Subcommittee to increase the Tiwahe Initiative Program to benefit more Tribes and trust Tribes to wisely use Tiwahe Initiative funds to address unmet housing and interim housing needs of our members.

4. **Social Services & ICWA Funding** - Our Tribal Social Services program has needed increased funding for some time, as our former chairman testified about last year. For FY 2024, Congress cut BIA Social Services about 2% below the FY 2023 level of \$167 million. Our needs have only grown over the last year, particularly in light of the mental health and substance misuse issues I have highlighted. These issues have hit young adults, many of whom are parents, particularly hard and are thus exacerbating the stress put on our already thinly stretched social services providers and programs. Our families need additional wraparound and preventive social services support so that their children do not enter the foster care system. And for those children who do enter the system, we must have greater funding to recruit and retain licensed foster care homes on the Reservation.

Thank you for the opportunity to testify.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Appropriations

Subcommittee: _____

Hearing Date: 05/07/2024

Hearing Title :

House of Representatives American Indian and Alaska Native Public Witness Days

Witness Name: Dana Buckles

Position/Title: Councilman

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Assiniboine & Sioux Tribes of the Fort Peck Reservation

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
 I have attached my curriculum vitae or biography.

* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
(i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
- (C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
- (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

False Statements Certification	
Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.	
	<u>4/29/24</u>
Witness signature	Date

**Dana "Sam" Buckles, Councilman
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation**

Dana "Sam" Buckles is a member of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation and has served as a member of the Fort Peck Tribal Executive Board, the governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, since January 29, 2013. He holds an Associate of Arts Degree in General Studies from Blackfeet Community College in Browning, Montana, and has received a certificate in Environmental Health Services.

Prior to joining the Executive Board, Councilman Buckles spent the majority of his career in public service for the Fort Peck Tribes. Early in his career, Councilman Buckles worked as a juvenile officer and a tribal police officer in Poplar, Montana. He then spent over 20 years working in the health and human services field for the Fort Peck Tribal Health Program. He served as an Environmental Health Technician for the Tribal Health Department as well as a Safety Officer overseeing IHS safety personnel from 1994 to 2013. For the two years prior to joining the Executive Board, Councilman Buckles also served as a supervisor for community health representatives and as the assistant to the Tribal Health Director.

Mr. SIMPSON. Thank you. Carole.

TUESDAY, MAY 7, 2024.

**CONFEDERATED SALISH AND KOOTENAI TRIBES OF
THE FLATHEAD RESERVATION**

WITNESS

**CAROLE LANKFORD, COUNCILWOMAN, CONFEDERATED SALISH AND
KOOTENAI TRIBES OF THE FLATHEAD RESERVATION**

Ms. LANKFORD. [Speaking native language.] Chairman Simpson, members of the committee, good morning. My name is Carole Lankford, and I am a member of the tribal council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation. Thank you for this opportunity to share our thoughts in addressing challenges facing our community and the subcommittee's commitment to improve the lives of our shared constituents.

In our view, the first step is to double down on the efforts to address mental illness and substance abuse. Our tribes are made up of approximately 8,000 enrolled tribal members. Approximately 5,000 enrolled tribal members live on the reservation, which has a total population of approximately 30,000 people. Unfortunately, nearly every member of our community has felt the impacts of mental illness and addiction. As fentanyl and other opioids plague our community, we must support our law enforcement, health professionals, and social service programs. As an original self-governance tribe, we have carried out all functions of IHS and BIA for decades. Our local control and wise fiscal management of these programs have allowed us to dramatically improve the quality of services to our community. However, despite the efficiencies, we are limited by available resources. Full funding for Indian Health Service and additional funding for the Bureau of Indian Affairs is, therefore, a critical component to our ability to adequately address the crises we face surrounding mental health and addiction.

For the past several years, I have served as a member of the Lake County Drug Court, where I witnessed firsthand how appropriate support can help people lift themselves out of the darkness of untreated mental illness and addiction. At CSKT, we are administering several cutting-edge programs to address these challenges. For example, it includes the development of a drug treatment court as a diversion to criminal charges pending in our tribal court; a re-entry program that assists individuals returning to their communities after encounters with the criminal justice system; and streamlining the delivery of services through our participation in the Tiwahe initiative. The Tiwahe was established to improve the health and well-being of tribal communities by reducing poverty, substance abuse, domestic violence, and associated outcomes such as youth suicide.

Since joining Tiwahe, we have made significant strides in developing steps leading to the coordinated system of change, resulting in positive outcomes for our children and families. We have identified the need to create a coordinated service delivery system to break through silos. We have also implemented a cross-disciplinary

team to manage case involving children in need of care, care and services. We are now working to incorporate tribal language and cultural perspectives into our programming, reviewing our codes and policies to address these challenges, and begin subsequent phase through action and strategic planning. We are grateful for the subcommittee's support of the Tiwahe initiative and excited to see the positive outcomes that increases in Tiwahe funding will have on our people.

Of course, we cannot overlook the importance of brave men and women in law enforcement that keeps our communities safe. Our law enforcement officers serve as the first line of defense in slowing the imports of opioids and other illegal drugs to our reservation. We must ensure that these officers have the resources they need to protect our people.

Like many of our neighbors, we are experiencing unprecedented drought conditions that persist from year to year. These extreme conditions present threats to our land, water, and our natural resources from fire and other natural disasters. Our Flathead Reservation was reserved as a permanent homeland under the Hellgate Treaty of 1855 and encompasses over 1.2 million acres of timber, range, and farmland in Western Montana, and is situated around the south half of Flathead Lake, the largest freshwater lake west of the Great Lakes. Unfortunately, our reservation has been ravaged by fire during the past three fire seasons, but without the subcommittee's support, outcomes could have been worse. We were pleased to have the congressional appropriations staff who were able to witness firsthand the work of the CSKT Division of Fire and a full host of fire management activities it provides.

We look forward to continuing work with the subcommittee to address adequate infrastructure to support the evolving fire landscape and to ensure parity for our tribal wildland firefighters. Currently, criteria limits firefighter workforce retention funding to only wildfire staff paid by preparedness and fuels funding. This approach limits workforce retention and has created tension in our organization. Our wildland fire militia, who are vital to the wildfire program during critical periods every summer, are not eligible for the retention. While we have work to do, we are extremely grateful for the subcommittee in addressing the wildfire as we adapt to changing snowfall patterns and drought conditions and continue to improve fire management.

Thank you for this opportunity to testify, and I am available for questions.

[The statement of Ms. Lankford follows:]

**TESTIMONY OF COUNCIL MEMBER CAROLE LANKFORD OF THE
CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD
RESERVATION TO THE HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES ON THE IHS, BIA
AND EPA FY 2025 BUDGET**

May 7, 2024

My name is Carole Lankford and I am a member of the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation. We appreciate the House Interior Appropriations Subcommittee for its dedication to the needs of Indian Country and the opportunity to present testimony concerning these important appropriations.

For thousands of years the Bitterroot Salish, Upper Pend d'Oreille, and Kootenai people thrived in portions of what is now Montana, Idaho, and British Columbia. Under the Hellgate Treaty of 1855, the Flathead Reservation was reserved as our permanent homeland and encompasses over 1.2 million acres in western Montana situated around the southern half of Flathead Lake, the largest freshwater lake west of the Great Lakes. Our Tribes are made up of approximately 8,000 enrolled tribal members, with approximately 5,000 tribal members living on the Reservation. Our Reservation has a total Reservation population of roughly 30,000 people.

As a Self-Governance tribe we have for decades carried out all functions of the Bureau of Indian Affairs and Indian Health Services on our Reservation, as well as the functions of the Environmental Protection Agency under the Treatment as States authorities for many years. Local control and wise fiscal management have allowed us to stretch limited resources far beyond the capabilities of the federal government. Despite the efficiencies our Tribal government can achieve, limitations on federal resources present significant challenges for the delivery of services. These challenges have been exacerbated by unprecedented drought, mental health, and addiction facing our communities.

INDIAN HEALTH SERVICE FUNDING

Our Reservation continues to face a serious mental health and addiction crisis worsened by the introduction of fentanyl and other opioids to our Reservation. Existing resources and methods are inadequate to effectively combat the complexities associated with opioid abuse. We are dedicated to providing needed mental health care and substance abuse treatment. We are engaged in several promising initiatives that, with adequate resources, will produce results. However, full funding for the Indian Health Service is a critical component to adequately address this mental health and addiction crisis.

BUREAU OF INDIAN AFFAIRS

Social Services, Public Safety and Housing. Our Tribal Council has undertaken an aggressive response to the mental health, addiction and housing crisis faced by our people. Perhaps the most significant component of our response is our participation in the Tiwahe Initiative. Tiwahe was established in 2015 to improve the health and wellbeing of families in Tribal communities by reducing poverty, substance abuse, domestic violence, and associated outcomes, such as youth suicide.

We appreciate the Subcommittee's support for Tiwahe, and strongly encourage additional support for Fiscal Year 2025. The President's 2025 budget requests an increase of \$28.6 million for additional support for Tiwahe Social Services, Housing, Tribal Justice Support, Tiwahe Indian Child Welfare Act programs, services, functions, and activities, including support for Tribal capacity building, and direct funding opportunities to Tribes seeking to develop and operate Healing to Wellness courts. At CSKT we have had tremendous success with our efforts to reduce recidivism and with our drug and wellness courts. Through our participation in Tiwahe, we intend to expand these important programs to help families and individuals struggling with substance abuse to access critical services so that they can be successful in housing, employment, and sobriety.

Since joining Tiwahe we have made significant strides in the development steps leading to a well-coordinated system of change resulting in positive outcomes for our children and families. We have identified the need to create a coordinated service delivery system to break through silos and have implemented a cross-disciplinary team to co-case manage children in need of care and services. We are working to incorporate Tribal language and cultural perspectives into our programming, reviewing our codes and policies to address current challenges, and eager to begin subsequent phases through action and strategic planning.

In addition to the President's FY 2025 requested increases, we also encourage the Subcommittee to provide an additional \$2 million in Tiwahe Job Placement/Training funds and \$5 million to establish a Tribal Economic Development component within the Tiwahe Initiative to further development and deployment of multi-disciplinary socioeconomic solutions. Funding will support Tribes in developing and operating comprehensive, integrated economic and community development programs.

In addition to Tiwahe funding, we support increased resources for social services, housing, Tribal Court, law enforcement and corrections. Homelessness and overcrowding are at all-time highs across Indian country. The housing situation on our Reservation is further complicated by the drug and mental health crisis we face, as eligibility for tribal housing may be impacted by addiction issues and drug and mental health events of one individual may have wide-reaching impacts on all members of that individual's household. The average home price on our Reservation far exceeds what a typical Tribal family can afford with a price tag of \$725,000. Increased federal funds are necessary to enable the Tribal government to increase housing availability for Tribal members on the Reservation. And importantly, housing funding must include the resources for infrastructure to ensure all new housing has water, sewer, electricity, and broadband access.

Social services are critical to the wellbeing of families on the Reservation. For example, we provide services that support Tribal people in entering into and staying in the workforce, as well as parenting programs that help parents acquire the tools and practices of good parenting, which in turn helps keep many children out of the foster care system.

Tribal courts are essential to a strong economy and safe communities. Our Tribal Court system provides an important venue for resolution of conflicts on the Reservation. And our Tribal

Defender's office is leading several cutting-edge efforts to reduce recidivism which include novel approaches to case management and the provision of wraparound services like supportive housing. But these efforts need additional funding. This is especially the case because the Tribal Court system faces additional burdens and significant challenges associated with mental health and addiction.

Similarly, law enforcement and corrections are in dire need of additional funding throughout Indian country, especially as opioid and other illegal substance use increases as people self-medicate to treat mental illness. Most cases handled by our law enforcement and in our jail have a substance abuse component.

In addition, the Tribal Council is facing significant uncertainty as the State of Montana and its political subdivisions are anticipated to seek retrocession of felony criminal jurisdiction under Public Law 280 within the next few weeks. If the State is successful in withdrawing from its public safety obligations, CSKT will necessarily need to assume a dramatic increase in public safety related services. Full funding for law enforcement and corrections is imperative if we are to adequately police our communities.

Importantly, if CSKT is required to assume additional public safety obligations due to State retrocession, existing infrastructure will be wholly inadequate. Our criminal justice programs are spread out among different buildings and locations, hindering collaboration. Funding for tribal justice centers with space aligned with the Tribal restorative justice values and objectives will be vital in consolidating justice-related programs, ensuring adequate detention capacity, implementing effective treatment programs to address addiction and reduce recidivism, and providing vocational and other training and educational services to help people to leave the justice system with the ability to return to their communities and find meaningful work.

Natural Resources: Wildland Fire and Aquatic Invasive Species. We thank the Committee for recent increases in federal wildland fire appropriations and appreciate continued attention to additional funding for future challenges particularly in light of unprecedented drought conditions. We also encourage continued support for parity, equity, and inclusion of tribal wildland fire management programs during the Agency allocation of these funds. Current criteria limits funding to full-time, permanent wildland firefighters. However, due to our remote location and limited resources we regularly rely on part-time and seasonal employees as well as employees with other responsibilities in addition to just firefighting to fight fires when they arise.

CSKT's Division of Fire was stretched to the breaking point during with fires in 2021 and 2022 that ravaged our homelands due in large part to inadequate infrastructure to support an evolving fire landscape. Lack of available space and facilities for permanent and emergency personnel and equipment is a problem that has grown exponentially over the past few years. With dry conditions expected this season we continue to see the critical need for a single engine air tanker base facility, personal facilities, vehicle bays for engines, and training and assessment facilities.

We also are keenly concerned with the detection, prevention and eradication of invasive species and on the resiliency of our Tribal lands. There has been little to no coordinated effort across

the Columbia River Basin for the protection against the introduction of Aquatic Invasive Species (AIS), such as the zebra and quagga mussels. Because it only takes one boat to infect an entire watershed, every potential vector is a threat to the entire region. It is therefore critical to empower local parties who are best suited to guard against invasion with additional resources *and* to build strong partnerships throughout the Basin. In our view, federal monetary support and assistance in enhancing coordination are key to adequately protecting the vital water resources of the Pacific Northwest. Because of the interconnectedness of waterways, protection against AIS is an area where federal funds can match or supplement local efforts in a cost-effective manner.

Additionally, and just as importantly, because the Federal Highway system is the primary vector for transmission of invasive species, including AIS, any robust line of defense against invasive species must involve the establishment of permanent check stations on all federal highways in and out of the Columbia Basin. Working in tandem, the Transportation and Interior Departments could ensure that traffic is safely and efficiently moved into check stations, where watercraft can be inspected safely by local staff from Tribes, states, and local governments. These check stations could be constructed in conjunction with rest areas and weigh stations throughout the Basin.

CSKT operates a number of programs that defend against the introduction of invasive species and mitigate the invasions that have already occurred. But funding for our efforts is sparse and inconsistent. We must have adequate resources and support for coordinated efforts among the various sovereigns in the region.

ENVIRONMENTAL PROTECTION AGENCY

Finally, we thank the Committee for additional resources provided in recent cycles for Solid and Hazardous Waste and the Brownfields Program. However, we strenuously urge Congress to prioritize adequate funding for the Environmental Protection Agency programs for Tribal communities. Tribal EPA programs steadily decreased for nearly a decade and a half, placing an unreasonable drain on our government and our ability to sustain vital programs to monitor, reduce, and prevent pollution on our Reservation. The federal trust responsibility requires the United States to ensure the Tribes continue to have a livable homeland where pollution levels are safe for people, wildlife, and the environment. Without stable funding, CSKT cannot build sustainable and effective programs to protect our environment and community.

Critical programs for protecting the Tribes' permanent homeland have seen stagnation or decreases in funding over the past decade or so. These critical programs include the Clean Water Act Section 106 Water Quality Program, the Wetland Program Development Grant program, the Clean Air Act Section 103 and Section 105 Air Quality Program, the Underground Storage Tanks and Leaking Underground Storage Tanks Program, and Tribal Federal Insecticide Fungicide Rodenticide Act ("FIFRA") Program.

Biography

**Carole DePoe Lankford
Tribal Council of the Confederated Salish and Kootenai Tribes of the
Flathead Reservation**

In December 2021, Carole DePoe Lankford (Kootenai and Salish) was re-elected to her eighth four-year term to the Tribal Council for the Ronan District of the Flathead Indian Reservation. She is a lifelong resident of the Reservation, graduating from Hot Springs High School in 1977. She holds an Honorary Bachelor's Degree from Salish Kootenai College. Before being elected to the Tribal Council in 1993, her Tribal career included work in various Tribal Programs. Her Tribal Council service has run concurrent to the CSKT's self-governance efforts that begin in 1992, the efforts to settle CSKT's water rights, and the preparations for negotiation and acquisition of SKQ Dam. She remains committed to furthering CSKT's successes. Councilwoman Lankford currently chairs the Amerind Cell Commission and is a member of the Flathead Reservation Board and Girls Club. Carole and her husband Tom Lankford (Gros Ventre) are the collective parents of four sons and three daughters who have blessed them with 28 grandchildren.

Mr. SIMPSON. Thank you Carole. Ms. Pingree.

Ms. PINGREE. Thank you, Mr. Chair. Thank you all for your testimony. You really covered so much, from the critical issues related to substance use disorder to firefighting, which I can see is a huge problem where you are located, so thank you for that. It gave us a lot to think about in writing the budget, and I do appreciate your mention of the drug courts everywhere. I have seen those. They just make such a huge difference, and if we had sufficient funding for all tribes to have access to that, I think it would make a big difference in this challenging issue.

And thank you as well, Mr. Fox. The description of how much money you actually receive for roads and then what you really need is sort of staggering, the gap there. I represent Maine. We have a lot of rural roads and had some horrible weather this winter, and I know how quickly gravel roads can wash out and then people lose their access to get to work, to do the work they have to do, and so these are vital lifelines for people. We really have to think about getting more funding there. So thank you all. I yield back.

Mr. SIMPSON. Mr. Zinke.

Mr. ZINKE. Thank you Mr. Chairman, and Chairman Fox, I noticed you are supporting a U.S. Army tattoo. Thank you for your service, sir. Councilmember Buckles, thank you, and I do honor holding the title of a Wonga in Tacha. That is my given name in Assiniboine, and always nice to have you, Councilmember Lankford.

I want to drill down a little on healthcare, on fentanyl, so, and you deal with the IHS. We had the IHS commissioner here, director, and she understands, I believe, the plight of the reservation. So you are looking at fentanyl. Can you give an estimate of how much resources that our health services at Fort Peck are dedicated to either drug abuse or related healthcare issues because of drugs in mental health? I hear it staggering.

Mr. BUCKLES. Yes. So I only have a few, a couple tribal programs and mainly IHS, and we are really lacking that. That is why we need funding for that. You know, that fentanyl is pretty potent out there. It is just not the person. When you really look at it, it is basically families, too, but there are only a few of our programs that help. It touches, I think, part of it, but it doesn't do a whole complete overall, like, wraparound services for that need.

Mr. ZINKE. Would you consider it the significant problem at Fort Peck?

Mr. BUCKLES. Yes. You know, earlier I heard drug cartels. You know, I hear drug task forces, too. You know, the Mexican cartels are really bad, and we hear that they are not just on our reservation or on all reservations because it is, like, it is a lot easier to penetrate and utilize going through reservations. And it is like they pump this fentanyl and everything on these reservations and get all our tribal members hooked on it.

Mr. ZINKE. I have asked other chairmen because when I was Secretary, we did put together a multiagency task force—FBI, DEA—in coordination with the tribes always because I respect the sovereignty of the nations. But I thought it was effective, and in this budget, it was pulled, and we are looking at ways to reestablish

that, but obviously, it would have to be tribally I would say pushed, so I get that.

And, Carol for you, thank you for your service, longtime service. I do support the FERC variants, but I also support, so upstream. So I think the Hungry Horse Dam can be well managed or better managed so we don't run ahead of this problem because as three generations of plumbers, you have fill and you have drain up there on the reservation, and both sides, fill and drain, will make the solution on it. And just wraparound, I do strongly support the finalization of the last three compacts, the Belknap and Indian Nation, and we are going to the chairman.

I think Indian nations should be feeling pretty good because we have a wonderful chair. I think Chairman Cole is outstanding. We have Chairman Simpson in this, and think the ranking member and members all understand that we have been lacking in our duties, especially on our commitments on treaties, so I think we all get that.

So on the problems with on healthcare, let me ask you the same question. Do you think a task force would be helpful in combating that? And last time, it was drug task force, but drugs and human trafficking are related, so it really was both looking at indigenous women and the plight of that. Would you find value in a task force, multiple agency, to try to unwind some of the jurisdictional issues?

Mr. DUPUIS. Yes, absolutely. When we had the Northwest Drug Task Force, it was overwhelmingly positive, and it protected the drugs coming in, so absolutely, I think that was a big hurt to a lot of us when that went away. And I don't know, maybe it still exists on a different level, but certainly I know our tribal police in Lake County, they struggle with the coordination and all of that, but the task force did do that, and we had a lot of positive messages.

And I think it uses about 65 percent of our Indian health/tribal health budget, and that is a guess, but it has affected everything that we do, and that is why my testimony said, hands down, we are fighting this and we need to do whatever we can. And thank you for mentioning the drug courts because it is very important that every tribe has an opportunity to do something besides throwing people in jail and throwing the key away. It doesn't work, but this, I found, does work, and so I thank you for asking that question. But yes, the task force is just another part that will help all of us, and I am saddened that it is not there anymore. So thank you.

Mr. ZINKE. I appreciate it. Mr. Chairman, I yield back.

Mr. SIMPSON. Ms. McCollum.

Ms. MCCOLLUM. Thank you, and thank you for mentioning Tiwahe. We had a bit of a discussion about that earlier. Tiwahe, drug courts, everything. It is all about wraparound services. We are whole individuals, and everything touches the individual, it touches their family, and it is a great way to really get a community also then involved so that we are supporting each other, right? So thank you for mentioning that.

Vice chairman Fox, we have had some successes in Minnesota in large part to our lieutenant governor, who is a proud member of White Earth. I would like maybe for the committee just to talk about a couple of the things that we are trying to get to work and

how you see the Federal Government playing a better role. The State of Minnesota has been returning land back to tribal nations. The State of Minnesota has been trying not to take any kind of cut for administration as funds come through. I think the biggest success was COVID, and I am very excited about the conversations that you are having with Fish and Wildlife about co-management leading possibly to full management if everybody decides code management works well.

So you talk about some of the things that the State is doing because we have 87 counties in Minnesota. It is crazy, but the law was that you could ride to the county on a horseback and get home that night. So we have 87, even though nobody rides a horse to fill out their paperwork anymore. So you have got the counties, you have got the cities, you have got the municipalities.

And White Earth has kind of been very fortunate sometimes, especially when it comes to some drug issues, working with the FBI and that, but that is in part because the counties you work with. So could you maybe talk about how State and county cooperation is important because I don't know how we mandate that, but maybe we can do that by sweetening the pot for those counties who do law enforcement for working with your law enforcement.

Mr. FOX. Well, kind of on the road situation, I know, working with the county because in my district over there, which is District 1, and our casino goes through the reservation County Road 7 to get to our Bagley site. Well, every year, trying to work with the county of saying are you going to at least put a little bit of gravel on that road where our BIA roads is willing to do it and not even get nothing for it. They are so good up there with their snowplows and everything that I don't know why they don't make that connection.

They probably get money for doing it, which we wouldn't even want, so they could still get the money, I wouldn't care. I am sure somebody else would, but I am a big man, too, of chemical dependency. That was my background. Actually, this Easter I celebrated 25 years of sobriety. So they say I am a big impact on our res, but I don't feel it, so I just try to help as I can.

So kind of like with the roads, we did have a county trail coming through, which is gravel. Well, the tribe got to tar half of it, but the county wouldn't let them tar the other half of it. So it is kind of like that, like, maybe they bump heads a little bit or I can do it better than you, so I guess that is where that is at.

Ms. MCCOLLUM. We are making inroads, but in Minnesota, there is a long way to go.

Mr. FOX. Yeah.

Ms. MCCOLLUM. Thank you.

Mr. FOX. Thank you.

Mr. SIMPSON. Mr. Ellzey.

[No response.]

Mr. SIMPSON. Thank you all for being here today. We appreciate your testimony. We will certainly take it into consideration as we try to put together 2025 fiscal budget year.

Panel 5: Joseph Rosette, Ashleigh Weeks, Marvin Weatherwax, and George Jay Ball.

[Pause.]

Mr. SIMPSON. Thank you all for being here today. Joseph, you are up first.

TUESDAY, MAY 7, 2024.

CHIPPEWA CREE TRIBE

WITNESS

JOSEPH ROSETTE, COUNCILMAN, CHIPPEWA CREE TRIBE

Mr. ROSETTE. [Speaking native language.] Thank you, Chairman Simpson, Ranking Member Pingree, and members of the subcommittee for the opportunity to share our fiscal year 2025 funding priorities. My name is Joseph Rosette, Jr., and I serve as a business committee member of the Chippewa Creek Tribe of Rocky Boy Indian Reservation located in Northcentral Montana. Our total enrollment is over 7,000, including over 4,000 who live on the reservation. We are grateful for the historic investments this subcommittee has recently made in Indian Country. We urge you to remember that Congress' trust and treaty responsibility to tribes exist irrespective of any self-imposed budgetary caps. It is imperative that this subcommittee appropriate the full amounts necessary to fulfill its obligations. I offer the following recommendations for your consideration.

Chronic underfunding of the Indian health system has caused disproportionately high rates of obesity, diabetes, heart disease, cancer, substance use disorders, and other preventable conditions. We urge the subcommittee to appropriate full and mandatory funding for the IHS at \$54 billion, including 14 billion for hospitals and health clinics, \$4.5 billion for mental health, and \$5 billion for alcohol and substance use. We also strongly support transitioning contract support costs and Section 105(l) leases to mandatory spending. If mandatory appropriations cannot be achieved for fiscal year 2025, we continue to support advanced appropriations for the IHS in the short term. We urge the subcommittee to extend advanced appropriations to all IHS accounts for fiscal year 2026.

We were disappointed to see that this subcommittee approved cuts to electronic health records modernization, healthcare facilities construction, and sanitation facilities construction in fiscal year 2024. The Indian health systems infrastructure is among the oldest and most dilapidated in the country. I, therefore, request that this subcommittee restore and fully fund these accounts at \$6 billion. This includes \$2 billion for sanitation facilities construction. Our citizens still do not have ready access to clean, potable water. This creates significant health risks for the tribal members living on our reservation. We appreciate that Congress included a short-term extension of special diabetes programs for Indians in fiscal year 2024 appropriations at an increased annualized rate. Given the great success of this program, Congress should reauthorize SDPI at \$250 million annually with the option of receiving funds through self-government mechanisms.

Our tribe has been devastated by the ongoing fentanyl epidemic. We are in dire need of in-community sober living homes and detox centers. This year, Congress only appropriated \$2 million to fund

essential detoxification-related services. That is less than \$1 per IHS patient. We urge the subcommittee to dedicate resources to detoxification and reemphasize the importance of fully funding the IHS. We also fully support the President's domestic supplemental request, which includes a \$250 million investment in IHS to address the fentanyl epidemic. Like many tribes, we are seeing a drastic increase in drug trafficking on our lands. Congress needs to provide additional resources to the BIA, U.S. attorneys offices, FBI, and other agencies to help us stem the flow of illegal drugs, investigate crimes, and prosecute offenders. We urge the subcommittee to provide \$3 billion for BIA public safety and justice funding, with \$2 billion for law enforcement and \$1 billion for tribal courts.

The Rocky Boy North Central Montana Regional Water System Project, funded through the Bureau of Reclamation, is critical to addressing the poor water quality on our reservation and surrounding communities. We are still waiting to receive safe drinking water as part of our 1998 water rights settlement. As portions of the tribal components of the infrastructure have been completed, the BIA has been required to engage with the tribe and pay for the operations, maintenance, and repair. A trust fund was established to pay for OMR costs, which have been sufficient to account for the interim costs while the tribe awaits water service. However, it is estimated to be drastically insufficient once the new water treatment plant and water system comes online, likely in 2027. At that time, additional funding will be required to pay for the BIA OMR cost obligations, which would be several million dollars annually. We are actively working with the BIA to begin preparations for full-scale water system operations.

Finally, we support moving away from competitive grants. Grants impose unnecessary, onerous administrative burdens and pit tribes against each other for resources we are all entitled to. This is entirely inconsistent with the Federal trust responsibility. We join other tribal leaders in calling for direct funding for Indian Country. You can find our full recommendation in our written testimony. We look forward to working with you to implement our requests. Thank you.

[The statement Mr. Rosette follows:]

Testimony of Joseph Rosette, Councilman, Chippewa Cree Tribe
“House of Representatives American Indian and Alaska Native Public Witness Days”
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
May 7, 2024

Recommendations:

1. Provide full, mandatory funding for the Indian Health Service (IHS).
 2. Ensure mandatory funding for Contract Support Costs and section 105(l) lease payments.
 3. Restore critical infrastructure investments for the Indian health system.
 4. Increase funding and extend self-governance to the Special Diabetes Program for Indians.
 5. Increase funding for behavioral and mental health programs.
 6. Fully Fund the Bureau of Indian Affairs (BIA) Public Safety and Justice Account
 7. Adequately fund the North Central Regional Water System
 8. Reduce dependence on competitive grants for Indian Country.
-

Introduction: Thank you, Chairman Simpson, Ranking Member Pingree, and Members of the Subcommittee for the opportunity to share our funding priorities for the FY 2025 federal budget. My name is Joseph Rosette Jr., and I serve as a Business Committee Member of the Chippewa Cree Indians of the Rocky Boy's Reservation. Ours is the smallest of the seven Indian reservations in Montana. We have a total enrollment of 6,862, including 4,031 who reside on the Reservation. Our community is isolated—the nearest supermarket is in Havre, 30 miles from Rocky Boy, and the nearest international airport and major shopping facilities are located in Great Falls, 110 miles away.

In 1993, the Chippewa Cree Tribe was one of the first to achieve self-governance under a pilot program that preceded the Tribal Self-Governance Act of 1994. As a result, our Tribal governing body was able to take over administration of all the programs, and their associated funds, that were previously under the management of the federal government. This includes the Rocky Boy Health Center, which is the sole health care facility on the Reservation. It provides integrated primary health care, including behavioral health and substance use services, dental care, and pharmacy access, to all American Indian people within the catchment area.

We are grateful for the historic investments Congress has made in Indian Country in recent years via the CARES Act, American Rescue Plan Act, Bipartisan Infrastructure Law, and Inflation Reduction Act. The direct funding model and successful implementation of these laws prove that when Tribal sovereignty is honored, Tribal communities thrive. We would also like to thank this Subcommittee for its bipartisan effort to protect Indian Country from cuts during the 2024 appropriations process. Furthermore, we urge you to remember that Congress' trust and treaty responsibilities to provide for the health and wellbeing of Tribal Nations exist irrespective of any self-imposed budgetary caps. It is imperative that this Subcommittee appropriate the full amounts necessary to fulfill its obligations. To that end, I offer the following recommendations for your consideration for FY 2025 appropriations for the IHS and BIA.

Provide Full Funding for the Indian Health Service: The IHS and its Tribal partners under the Indian Self-Determination and Education Assistance Act strive to provide Tribal people with access to high quality and comprehensive medical services, in line with the federal government's trust and treaty obligations. However, chronic underfunding of the Indian health system has had detrimental impacts on our communities. American Indians and Alaska Natives are disproportionately impacted by obesity, diabetes, heart disease, cancer, substance-use disorder and other largely preventable conditions. We therefore urge the Subcommittee to work towards full and mandatory funding for the IHS, in line with the IHS Tribal Budget Formulation Workgroup.

The Workgroup has calculated it will take \$54 billion to fully-fund the IHS. We understand that this represents a dramatic increase in funding; however, it is essential that Congress address the true needs of the Indian health system. We support their full request and reiterate the following 4 priorities for program expansion as follows:

- | | |
|--|---|
| 1) Hospitals and Clinics: \$13.6 billion | 3) Alcohol & Substance Abuse: \$4.9 billion |
| 2) Mental Health: \$4.5 billion | 4) Dental Services: \$3.2 billion |

Continued Support for Advance Appropriations for IHS: If full, mandatory appropriations cannot be achieved for FY 2025, we continue to support advance appropriations for the IHS in the short-term. This year's tumultuous appropriations cycle clearly demonstrates why advance appropriations are critical—IHS clinical services remained continuous throughout the volatile political process. We urge the Subcommittee to extend advance appropriations to all IHS accounts, including Electronic Health Records Modernization, Health Care Facilities Construction, and Sanitation Facilities Construction for FY 2026.

Fully fund critical infrastructure investments: We were disappointed to see that this Subcommittee approved cuts to Electronic Health Records Modernization, Health Care Facilities Construction, and Sanitation Facilities Construction in FY 2024. The Indian health system's infrastructure is among the oldest and most dilapidated in the country. Therefore, we request that this Subcommittee restore and fully-fund these accounts. To implement an interoperable Electronic Health Records and telehealth system, \$801 million is needed for FY 2025. As you are aware, this investment is especially critical as the Veterans' Administration and Department of Defense modernize their systems. It is also critical that Congress make significant investments in Health Care Facilities Construction. IHS and Tribal facilities are severely outdated. This creates situations where facilities are unsafe or not appropriate for the size of the patient populations they serve. Therefore, consistent with the Workgroup's request, we recommend \$2.8 billion for Health Care Facilities Construction and Equipment.

We still do not have ready access to clean, potable water. This creates significant health risks for the Tribal members living on the Rocky Boy reservation. We appreciate Congress' investment in IHS sanitation facilities through the Bipartisan Infrastructure Law. Yet, with a multi-billion-dollar backlog and growing inflation, funding to close out the list is not keeping pace with need. We urge Congress to prioritize \$2.2 billion for Sanitation Facilities Construction in FY 2025.

Mandatory Funding for Contract Support Costs and 105(l) lease payments: We appreciate the Subcommittee's commitment to ensuring that Contract Support Costs (CSC) and section 105(l) lease payments are fully funded. However, these line items continue to take up a larger and larger percentage of the IHS discretionary budget, thereby leaving little room to expand other services given tight budget environment. We strongly agree with the Subcommittee's words in the explanatory statement for the Further Consolidated Appropriations Act, 2020 (P.L. 116-94) regarding 105(l) costs which said, in part: "Obligations of this nature are typically addressed through mandatory spending, but in this case since they fall under discretionary spending, they are impacting all other programs funded under the Interior and Environment Appropriations bill, including other equally important Tribal programs."

Therefore, we ask you to continue to advocate with your colleagues on authorizing committees to enact mandatory appropriations for CSC and 105(l) lease costs. Doing so will ensure that other areas

of the IHS budget are held harmless by these costs and true increases in critical services line items can move forward. This will enhance care for Tribal patients and reduce health disparities.

Extend Self-Governance Funding Options to the Special Diabetes Program for Indians (SDPI) and increase funding to \$250 million/year: While we understand that SDPI is not under the jurisdiction of the Subcommittee, we appreciate that Congress included a short-term extension of SDPI in FY 2024 appropriations at a \$160 million annualized rate. We recognize that this is the first increase for SDPI in two decades. Communities like ours across Indian Country rely on SDPI resources to address the alarming rates of diabetes and diabetes-related health complications among our people. SDPI's success rests in the flexibility of its program structure that allows for the incorporation of culture and local needs into its services. Consistent with this model, Congress should authorize SDPI participants the option of receiving their federal funds through either a grant (as currently used) or self-governance funding mechanisms under the Indian Self-Determination and Education Assistance Act.

Additionally, SDPI has not had a meaningful increase in funding since FY 2004 despite its overwhelming success. Short term reauthorizations continue to destabilize this program and make staffing and program continuity difficult. For this reason, we recommend permanent reauthorization for SDPI at a minimum base of \$250 million per year with annual adjustments for inflationary increases. We urge you to work with your Congressional colleagues to enact this important priority.

Behavioral Health: Our Tribe, like all of Indian Country, has been devastated by the ongoing fentanyl and opioid epidemic. We are in dire need of in-community sober living homes and detox centers for our Tribal members. In FY 2024, Congress only appropriated \$2 million to fund essential detoxification related services. That's less than \$1 per IHS patient. We urge the Subcommittee to dedicate resources to detoxification and reemphasize the importance of fully-funding the following accounts: Health Care Facilities Construction, Alcohol & Substance Use, and Mental Health. We also fully support the President's Domestic Supplemental Request, which includes a \$250 million investment in the IHS to address the fentanyl and opioid epidemic. Recognizing that Indian Country cannot wait any longer, Congress should consider this request as soon as possible.

Public Safety and Justice funding at the BIA: Like many Tribes we are seeing a drastic increase in drug trafficking and related crime coming onto our lands. There is a significant need for the federal government to improve law enforcement resources and bring state and local authorities to the table with Tribes to address public safety. Congress needs to provide additional resources to the BIA for law enforcement programs, the U.S. Attorney's Offices, the Federal Bureau of Investigation (FBI), and other agencies to help us stem the flow of illegal drugs, investigate crimes, and prosecute offenders. The underfunding of Tribal law enforcement and justice systems is well-documented. Earlier this year, the BIA submitted a report to Congress required by the Tribal Law and Order Act estimating that to provide a minimum base level of service to all federally recognized Tribal nations, \$1.3 billion is needed for Tribal law enforcement, \$1.2 billion is needed for Tribal courts, and \$240.6 million is needed for existing detention centers. Based on enacted funding provided in FY 2024 – a total of just over \$555 million was provided for BIA PS&J programs. This means that Tribal law enforcement, detentions/corrections, and Tribal courts are funded at a staggeringly low amount of less than 20% of estimated need!

The funding short falls for Tribal law enforcement endangers public safety on our reservation and forces us to use Tribal discretionary funds which means less resources in other areas and it hamstrings

future business development. Another complicating factor is that our police and detention officers are required to be federally trained, however the state of Montana has an excellent officer training program, and it would be more efficient financially and logistically to take advantage of the Montana Law Enforcement Academy. The BIA needs to provide more flexibility in allowing officers to train at state academies rather than needing to go the federal training center in New Mexico, which often has a long wait list and requires recruits to spend weeks away from their homes and families. In line with recommendations put forth by the Tribal Interior Budget Council (TIBC) we urge this subcommittee to provide a total of \$2.924 billion for BIA Public Safety and Justice funding, with approximately \$1.77 billion for BIA Law Enforcement and \$1.155 billion for Tribal courts in FY 2025.

Rocky Boy's - North Central Regional Water System: The Rocky Boy's/North Central Montana Regional Water System Project is critical to addressing the health impacts of poor water quality on the Rocky Boy's Reservation and surrounding off-reservation communities. This Project, the construction of which is funded by the Bureau of Reclamation, has been ongoing for over 20 years since being authorized by Congress in 2002. Today, Tribal members are still waiting to receive safe drinking water as part of the Tribe's 1998 Water Rights Settlement. As portions of the Tribal components of infrastructure have been complete, the Bureau of Indian Affairs (BIA) has been required to engage with, and pay for the Operations, Maintenance, and Repair (OM&R). This was part of the 2002 law authorizing the project and a Tri-Partite Cooperative Agreement established in 2005 between the BIA and the Chippewa Cree Tribe. As part of that agreement, a Trust Fund was established to pay for OM&R costs which have been sufficient to account for the interim costs while the Tribe awaits water service, however the Trust fund is estimated to be drastically insufficient once the new Water Treatment Plant and water system comes online.

Due to the significant funding boost made to the Bureau of Reclamation for rural water projects in recent years through annual discretionary appropriations and the Bipartisan Infrastructure Law, substantial construction progress is being made on both the Tribal and non-Tribal water system, including substantial completion of the new Water Treatment Plant Building at Tiber Reservoir. Numerous pipelines, a pump station, and water storage tanks are in stages of progress, all with a goal to turn on water service in the 2027 time period. At that time, the additional funding will be required to pay for the BIA OM&R costs obligations under the Tri-Partite Agreement, which would be several million dollars annually. The Chippewa Cree Tribe is working actively with the BIA in the Rocky Mountain Regional Office to begin for preparations for full scale water system operations, and Tribal and non-Tribal residents are looking forward to receiving a clean, safe, and abundant water supply within the next few years.

Reduce Dependence on Federal Grants: In addition to the critical funding needs that are outlined above, we also support moving away from competitive grants for federal funding mechanisms. Grants unfairly pit Tribes against each other for resources we are all entitled to. The federal trust responsibility does not require that we jump through a myriad of hoops and onerous applications to see that services are provided to our citizens. Too often, Tribes are under-resourced to apply for federal grants and comply with their reporting requirements. Our staff must divert time to apply and report, thereby diluting the usefulness of the resources. Instead, we request wide-spread, formula-based funding across all programs. Tribes must also be granted the flexibility needed to respond to the specific needs of their own communities, not those prescribed by federal grants. This also means appropriating enough resources so funds are provided in meaningful amounts across all Tribes. We join other Tribal leaders in calling for broad based funding for Indian Country.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Appropriations
Committee: _____

Subcommittee: Interior, Environment, and Related Agencies

Hearing Date: 05/07/2024

Hearing Title :

House of Representatives American Indian and Alaska Native Public Witness Days

Witness Name: Joseph Rosette, Jr.

Position/Title: Business Committee Member

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Chippewa Cree Indians of the Rocky Boy's Reservation

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (S)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
(i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
- (C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
- (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

[REDACTED]
Witness signature

4-24-2024
Date

Joseph Rosette, Jr.
Business Committee Member, Chippewa Cree Indians of the Rocky Boy's Reservation, Montana
Biography

Joseph Rosette, Jr. is an enrolled member of the Chippewa Cree Indians of the Rocky Boy's Reservation, Montana.

Recognized for his integrity, dedication, and vision, Mr. Rosette was elected to the Tribal Business Committee in 2022. As a tribal leader, he has tirelessly advocated for the priorities of the Chippewa Cree, working to address issues such as law enforcement, natural resources, healthcare, education, and cultural preservation. Presently, Mr. Rosette serves on several sub-committees, notably chairing the Tribal Law and Order, Tribal Water Resources Department, and Dry Fork Farms where he has emerged as a steadfast advocate for the health and safety of the Chippewa Cree people.

Before stepping into tribal governance, Mr. Rosette spent three decades at UPS, honing his skills in management and logistics. His tenure at UPS instilled in him a strong work ethic and a commitment to service, qualities that would later define his leadership style.

Joseph's journey from the private sector to tribal leadership reflects his unwavering commitment to serve his community and uphold its traditions. His forthcoming testimony on behalf of the Chippewa Cree Tribe exemplifies his resolve to promote their welfare and sovereignty.

Mr. SIMPSON. Thank you, Joseph. Ashleigh.

TUESDAY, MAY 7, 2024.

**ASSINIBOINE AND SIOUX RURAL WATER SUPPLY
SYSTEM**

WITNESS

**ASHLEIGH WEEKS, GENERAL MANAGER, ASSINIBOINE AND SIOUX
RURAL WATER SUPPLY SYSTEM**

Ms. WEEKS. Good morning, Chairman Simpson, Ranking Member Pingree, and members of the subcommittee. My name is Ashleigh Dupree Weeks, and I am the general manager of the Assiniboine and Sioux Rural Water Supply System in Northeastern Montana. There are 21 employees on the Fort Peck Indian Reservation that operates, maintains, and replaces this vital system that now serves a rural population of 18,500 persons and will serve 32,000 when the design capacity is reached in several future decades. We are an organization that has proven successful exercise of tribal sovereignty.

This drinking water system supplies safe, high-quality, and reliable drinking water from the Missouri River. A regional water treatment plant operated by my certified and highly capable staff delivers water through 3,200 miles of pipeline when completed with multiple pumping plants and water storage tanks. The project serves an area that could cover 25 percent of the State of Maine. The construction of the project is 97 percent complete within the Fort Peck Indian Reservation and 88 percent complete in the area that we serve off the reservation known as Dry Prairie, our non-Indian partners. The United States, will invest \$375 million in construction to complete the project in Montana, and Dry Prairie will invest an additional non-Federal cost share of \$47 million.

I have the responsibility of operating, maintaining and replacing the facilities on the reservation with a Federal construction value of \$239 million. The request we make of the subcommittee for funding in fiscal year 2025 is \$5.248 million, or 2.20 percent of the construction costs, a modest percentage. This is an increase over fiscal year 2024 of \$1,803,000.

The committee is asked to consider the following factors. In my testimony last year, I requested \$4.204 million, but the administration had only requested the fiscal year 2023 amount and \$3.445 million was appropriated. The project was \$759,000 short. We need to recover the \$750,000 needed in fiscal year 2024 appropriations, include another \$750,000 in fiscal year 2025 appropriations to maintain what was needed in fiscal year 2024, and increase our budget by 4303,000 to cover inflation between fiscal year 2024 and 2025. The annual increase in costs between fiscal year 2024 and fiscal year 2025 of \$303,000 is due to inflation. Chemical costs between have increased year over year from \$608,000 to \$796,000 and account for most of the additional \$303,000 requested. Power bills for treating and pumping water throughout the project increased from \$379,000 to \$420,000. Two more employees are also

needed to fill vacant posts at a cost of about \$150,000 for salaries, benefits, and payroll taxes.

Chairman, the factors I have outlined account for the increase in funding needed for fiscal year 2025. I thank the subcommittee for the continued support of OMR funding for the Assiniboine Sioux Rural Water Supply System as authorized by Public Law 106-382. Thank you.

[The statement of Ms. Weeks follows:]

**FY 2025 TESTIMONY OF ASHLEIGH WEEKS, PROJECT MANAGER
ASSINIBOINE AND SIOUX RURAL WATER SUPPLY SYSTEM
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
APPROPRIATIONS SUBCOMMITTEE**

FORT PECK RESERVATION RURAL WATER SYSTEM (\$5,248,000)

The Assiniboine and Sioux Rural Water Supply System (ASRWSS) submits this testimony in support of \$5,248,000 in funding for continued Operations, Maintenance, and Replacement (OMR) of part of the Fort Peck Reservation Rural Water System as authorized by PL 106-382. The request consists of an increase of \$1,803,000 above the FY 2023/24 levels of funding as follows:

- \$750,000 to recover under-funding for FY 2024,
- \$750,000 in FY 2025 to maintain last year's base, and a
- \$303,000 in increases between FY 2024 and FY 2025 for inflationary and other increases.

The request for \$1,803,000 above the FY 2023 and FY 2024 level of funding at \$3,445,000 in both years.

ASRWSS is the tribally chartered entity charged with the planning, design, construction, operation, maintenance and replacement (OMR) of the Assiniboine and Sioux Rural Water Supply System, which is the part of the Fort Peck Reservation Rural Water System on the Fort Peck Indian Reservation. We are strong partners with Dry Prairie Rural Water System (DPRWS), which operates the part of the Project that is off the Reservation.

The most basic of governmental functions is the delivery of clean, safe, and reliable drinking water. We are honored to provide water and service in northeastern Montana to an area of 7,750 square miles connected by 3,200 miles of pipeline when completed in 2025. Obligation of all construction funding was concluded in FY 2023. The project provides drinking water to an area larger than New Jersey and just smaller than Massachusetts.

The United States has invested \$370 million in construction of ASRWSS and DPRWS through FY 2023 and will invest another \$10 million as the project is completed. OMR funding is essential to the upkeep of this substantial federal investment.

The FY 2024 BIA Green Book intended to add \$750,000 to the FY 2023 funding in FY 2024 (see p. IA-CON-OTH-2), but conflicting tables in the Green Book requested only a minimal increase of \$32,000 above the FY 2023 level. The FY 2024 Explanatory Statement that "...funding at the fiscal year 2023 enacted level for the project at Fort Peck..." was likely based on the conflicting, unintended, virtually zero increase. BIA's \$750,000 increase above the FY 2023 level of funding was intended to result in a budget of \$4.205 million for FY 2024.

The ASRWSS FY 2024 request of the House and Senate subcommittees was for \$4.204 million in appropriations for the Bureau of Indian Affairs (BIA) Construction account (\$772,000 above the FY 2023 funding of \$3,445,000). The increase was an increase over FY 2023 and was due primarily to the significant inflation between 2021 and 2023. The following factors were

listed in our FY 2024 testimony as supported by actual cost increases:

- i) inflation for all OMR items, particularly
 - (1) chemicals
 - (2) fuel
 - (3) power and heating
 - (4) asset replacement
- ii) continuing construction to advance service to more users on the
 - (1) west side of the Fort Peck Indian Reservation
 - (2) Scobey area of Dry Prairie
- iii) increase in production of water at treatment plant from 0.795 billion gallons in 2018 to 1.112 billion gallons in 2022.

The annual increase in costs between FY 2024 and FY 2025 (not counting the 2 years of \$750,000 needed) of \$303,000 is due primarily to inflation. Water treatment production was basically the same in FY 2022 and FY 2023 at 1.2 billion gallons, and we do not expect more than a 10% significant increase in FY 2025, barring severe drought. Chemical costs between FY 2022 and FY 2023 increased from \$608,000 to \$796,000 and account for most of the additional \$303,000 requested. Our power bills primarily for treating and pumping water throughout the project increased from \$379,000 to \$420,000. Both the chemicals and the power costs are dependent on the gallons of water produced. ASRWSS currently employs highly qualified and capable personnel that manage, operate, and maintain the system. Two more employees are needed to fill vacant positions at a cost of about \$150,000 for salaries, benefits, and payroll taxes or \$75,000 each.

ASRWSS continues to advance construction on the west side of the Fort Peck Indian Reservation, which will be completed in 2025 and will finish all ASRWSS construction. Dry Prairie is advancing on its remaining areas of construction north and west of the Reservation and will complete all construction in 2026.

The funding request of \$5,248,000 is necessary to:

- i) safely operate, maintain, repair and replace system features,
- ii) employ the necessary level of qualified and certified staff
- iii) purchase chemicals for treatment
- iv) purchase power for pumping and treatment facilities.

The Congress (Energy and Water Subcommittee) will have appropriated \$380 million to complete the project through FY 2026. The ASRWSS/DPRWS projects are 98% complete, and full funding has been made available to complete the project in FY 2025. It is imperative, through Interior appropriations (and a DPRWS non-federal cost share), that ASRWSS maintain, and replace the investment of Congress in the ASRWSS infrastructure valued at \$236 million and held in trust by the United States on behalf of the Tribes.

The DPRWS cost share covers the OMR cost of their use common facilities as agreed upon between ASRWSS, DPRWS and the Secretary in a Water Service Agreement. DPRWS

makes monthly payments on a timely basis. DPRWS will provide an estimated \$789,000 in FY 2025 to supplement appropriations.

ASRWSS provided drinking water to more than 17,400 residents in Northeast Montana in 2023. In 2026 when construction is completed in ASRWSS and DPRWS, over 19,300 residents will be served. Ultimately, 31,000 residents will be served as the population of the region grows over the next several decades.

The population served at the end of 2016 was less than 10,000, and OMR funding needs have been increasing accordingly. The project also serves social and governmental agencies, including the BIA Agency Office, schools, clinics, hospitals, Medicine Lake National Wildlife Refuge, Fort Union Trading Post National Historic site, U.S.- Canadian border stations, and the towns of Poplar, Wolf Point, Frazer, Culbertson, Medicine Lake, Scobey, Nashua, St. Marie, Fort Kipp, and Brockton. Opheim will be served in 2024. The small Reservation communities of Reserve and Lustre were added in 2022.

The Fort Peck Reservation Rural Water System was authorized by the Fort Peck Reservation Rural Water System Act of 2000, Pub. L. 106-382. The enactment ensured a safe, adequate, and reliable municipal, rural and industrial water supply for the residents of the Fort Peck Indian Reservation and the residents of Roosevelt, Sheridan, Daniels, and Valley Counties outside the Reservation. As noted in the President's previous budget requests: "*Groundwater from shallow alluvial aquifers ... for the municipal systems . . . is generally poor with concentrations of iron, manganese, sodium, sulfates, bicarbonates and total dissolved solids above recommended standards.*" This project provides a perpetual remedy to historic water quality issues that impaired health and stunted economic growth.

The Project called for the construction of a single treatment plant on the Missouri River near Wolf Point, Montana, that will distribute water through 3,200 miles of pipeline to both the Reservation Tribal system and through three completed and operational interconnections to DPRWS. A single water source on the Missouri River replaced nearly two dozen individual community water sources and ensured a clean, plentiful, and safe water supply.

The Federal legislation authorizing the Fort Peck Reservation Rural Water System requires that the OMR costs of ASRWSS, held in trust by the United States, are fully funded. Interior appropriations to BIA are the federal source of OMR funding. This is consistent with the federal trust responsibility to the Tribes who were promised a permanent home when the Assiniboine and Sioux Tribes agreed to move to the Reservation. A permanent home requires safe drinking water. The funding request enables ASRWSS to deliver superior drinking water, meeting all federal and state standards, to all the people, towns, and federal, tribal, state, public and private agencies, and businesses.

Thus, the \$5,248,000 requested in FY 2025 for the OMR of this vital infrastructure project is critical. The increased funding of \$1,803,000 over the FY 2024 level for the OMR of the Project is needed as the Project buildout increases the service population and requires additional personnel, power, chemicals, repairs, replacements, and improvements to operate the water treatment plant and other facilities.

We thank the Subcommittee for the continued support of OMR funding for ASRWSS as authorized by PL 106-382.

Bio for Ashleigh Weeks

Mrs. Weeks has been the Assiniboine and Sioux Rural Water Supply System Director since 2018. Prior to assuming this position, Mrs. Weeks was the Director of the Assiniboine and Sioux Tribes' Office of Environmental Protection. She first joined the Tribes as an Environmental Scientist in the Office of Environmental Protection. She has spent her whole professional career serving the people of the Fort Peck Tribes. She holds a bachelor's degree in civil engineering from Montana State University Bozeman.

Mr. SIMPSON. Thank you. Mr. Weatherwax.

TUESDAY, MAY 7, 2024.

BLACKFEET TRIBE OF MONTANA

WITNESS

MARVIN WEATHERWAX, JR., COUNCILMAN, BLACKFEET TRIBE OF MONTANA

Mr. WEATHERWAX. Here we go. Good morning, Chairman Simpson, Ranking Member Pingree, and members of the subcommittee. My name is Marvin Weatherwax, Jr. I am a member of the Blackfeet Tribal Business Council. I also serve as the chairman of the Coalition of Large Tribes and serve as a member of the Montana State legislature in House District 15. Before I go any further, I want to extend my thanks and gratitude to the leadership committee chair, Tom Cole, and Congressman Ryan Zinke, with respect to our youth center appropriation request from last year that will be essential to the healing of the Blackfeet children.

I appreciate the opportunity to provide testimony in support of funding of wastewater infrastructure for the Blackfeet Tribe. The Blackfeet Tribe is seeking funding to construct critical wastewater infrastructure for the Blackfeet Indian Reservation, which spans more than 1.6 million acres and is home to over 17,000 members in five reservation communities. We view the need for wastewater infrastructure as a priority to fulfill the purpose of the Blackfeet Indian Reservation under the Treaty of 1855, namely, to be the permanent homeland for our Blackfeet people.

The Blackfeet Tribe has been subjected to enormous amounts of land loss stemming from the failed Federal policy of the Dawes Act. The loss of our reservation land base occurred during the starvation winter of 1883, when our chiefs were coerced to sign another treaty to receive rations in exchange for 130,000 acres of land. In 1911, the Blackfeet were subject to the Blackfeet allotment, where another 156,000 acres were sold as surplus to non-natives. Our tribe asserts our treaty rights consistent with the original Blackfeet Treaty reservation boundaries, which span from the eastern front of the Rocky Mountains to the Yellowstone National Park, bordered by the Yellowstone River on the south, all the way to what is now the North Saskatchewan River in the Province of Alberta.

As of today, our tribe has lost 90 percent of our original reservation due to the action of the U.S. Federal Government. Of note, we lost land to the establishment of Glacier National Park and the creation of the National Forest, which includes land sacred to the Blackfeet, the land known as the Badger to Medicine area. The existing Blackfeet inner reservation lands includes the headwaters of the St. Mary's river, which is a tributary to the Mississippi River.

The Army Corps of Engineers, without any consultation with the Blackfeet Tribe, constructed a major pipeline project to divert water to support off reservation, non-Indian communities downstream. These non-Indian communities waters their crop, cattle, provide domestic water for their communities, and have done so for decades with Blackfeet water without any acknowledgement, much

less any compensation for our senior rights to that very water. After nearly 4 decades of negotiation and work, in 2016, the United States enacted the Blackfeet Water Rights Settlement Act. However, that act does not include funding for wastewater. At the time, the Blackfeet tribe was informed by the administration that wastewater funding was not eligible to be included in the Indian water settlement.

The Secretary's Indian Water Rights office has now thought better about the United States' investment in the approach to tribal water rights and now supports wastewater funding in Indian water rights settlements, as evident by the Montana Water Protection Act, Confederated Salish and Kootenai Indian water rights settlement enacted by Congress in 2020 and the administration's support for the Fort Belknap Indian Community Water Rights Settlement Act 2023, both of which have language supporting wastewater.

All Blackfeet tribal communities suffer from dilapidated infrastructure and associated challenges, such as boil order mandates, expensive water hauling, and bottled water purchases. The Blackfeet tribal leadership has expended huge amounts of tribal resources to address emergency shutoffs, tribal offices, closures of essential government services, putting tribal members health, safety, and welfare at risk due to water main breaks and non-drinkable water. Pallets of water and portable toilets have been all too normal for the members and residents of the Blackfeet reservation. The ability to update and provide new water and wastewater infrastructure will improve tribal members' health outcomes, where clean water and reliable wastewater has been shown to improve nutrition by accessing clean water and decreasing reliance on sugar drinks and avoid contaminated drinking water. Additionally, having clean water and reliable wastewater systems allow tribal members tend to be less exposed to illness for obvious reasons. Finally, the cost savings realized in avoiding bottled water and hauling water allows limited resources to be put to better use for things like food and housing.

The Blackfeet people believe funding for the wastewater should be authorized and appropriated in order to achieve the same goals and objective of any Indian water rights settlement. I thank you, sir.

[The statement of Mr. Weatherwax follows:]

TESTIMONY OF HON. MARVIN WEATHERWAX JR.,
MEMBER OF THE BLACKFEET TRIBAL BUSINESS COUNCIL
BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS,
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

May 7, 2024

Good Afternoon Chairman Simpson, Ranking Member Pingree, and Members of the Subcommittee, my name is Marvin Weatherwax Jr. and I am a member of the Blackfeet Tribal Business Council. I also serve as Chairman of the Coalition of Large Tribes and serve as a member of the Montana State Legislature in House District 15.

Before I go any further, I want to extend my thanks and gratitude for the leadership Committee Chairman Tom Cole and Congressman Ryan Zinke with respect to our Youth Center Appropriations Request from last year—that will be essential to the healing of Blackfeet children.

I appreciate the opportunity to provide testimony in support of funding for wastewater infrastructure for the Blackfeet Tribe. The Blackfeet Tribe is seeking funding to construct critical wastewater infrastructure for the Blackfeet Indian Reservation which spans more than 1.5 million acres and is home to over 17,000 tribal members in five Reservation communities.

We view the need for wastewater infrastructure as a priority to fulfill the purposes of the Blackfeet Indian Reservation under our Treaty of 1855—namely to be the permanent homeland for our Blackfeet people.

The Blackfeet Tribe has been subjected to enormous amounts of land loss stemming from the failed federal policy of the Dawes Act. The loss of our Reservation land base occurred during the starvation winter of 1883, when our Chiefs were coerced to sign another treaty to receive rations in exchange for 130,000 acres of land.

In 1911, the Blackfeet were subject to the “Blackfeet Allotment” where another 156,000 acres were sold as “surplus” to non-Indians.

Our Tribe asserts our Treaty rights consistent with original Blackfeet Treaty Reservation boundaries which spanned from the eastern front of the Rocky Mountains to Yellowstone National Park, bordered by the Yellowstone River on the South all the way to what is now central Alberta, Canada.

As of today, our Tribe has lost 90% of our original Reservation due actions of the U.S. Federal Government. Of note, we lost land to the establishment of Glacier National Park and the creation of a National Forest which includes lands sacred to the Blackfeet – the land known as Badger Two Medicine area.

The existing Blackfeet Indian Reservation lands includes the headwaters of the St. Mary’s River, which is a tributary to the Mississippi River. The Army Corps of Engineers, without any consultation with the Blackfeet Tribe constructed a major pipeline project to divert water to support off-reservation, non-Indian communities downstream. These non-Indian communities water their crops, cattle and provide clean domestic water for their communities and have done so for decades with Blackfeet water, without even acknowledgement, much less any compensations. of our senior rights to that very water.

After nearly four decades of negotiations and work, in 2016, the United States enacted the Blackfeet Water Rights Settlement Act. However, this Act does not include funding for

wastewater. At the time, the Blackfeet Tribe was informed by the Administration, that wastewater funding was not eligible to be included in an Indian water settlement.

The Secretary's Indian Water Rights Office has now thought better about the United States' investment in and approach to tribal water rights, and now supports wastewater funding in Indian Water Rights Settlements, as evidenced by: the Montana Water Protection Act (Confederated Salish & Kootenai Indian Water Rights Settlement) enacted by Congress in 2020; and Administration's support for the Fort Belknap Indian Community Indian Water Rights Settlement Act (2023), both of which have language supporting wastewater.

All Blackfeet tribal communities suffer from dilapidated infrastructure and associated challenges, such as boil-order mandates, expensive water-hauling and bottled water purchases. The Blackfeet Tribal leadership has expended huge amounts of tribal resources to address emergency shut-offs, tribal office closures of essential governmental services, putting tribal member health, safety, and welfare at risk due to water main breaks and non-drinkable water. Pallets of bottled water, and portable toilets have become all too normal for the members and residents Blackfeet Indian Reservation.

The ability to update and provide new water and wastewater infrastructure will improve Tribal member health outcomes where clean water and reliable wastewater has been shown to improve nutrition by accessing clean water and decreasing reliance on sugary drinks and avoiding contaminated drinking water. Additionally, having clean water and reliable wastewater systems allow Tribal members tend to be less exposed to illness, for obvious reasons. Finally, the cost savings realized in avoiding bottled water and hauling water allows limited resources to be put to better use for things like food and housing.

The Blackfeet people believe funding for wastewater should be authorized and appropriated in order to achieve the same goals and objectives of any Indian Water Rights Settlement: satisfying the purposes of the Blackfeet Indian Reservation as a permanent homeland for the Blackfeet people.

The Blackfeet Tribe, like other tribes, has water and wastewater needs that remain unaddressed. Authorizing funding of this nature will demonstrate the U.S. Government's commitment to fulfillment of its Trust responsibility to Indian Tribes, and its specific Treaty obligations to our Tribe.

The Secretary's Indian Water Rights Office utilizes an antiquated and ineffective system to administer Federal Indian Water Rights. Tribes would benefit greatly if the Office was fully funded and staffed properly to better advocate, negotiate and implement Indian Water Rights Settlements.

The authorization of wastewater funding is a small step but important step by the United States to honor our Treaty and to reverse the failed federal policies. Consistent with current federal Indian policy, the successful implementation of the Blackfeet Indian Water Rights Settlement Act can improve Tribal self-determination and self-sufficiency by providing water and wastewater for communities within our Reservation lands, thereby increasing the Tribe's ability to make beneficial use of the water.

This completes my testimony. Once again, on behalf of the Blackfeet Tribe, I appreciate the opportunity to provide our perspective on the Blackfeet Wastewater fix. We look forward to working with the Subcommittee to ensure its success on our Reservation.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Appropriations

Subcommittee: Interior, Environment, and Related Agencies

Hearing Date: May 7, 2024

Hearing Title :

Witness Name: Marvin Weatherwax Jr.

Position/TITLE: Member, Blackfeet Tribal Business Council

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

The Blackfeet Tribe of Montana

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

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Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

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Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
 - (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
 - (C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
 - (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

Appropriations

May 7, :-

False Statements Certification	
Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.	
	<u>April 29, 2024</u>
Witness signature	Date

Appropriations
May 7, 2024

Marvin Weatherwax Jr. represents District 15 in the Montana House of Representatives, where he sits on the Agriculture Committee, the Natural Resources Committee, and the House State Administration Committee.

Weatherwax Jr. is a member of the Blackfeet Tribal Business Council.

Weatherwax Jr. is the Chairman of the Coalition of Large Tribes (COLT), comprised of members from large Indian tribes throughout Indian Country. COLT advocates for issues facing American Indian tribes with land bases exceeding 100,000 acres.

He holds an associate's degree in computer science from Blackfeet Community College. He lives in Browning, Montana.

Mr. SIMPSON. Thank you. Mr. Ball.

TUESDAY, MAY 7, 2024.

FORT BELKNAP INDIAN COMMUNITY

WITNESS

GEORGE JAY BALL, COUNCILMAN, FORT BELKNAP INDIAN COMMUNITY

Mr. BALL. Good morning, Chairman Simpson, Ranking Member Pingree, and members of the subcommittee. My name is George Jay Ball, and I am a Assiniboine representative of the Fort Belknap Indian Tribes of Montana, and I thank you today for this opportunity to testify before you.

Our top priority is passage and funding of the Fort Belknap Indian Community Water Rights Settlement Act. The act affirms that our water rights settles our damage claims against the United States. In 1908, we went to court to fight for our water rights in the Winters case. The Supreme Court held that our treaty and reservation included the water we need to make a homeland. This is known as the Winters doctrine. Under this doctrine, all tribes are able to produce, protect, and quantify their water rights. More than 100 years later, we still don't have our water rights, and the water projects the United States promised us are failing or simply were never built. More than 100 years ago, we negotiated a treaty and we agreed to give up vast lands and resources, but the United States did not provide the water and irrigation projects promised. Settling our water rights is a treaty and trust responsibility and is the supreme law of the land.

Our water rights claims are currently pending in court. If we are forced to litigate, there is no question who will win. We have the oldest priority date, and the farmers, ranchers, and towns upstream from us will have to stop using our water. We would rather settle. We spent the last 30 years negotiating a fair and final settlement with the United States and the State of Montana. Our settlement is a win-win that provides water for all. Litigating 31,000 water rights claims would take another 30 years, would be a waste of taxpayers' money, and upset about 10 percent of Montana's gross domestic product.

Settlement also provides the funding to fix water infrastructure that was built in the early 1900s. This aging water infrastructure threatens the economy, talents, and livelihoods of North Central Montana, including more than 120,000 acres of non-Indian irrigation and more than 25,000 acres of reservation that feeds about 1 million people per year. This infrastructure also provides drinking water for more than 20,000 people. Our water settlement costs about \$1.3 billion and passed the Senate last December. Our settlement has the full support of our tribes, the administration, the Montana governor and lieutenant governor, the Rocky Mountain Tribal Leaders Council, the Milk River Joint Board of Control, the St. Mary Rehabilitation Working group, local counties, water users, stockmen, conservation groups, tribal members, and more.

The subcommittee should provide mandatory funding to implement our water settlement and other tribal water settlements. We need these funds to ensure that our settlement is final and enforceable. We need a stable and permanent fund just like the DOJ Settlement Fund. We should not have to spend all this time negotiating a water settlement and then have to come back year after year for discretionary funds. We have played by the rules. We negotiated treaties and agreements with the United States. We agreed to settle on reservations much smaller than our ancestral lands that sustained our tribes for generations. We spent the last 30 years negotiating a fair and final water settlement, and it is time for Congress and the subcommittee to do its part.

Water is not our only priority. The United States does not provide the funding we need for basic law enforcement services on our reservation. We need significant increases for our law enforcement officers, court systems, and detention. All three of these must be working to keep our communities safe. Starting with law enforcement, our reservation is the size of Rhode Island. Rhode Island has more than 1,700 police officers. We have nine. Our officers travel across a large reservation and often have to respond to calls in remote areas without backup. With nine officers, only a couple are on patrol at any given time. The crisis of murdered indigenous women was identified long ago, but we still don't have the police officers we need. Now we have drug cartels setting up shop on our reservation. We need more Federal resources and expanded tribal criminal jurisdiction to keep our communities safe. We need to increase pay to be competitive. We need a new police academy in the Montana-Dakota area to reduce training times so that we can develop our own police officers.

Our courts are also underfunded. The laws require BIA to provide training and funding for all tribal courts. BIA needs to double or triple the funding to meet these requirements. Detention is also important. There is a detention facility near our reservation in Harden, Montana, that could hold 400 inmates. The BIA only had enough staff to house 20 inmates, and that means that many of our tribal members get shipped to Oklahoma, far from their families and support networks. This is not the right way to help them recover.

The Broken Promises Report released in 2018 found that funding for Indian programs is grossly inadequate to meet the most basic needs that the Federal Government committed to provide our tribes. This impacts social services, foster care, head start, and even our wildlife programs. These are the very services that we need to help our people deal with meth addiction, address domestic violence, and to provide education for our children.

The responsibility to provide funding for this program starts right here in this subcommittee. We need you to champion Indian Country and put forward funding that will meet our basic needs and will also meet the United States solemn promises to our tribes. Thank you for the opportunity to testify today, and I am available for questions.

[The statement of Mr. Ball follows:]

Fort Belknap Indian Community



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 656 Agency Main Street
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 FAX: Council – (406) 353-4541
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Fort Belknap Indian Community
 (Tribes)
Fort Belknap Indian Community
 (Elected to administer the affairs of the community and
 to represent the Asiniboe and the Gros Ventre Tribes
 of the Fort Belknap Indian Reservation)

TESTIMONY OF THE HONORABLE JEFFERY STIFFARM PRESIDENT OF THE FORT BELKNAP INDIAN COMMUNITY

Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies

Regarding the FY 2025 Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), Indian Health Service (IHS), and Environmental Protection Agency (EPA) Budgets

May 7, 2024

Thank you and the distinguished Subcommittee members for this opportunity to testify on behalf of the Nakoda and Aaniiih Tribes of Fort Belknap Indian Community. Our Tribe has over 8,000 enrolled members, and a 675,147 acre Reservation held in trust by the United States. Federal appropriations are the primary way in which the United States fulfills its trust responsibility and honors its obligations to Tribes. Per the 2022 Census, Fort Belknap has an annual income of \$15,764, with 34.4% of our population lying below the poverty line. In the Census report, the main language of the Nakoda and Aaniiih people is English. Our Tribe requests an additional \$8 million in FY 2025 funding for our programs as described in more detail below.

Fully Fund and Expand the BIA Tiwahe Initiative. The Tiwahe Initiative was established in 2015 to improve the health and wellbeing of families in tribal communities by providing a comprehensive and integrated approach to address the interrelated problems of poverty, violence, and substance abuse. Fort Belknap Indian Community joined the Initiative in 2016, a year after its establishment. Tiwahe includes two components: (1) a recurring funding increase for all tribes that operate Social Services and ICWA programs, and (2) additional funding for a demonstration program at 6 tribal locations (representing 61 tribes and Alaska Native villages). Tiwahe includes the BIA programs of Social Services, ICWA, Courts, Housing (HIP), Job Placement & Training, and Public Safety RRI.

Tiwahe has allowed FBIC to strengthen several interrelated programs by filling in the gaps that existed for many years. Tiwahe has strengthened and revamped the Aaniiih Nakoda Healing Wellness Center (formerly Social Services), by developing and enhancing policies and procedures for Child Welfare, Foster Care Licensing, Title VI-E, Domestic Violence and Shelter Policies, Adult Protection Services, ICWA, Child Protective Team Procedures, Batterer's Intervention Specialist Program Development, and a Foster Child/Youth Receiving Home Policy and Planning Development. Training and form development was included in this effort to aide in enabling employee confidence and job retention. Tiwahe's major impact has been the ability to fund cultural programming that has been infused with traditional and western programming and services provided by our Tiwahe funded employees.

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 of the Fort Belknap Indian Reservation)

Tiwahe Job Placement/Training has allowed us to hire several On the Job Training (OJT) employees who have or will be placed in permanent positions. This helped reduce reliance on TANF and other public assistance. Tiwahe and RRI has surpassed its goal to reduce juvenile recidivism through the use of culturally relevant alternative sentencing. The Family Interventionist Program has been able to increase family reunification through family strengthening activities and services while promoting self-sufficiency for low-income families.

Cultural programming has proven to assist in these successes here in the Fort Belknap Indian Community (FBIC). With increased funding we are hopeful to continue the successes with reintroducing the languages of the Nakoda and Aaniiih tribes.

FBIC's Tribal Court system is one of the most underfunded programs on the reservation. The lack of funding exacerbates drug abuse for our people and outlying areas. FBIC has a current fentanyl crisis which is increasing crimes, including but not limited to murders and rapes. With an increase in Tiwahe funding for Tribal courts, FBIC can strive to reduce these crimes happening to our people who are struggling. Additional Tiwahe dollars will assist with alternative sentencing for adults, cultural reintroduction for all, and we are hopeful that prevention efforts will be enacted.

FBIC is grateful for continued funding of the 6 Tiwahe sites, and request the same support in FY 2025. Having achieved significant benefits under Tiwahe, we were also pleased to see Congress enact additional funding for four new Tiwahe pilot tribes and twelve new Tiwahe incubators. As the Subcommittee prepares the FY 2025 budget, we urge you to provide additional funding to support these efforts. Tribes, Congress, and the Administration are united in their support for expansion of Tiwahe.

FBIC would appreciate if Tiwahe was designated as a permanently funded program and the BIA Base funds the existing Tiwahe tribes' current funding; an increase in Tiwahe funding to add more pilot tribes each year to continue benefitting Indian country; and if additional across-the-board funding for all tribes under Social Services and ICWA were provided. Tiwahe has helped transform FBIC in the way we assist our families by infusing culture and improving access to services, and we strongly support its expansion and the potential positive changes it can provide for all of Indian Country.

Fort Belknap Indian Community



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Fort Belknap Indian Community
(First Govt.)
Fort Belknap Indian Community
(Elected to represent the Assiniboine and Gros Ventre
Tribes of the Fort Belknap Indian Reservation)

Fort Belknap Indian Community Testimony on Fiscal Year 2025 Appropriations

House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
May 7, 2024

Biography of Fort Belknap Indian Community Council Member George Jay Ball

Council Member George "Jay" Ball was elected in 2023 to serve as the Assiniboine At-Large Fort Belknap Indian Community Tribal Council Representative. Councilman Ball is committed to leading an efficient government and improving Tribal Member services. Councilman Ball is a 5th generation stockman.

Mr. ELLZEY. [Presiding.] Thank you very much. Ms. Pingree.

Ms. PINGREE. Thank you, Mr. Chair. Thank you all for your testimony. I really appreciated it, and you covered some of the issues we have been talking about all day: the Indian Health Service, the fentanyl problem, the drug-related issues, the lack of law enforcement. Your numbers about sort of comparing Rhode Island to your own tribal lands is really staggering when you think about those numbers, and then you understand why we have the problems with murdered and disappeared women and also just the drug issues that continue to grow. And so we want to give a lot of focus to that, and I appreciate your talking about that.

And also thank you, everyone, to your focus on infrastructure. I just hesitate to think how many water settlements that we have that we have let you drag on forever about. I mean, we just know how vital clean water sewage systems are, and we expect you to operate huge communities without that. It is staggering to me. So I hope we can get more of those settled and more of the funding out there and that more of the money from the BLM and the other infrastructure money we have passed is going to some of the tribal communities to meet some of the backlog.

And thank you for wearing your headdress. Really, I can't help myself. The whole time I am like, I wonder what species that is, and it is really beautiful, magnificent, so appreciate that. And I am glad to hear you are also a representative to the legislature. It is so important to have that State representation as well, so I really appreciate your all being here. Thank you.

Mr. ELLZEY. Ms. McCollum.

Ms. MCCOLLUM. Thank you. I like to look at maps, so I pulled up a map. So I spent a lot of summers in Montana and did a lot of fishing before the reclamation took place—I am a lot older than you are, Ms. Weeks—in the Fort Peck area. So when I pulled up the map, it shows your prime tribal water. And then the one below it, that goes into Richland County, Sidney, that area where I spent all my summers. Is that part of the dry creek that you are part of or—

Ms. WEEKS. The dry red water? No, we are separate on the—

Ms. MCCOLLUM. You are separate.

Ms. WEEKS [continuing]. Northern side of the Missouri River.

Ms. MCCOLLUM. So what I am looking at on here that shows up on the Montana website probably isn't accurately describing the two divisions that you are talking about.

Ms. WEEKS. Right. The Fort Peck Reservation is bordered there, and we were surrounded by our non-Indian partners, the Dry Prairie Rural Water System to the north, East, and West of us.

Ms. MCCOLLUM. They mention it, but they don't divide it. They don't show the division on the map. Mr. Ball, when you were talking about your water settlement and getting things in, so if you look at the map of Montana and there is only four regional water settlements, areas where everything is kind of interconnecting in that, how do you fit in with the State doing its share when I don't see any regional water connections to where some of your tribes are located? Does that make your systems more expensive? Are you so located that it doesn't make sense to join with neighboring cities? You have got mountains as you move to the West. Montana is very

different West to East, so I just want to understand better about some of your connections because I understand Fort Peck's.

Mr. BALL. Well, the headwaters of the Milk River, they start up in Glacier—

Ms. MCCOLLUM. Okay. So you are right here.

Mr. BALL [continuing]. And it flows downstream into the Missouri River.

Ms. MCCOLLUM. Okay.

Mr. BALL. So that covers the whole region of Northcentral Montana.

Ms. MCCOLLUM. Wow. Huge.

Mr. BALL. Yes.

Ms. MCCOLLUM. Huge. Please.

Mr. WEATHERWAX. I kind of think that the reason why we haven't joined any of those, any of the tribes have, because we view everybody else as customers.

Ms. MCCOLLUM. Okay.

Mr. WEATHERWAX. So that is the—

Ms. MCCOLLUM. Okay. They don't have the unique relationship that you have been able to set up in Northeastern Montana.

Ms. WEEKS. Right, and that is, I think, very successful point in our system is having our partners on the off-reservation portions in four surrounding counties, strong leadership for several years bringing this regional water system together.

Ms. MCCOLLUM. And I know that the water in your area, Ms. Weeks, is very heavy with iron. Is that true as you move West?

Mr. WEATHERWAX. No, ma'am. At my house you can make coffee with the water and you don't have to use sugar. [Laughter].

Mr. WEATHERWAX. No, I am just kidding. I am kidding. No, our water is pretty good. It is just when it gets into the municipalities because we have to have water treatment plants.

Ms. MCCOLLUM. Right.

Mr. WEATHERWAX. But like myself, I am on a well. I am actually hooked into an underground aquifer, so my water is really good.

Ms. MCCOLLUM. Thank you.

Mr. ELLZEY. Well, thank you all very much. For those who have just come in here, we have this conversation every year. It is very basic. It is about sovereignty, treaty adherence, water, food, health, security and roads, the foundations of life, and we need to work harder at fulfilling all of our obligations to you. Thank you very much.

VOICE. Thank you.

Mr. ELLZEY. Time for Panel Number 6 with Shere Wright-Plank, Ervin Carlson, and Frank Starr Comes Out.

[Pause].

Mr. ELLZEY. Thank you all for coming out, again, today. Panel 6 is Shere Wright-Plank from the Rosebud Sioux Tribe, Ervin Carlson, the president the Inter-Tribal Buffalo Council; Frank Star Comes Out, president of the Oglala Sioux Tribe. It is good to see

you again, and we will start off with Shere Wright-Plank. The floor is yours, ma'am.

TUESDAY, MAY 7, 2024.

ROSEBUD SIOUX TRIBE

WITNESS

SHERE WRIGHT-PLANK, COUNCILWOMAN, ROSEBUD SIOUX TRIBE

Ms. WRIGHT-PLANK. [Speaking native language.] I greet you with a heartfelt handshake. My name is Shere Wright-Plank. My Lakota name is Pretty Woman. I come to you, honorable members of the U.S. House Appropriations Committee on Interior, Environment and Related agencies. I have the honor of serving as a councilmember for the Rosebud Sioux Tribal Council in South Dakota. Unfortunately, President Herman can't be here today, so I am here charged by the tribe to state some of our serious needs to the esteemed committee.

Today I stand before the committee to present our fiscal year 2025 appropriations priorities, focusing on matters of public safety and justice that are paramount to our tribal community. And before I go through this written document, I want to really iterate that one of the biggest hurdles in Indian Country for recruitment, retention, and funding is the fact that our local economies really suffer. We don't have tax funding. We are all on trust land. A lot of the setup of our reservation is spread out. For Rosebud Reservation, it is 20 communities on a million acres of land. So one community, our furthest community, is 185 miles apart from one end of the reservation to the other, which makes it very difficult to support any transportation, like community transportation and any business strips as well, to try and promote economic development. And the reason that is key is because it makes it difficult for us to recruit our doctors, police officers, all of that.

So I just wanted to say that is why we are here today asking for the funding. It is not funding that we can just raise locally or appropriate ourselves through tribal government with tax funding because we don't have that. For the Rosebud Sioux Tribe, the only tax revenue that we do get is about \$2 million a year, and that goes to fund several other programs that have been operating for several years.

The Rosebud Sioux Tribe has recently declared an Indian country law enforcement emergency, underscoring the urgent need for heightened attention and resources to address the pressing issues we face. We have actively advocated for this cause, promoting the enactment of NCAI Resolution Number 23-066, which calls on the Congress and President to undertake emergency Indian Country law enforcement initiative.

Through engagements, such as Tribal Nation Leaders' Summit with the Attorney General Garland, and the DOJ Office of Justice Program, and the BIA office of Justice Services meeting, we have gained critical insights. It is evident that the current funding allocated to the Bureau of Indian Affairs and the tribal police, approximately \$565 million nationwide, falls significantly short meeting

the real law enforcement needs in Indian Country. For the record, this paper we submitted, it says we have 15 tribal officers. We have 25. So the correction there. The Rosebud Sioux Tribe, we currently have 25 officers. We urgently require an additional 20 officers, at least four more dispatchers and detention personnel to effectively manage community policing. This past year, we had 28,000 calls for service in our communities.

Our community is on the grip of a profound public safety and public health crisis driven by drug trafficking, violent crime, and inadequate law enforcement projection. The Rosebud Sioux Tribe has half the tribal police officers, with twice the population and 3 times the violent crime suffered back in the year 2000. The Great Plains Region—North Dakota, South Dakota, and Nebraska—is facing a public safety and public health emergency resulting from drug trafficking, violent crime, and lack of adequate protection of our communities, reflected in a severe increase in violent crimes, drug-related crime, and drug distribution-related violent crimes.

Native Americans suffer the highest level of fatal opioid drug overdoses. Native-American methamphetamine abuse and related crimes occur at 3 times the national average and drastic increases in hard drugs, including fentanyl and heroin. Homicide rates per 100,000 population are at the highest levels in America. The Rosebud Sioux Tribe suffers the highest levels of suicide in America. The Rosebud Sioux tribe has experienced severe increases in aggravated assault, sexual assaults, and firearm-related incidents.

The Rosebud Sioux Tribe, in alignment with the 1868 treaty, implores Congress to fulfill its commitment to ensuring the peace and safety of our communities by funding tribal law enforcement, public safety, and tribal administration of justice under Public Law 93–638. We acknowledge the diligence of this committee in understanding the legal obligations and the historical content that necessitate Federal funding to support and nurture Indian reservation economies.

Our tribe, with nearly 40,000 tribal members and approximately 30,000 residing on the reservation, grapples with the repercussions of public safety crises daily. While we strive for economic development, the pervasive issue of drugs and alcohol abuse continues to hinder our progress. The Rosebud Sioux Tribe Law Enforcement Services is charged with ensuring law and order within the boundaries of the Rosebud Sioux Tribe and to trust lands in Mellette, Tripp and Lyman and Gregory counties, so have a five-county reservation.

RST law enforcement responds to over 20,000 calls for service every year. RST law enforcement serves an area of approximately 1 million acres, or roughly 1,500 square miles, with only 25 patrol officers and five criminal investigators. The national average officer-to-person ratio is 3.5 per every thousand persons, whereas RST LES officers person ratio is 1 officer every thousand person. And with that, too, I also want to say that the call time, so if you call the police, you can wait anywhere from a half hour to 45 minutes before an officer arrives, which could, in some instances, mean life or death. So I just want to mention that.

The Rosebud Sioux Tribe declared a state of emergency due to methamphetamine, opioid, and fentanyl epidemic plaguing the res-

ervation. The RST law enforcement responds to a high volume of violent crimes. Illegal narcotics, alcohol are both contributing factors around 95 percent of the time. RST LES administration has repeatedly called for a request in base funding. We haven't had a base funding increase since 1994 when 638 contracted our law enforcement services, so it has been the same. And with inflation and cost of living increases, it hasn't helped with retention much at all either. As last stated by our president, Scott Herman, the BIA law enforcement should be at least funded at \$1.2 billion, and that is not for the Nation.

As last year's delayed fiscal year 2024 appropriations, the funding remains 100 percent underfunded. While the country grapples with increased drug and human trafficking, tribes remain at a gap in the law enforcement effort, a gap that the Federal Government is obligated to close. Rosebud reiterates that the funding for the BIA tribal police and justice system should be increased as follows: \$1.2 billion for BIA Office of Justice Services and tribal police officers; \$150 million to redress murdered and missing indigenous persons; \$300 million for BIA detention and public safety construction programs; and \$400 million for tribal courts, prosecutors, probation officers, diversion programs, and prevention programs. Specifically, the Rosebud Sioux requires an increase in the tribal police budget from \$3.5 million, fiscal year 2025, to support 20 new tribal police officers and four dispatchers and detention officers. In addition, the Rosebud Sioux Tribe also needs 4500,000 for our tribal courts with our high caseload, and that kind of piled up from COVID. It backed up.

So the Rosebud Sioux Tribe with Yankton Sioux Tribe has also advocated for a regional BIA law enforcement academy for the Upper Plains to help recruit for much-needed officers. Artesia is too far away from our communities, and it is also very hard to get in. Sending these recruits to such a distance for an extended period removes them from the communities they intend to serve and the families they want to protect. A regional academy hosted at the State law enforcement center in Pierre, South Dakota would allow recruits to remain near their families and communities while joint classes with the State officers would build relationships between our law enforcement agencies. This year, our advocacy efforts at the State level for support of regional academy achieved unanimous passage in both House and Senate, of House Concurrent Resolution HCR 6011, urging the Bureau of Indian Affairs law enforcement to establish law enforcement training academy in South Dakota.

The Rosebud Sioux Tribe also requests your help to help secure funding for our Indian Health Services. Our hospital is 30 years old. It is outdated and lost its functionality. With the loss of hospital functionality, we have lost medical staff and our patient confidence and loyalty. Due to poor healthcare provided by the Rosebud Sioux Tribe, our people have poor health status. The Robert Wood Johnson County by County Health Assessment shows that the Rosebud Sioux Reservation ranks at the bottom of the poor health status. The poor—

Mr. SIMPSON. [Presiding.] I have to ask you to wrap it up.

Ms. WRIGHT-PLANK. Okay.

Mr. SIMPSON. We are about 7 minutes over time.

Ms. WRIGHT-PLANK. Okay. Sorry. So I guess the tribe requests \$300 million for IHS, \$5 million for alcohol and drug treatment programs, and \$300 million for the Rosebud Sioux tribal hospital replacement. Thank you.

[The statement of Ms. Wright-Plank follows:]

**WRITTEN TESTIMONY OF THE ROSEBUD SIOUX TRIBE
COUNCILMEMBER SHERE WRIGHT-PLANK**

**BEFORE THE U.S. HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

FISCAL YEAR 2025 PUBLIC SAFETY & TRIBAL PRIORITIES

Honorable Members of the U.S. House Appropriations Subcommittee on Interior, Environment, and Related Agencies,

My name is Shere Wright-Plank, and I have the honor of serving as a member of the Rosebud Sioux Tribal Council in South Dakota. Unfortunately, President Scott Herman was not able to attend today's hearing and I have been charged by the Tribe to state our serious needs to the esteemed committee.

Today, I stand before the Committee to present our Fiscal Year 2025 appropriations priorities, focusing on matters of public safety and justice that are paramount to our tribal community.

The Rosebud Sioux Tribe has recently declared an Indian Country Law Enforcement Emergency, underscoring the urgent need for heightened attention and resources to address the pressing issues we face. We have actively advocated for this cause, promoting the enactment of NCAI Resolution NO 23-066, which calls on Congress and the President to undertake an Emergency Indian Country Law Enforcement Initiative.

Through engagements such as the Tribal Nation Leader Summit with Attorney General Garland, the DOJ Office of Justice Program, and the BIA Office of Justice Services Meeting, we have gained critical insights. It is evident that the current funding allocated to the Bureau of Indian Affairs (BIA) and Tribal Police, approximately \$565 million, falls significantly short of meeting the real law enforcement needs in Indian Country.

At the Rosebud Sioux Tribe, where we currently have 15 Tribal Police Officers, we urgently require an additional 20 officers and detention personnel to effectively manage community policing and address the escalating rates of violent crime. Our community is in the grip of a profound public safety and public health crisis driven by drug trafficking, violent crime, and inadequate law enforcement protection. The Rosebud Sioux Tribe has half the Tribal Police Officers, with twice Tribal Population, and three times the violent crime that Rosebud suffered back in 2000.

The Great Plains Region, North Dakota, South Dakota and Nebraska, is facing a public safety and public health emergency resulting from drug trafficking, violent crime and lack of adequate protection of our communities, reflected in the following:

- A severe increase in serious violent crimes, drug-related crime, and drug distribution related violent crimes;
- Native Americans suffer the highest level of fatal opioid drug overdoses;

- Native American methamphetamine abuse and related crimes occur at 3x the national average and drastic increases in hard drugs including fentanyl and heroin;
- homicide rates per 100,000 population at the highest levels in America;
- the Rosebud Sioux Tribe suffers the highest levels of suicide in America; and
- The Rosebud Sioux Tribe has experienced severe increases in aggravated assaults, sexual assaults, and firearms related incidents

The Rosebud Sioux Tribe, in alignment with the 1868 Treaty, implores Congress to fulfill its commitment to ensuring the peace and safety of our community by fully funding Tribal Law Enforcement, Public Safety, and Tribal Administration of Justice under Public Law 93-638. We acknowledge the diligence of this Committee in understanding the legal obligations and the historical context that necessitate federal funding to support and nurture Indian reservation economies.

Our Tribe, with nearly 40,000 tribal members and approximately 30,000 residing on the Reservation, grapples with the repercussions of the public safety crisis daily. While we strive for economic development, the pervasive issue of drug and alcohol abuse continues to hinder our progress.

The Rosebud Sioux Tribe Law Enforcement Services (RST LES) is charged with ensuring law & order within the boundaries of Rosebud Reservation and to trust lands in Mellette, Trip, Lyman, and Gregory counties. RST LES responds to over 20,000 calls for service every year. RST LES serves an area of approximately one million acres or roughly 1560 square miles with only twenty-five patrol officers and five criminal investigators. The national average of officer to person ratio is 3.5 officers per every 1000 persons; whereas, the RST LES officer to person ratio is one officer per every 1000 person.

Our RST LES are overwhelmed, and our Tribal Court faces a staggering caseload and backlog, necessitating urgent attention and resources. Additionally, our outdated Tribal Detention facility is operating at capacity, further exacerbating the crisis.

The Rosebud Sioux Tribe declared a state of emergency due to the Methamphetamine, Opioid and Fentanyl epidemic plaguing the Rosebud Reservation. The RST LES responds to a high volume of violent crimes in which illegal narcotics, alcohol or both are a contributing factor around 95% of the time. RST LES administration has repeatedly called for a request in base funding. An increase in funding would be utilized to hire twenty more sworn and certified officers and acquire twenty additional patrol units. The additional officers and patrol units will significantly reduce response time and provide RST LES personnel with more time to investigate open cases.

As stated last year by our President, Scott Herman, the BIA Law Enforcement should be at least at \$1.2 billion. As with last year's delayed FY '24 appropriations the funding remains "100% underfunded." While the county grapples with increased drug and human trafficking, Tribes remain a gap in that enforcement effort, a gap that the Federal Government is obligated to close.

Rosebud reiterates that funding for BIA Tribal Police and Justice Systems should be Increased as Follows:

- \$1.2 Billion for BIA Office of Justice Services and Tribal Police Officers;
- \$150 Million to Redress Murdered and Missing Indian Persons;
- \$300 Million for BIA Detention and Public Safety Construction Program; and
- \$400 Million for Tribal Courts, Tribal Prosecutors, and Probation Officers and diversion programs.

Specifically, the Rosebud Sioux Tribe requires an increase in the Tribal Police Budget of \$3.5 Million for FY 2025 for 20 Tribal Police and Detention Officers.¹ In addition, the Rosebud Sioux Tribe needs \$500,000 for our Tribal Courts given our high annual caseload.

The Rosebud Sioux Tribe, with the Yankton Sioux Tribe, has also advocated for a regional BIA Law Enforcement Academy for the upper plains to help recruit much needed officers. Artesia is too far from the communities that the officers intend to serve. Sending these recruits such a distance, for an extended period, removes them from the communities they intend to serve and the families they want to protect. A regional academy hosted at the State Law Enforcement Center in Pierre, South Dakota would allow recruits to remain near to their families and communities while joint classes with State officers would build relationships between our law enforcement agencies. This year our advocacy efforts at the State level for support of a regional academy achieved unanimous passage in both the House and Senate of House Concurrent Resolution (HCR) 6011, “Urging the Bureau of Indian Affairs (BIA) law enforcement to establish a law enforcement training academy in South Dakota.” Following the Resolution, the South Dakota Attorney General immediately offered Tribal governments in the State slots for their officers to train at the State Academy, but they will still need BIA training to complete. We now ask Congress to include report language with funding to provide BIA Training officers to this new regional academy in Pierre. It can start as an BIA addendum to state training and grow, but it must start.

But Law Enforcement isn't our only barrier to economic development.

The Rosebud Sioux Tribe requests your help to secure funding for the replacement of the Indian Health Service (I.H.S.) Rosebud Hospital which serves the Rosebud Sioux Tribe. Our Rosebud Hospital is just worn out, it can't keep out the heat during the summer or the cold during the winter, and you know Rosebud has extreme heat—up to 110 degrees in the summer and 20 degrees below zero in the winter. Our Hospital, which is 30 years old, is outdated and has lost functionality: no surgical unit, no Ob-Gyn unit and our Emergency Room was closed by CMS for poor health care in 2016. With the loss of Hospital functionality, we have lost medical staffing and our patient confidence and loyalty.

Due to the poor health care provided to Rosebud Sioux tribal members, our people have endemic poor health status. The Robert Wood Johnson, County-by-County Health

¹ (20 Tribal Police Officers x \$125,000/officer = \$2.5 Million plus \$1 Million indirect costs)

Assessment shows that Rosebud Sioux Reservation ranks at the bottom of poor health status, poor health care and poor health indicators: Specifically, Rosebud ranks 58 to 61 out of 61 South Dakota Counties studied, where 1 is the top and 61 the bottom of the scale. The life expectancy of a Rosebud Sioux man is 47 years while in contrast an American man's life expectancy is 78 years. Rosebud is the poorest Indian tribe in the United States with the poorest health status in the country, we need urgent help to address the debilitating and fatal health care disparities affecting our people.

The Rosebud Sioux Tribe requests that Congress require the Indian Health Service to acknowledge that the United States of America promised to provide "competent physician led health care" in our 1868 Treaty, as the Federal Court of Appeals ruled in *Rosebud Sioux Tribe v. U.S.A., Secretary HHS, et al.*, 9 F.4th 1018 (8th Cir. 2021). To require I.H.S. to comply with this federal court judgment, the Rosebud Sioux Tribe respectfully requests that Congress include report language in the FY 2025 Appropriations Report, that is:

"I.H.S. is directed to fully fund and staff Rosebud Sioux Hospital and Service Unit, and the Indian health care facilities of sister Sioux Nation tribes signatory to the 1868 Treaty, as necessary to provide competent physician-led health care, including mental health care, to tribal members in accord with Rosebud Sioux Tribe v. U.S.A., 9 F.4th 1018 (8th Cir. 2021) and the mandate of 1868 Sioux Nation Treaty."

The Federal Court intended to assign a measure of accountability to the Indian Health Service to require "competent physician-led health care" be provided to our tribal members, yet the I.H.S. has not acted and has not convened with Rosebud to develop a treaty-based health care plan

As such, the Tribe Requests:

- Support Administration FY 2025 Request for \$8 Billion for Indian Health Service;
- \$300 Million for I.H.S. Drug and Alcohol Treatment and Rehabilitation;
- \$5 Million for Alcohol and Drug Treatment Programs at the Rosebud Sioux Tribe;
- \$300 Million for Rosebud Sioux I.H.S. Hospital Replacement.

In closing, I express gratitude for the Committee's continued support and urge prioritization of funding for our public safety and justice priorities. The Rosebud Sioux Tribe stands ready to collaborate and work tirelessly to address the pressing challenges facing our community. Together, we can ensure that our people have access to the safety and justice they deserve.



2024 South Dakota Legislature

House Concurrent Resolution**6011****ENROLLED**

AN ACT

A CONCURRENT RESOLUTION, Urging the Bureau of Indian Affairs (BIA) law enforcement to establish a law enforcement training academy in South Dakota.

WHEREAS, the state of South Dakota recognizes the critical role played by tribal law enforcement agencies in ensuring public safety and upholding the rule of law for all citizens; and

WHEREAS, BIA law enforcement is tasked with maintaining law and order within certain tribal communities in the state, playing a crucial role in fostering secure and thriving environments for Native American residents; and

WHEREAS, the state of South Dakota values collaboration between state and federal entities to enhance public safety initiatives and strengthen the capabilities of law enforcement agencies; and

WHEREAS, the establishment of a BIA law enforcement training academy in South Dakota would provide an opportunity to enhance the skills and training of law enforcement personnel serving Native American communities, thereby contributing to the overall safety and well-being of tribal members; and

WHEREAS, South Dakota is home to nine tribal nations, each with its unique heritage and law enforcement needs, making it an ideal location for a BIA law enforcement training academy that can tailor its programs to the specific challenges and nuances of the region; and

WHEREAS, the state of South Dakota is committed to supporting initiatives that promote professionalism, cultural sensitivity, and excellence in law enforcement to better serve and protect all residents:

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: House Appropriations

Subcommittee: Interior, Environment, and Related Agencies

Hearing Date: 05/06/2024

Hearing Title :

American Indian and Alaskan Native Public Witness Hearing

Witness Name: Shere Wright-Plank

Position/TITLE: Rosebud Sioux Tribe Council Representative

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Rosebud Sioux Tribe

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

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Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

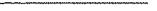
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Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
 - (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
 - (C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
 - (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

False Statements Certification	
Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.	
	
Witness signature	Date

SHERE WRIGHT-PLANK- Rosebud Sioux Tribe Council

Shere Wright-Plank, is a member of the Rosebud Sioux Tribe, Sicangu Lakota Oyate. She has a background in Business, she received her Bachelor's Degree from Haskell Indian Nations University. Shere returned to her reservation to help the tribes efforts toward building the local economy, where she successfully managed one of the tribe's businesses before her term on Tribal Council.

Shere currently serves as a Tribal Council Representative. Shere has been a part of the following subcommittees for the tribal council: Judicial Committee, Education Committee, Governmental Affairs Committee, Economic Development Committee, Finance Committee and Tax Commission. Through these committee's Shere has knowledge of the financial needs of the tribe and knows the impact that the budget shortfalls.

Mr. SIMPSON. Thank you. I appreciate it. Ervin.

TUESDAY, MAY 7, 2024.

INTER-TRIBAL BUFFALO COUNCIL

WITNESS

ERVIN CARLSON, PRESIDENT, INTER-TRIBAL BUFFALO COUNCIL

Mr. CARLSON. Again, good morning, Mr. Chairman and honorable members of the Interior Appropriations Subcommittee. My name is Ervin Carlson, and I am a member of the Blackfeet Nation, and also I am the president of the Inter-Tribal Buffalo Council. I stand before you today on behalf of 83 federally-recognized tribes to inform you of our important work to restore buffalo to tribal lands and to heal our people and provide environmental benefits to our lands.

American Indian tribes were sustained by the buffalo prior to the arrival of non-Indians to this country. Buffalo were essential to the life ways of tribal people as they provided the opportunity for tribes to be self-sustaining. Buffalo provided food, shelter, and clothing for us, but, most importantly, they provided us with a purpose and became an essential figure to our culture and our religious practices. To this day you will hear our people, our Indian people, referring to the buffalo as our relative. They are sacred to us.

Historians tell us there were once between 30 and 60 million buffalo living in what is now North America. As the Indians were moved and restricted to reservations, buffalo were hunted by non-Indian buffalo hunters, resulting in millions and millions of our buffalo being slaughtered. The destruction was so complete by the late 1800s, that only a few buffalo remained. As the great chief, Sitting Bull, observed, "A cold wind blew across the prairie when the last buffalo fell, a death wind for my people." Indeed, the population of the Indian people, once numbering in the millions, was estimated to have dropped to 250 by the early 1900s. Without the buffalo, Indians lost their historical lifestyle and independence, and in the early reservation days, many starved to death.

Thanks to the efforts of early conservationists that recognized that buffalo were a keystone species to North America, including Teddy Roosevelt and some Indian tribal leaders who didn't get the publicity that Roosevelt did, the buffalo were brought back from the brink of extinction. For the Indian people, recovery from this devastation or restoration of buffalo herds on our lands began in earnest in 1991 when a handful of Indian tribes organized the Inter-Tribal Bison Cooperative and now known as the Inter-Tribal Buffalo Council. Our organization has grown significantly, and today I am proud to tell you that we have 83 tribes in 21 States, all dedicated to restoring herds on our lands. The Indian population of our member tribes exceeds 1 million.

ITBC has received Federal appropriations since 1992 in the form of earmarks, inclusion in the President's budgets, or through DOI administrative action. However, despite the growth in our membership, our funding has been stagnant, about \$1.4 million. These funds, which are the only funds directly allocated to these Indian

tribes, fall critically short of meaningful assistance to tribes for restoration efforts. Federal funding directly to tribes is a fraction of the support for fishing tribes to access and co-manage fish, even though courts have recognized the Federal responsibility to assist all tribes with access to traditional food sources. While fishing tribes work to conserve and co-manage, we are still working to restore our buffalo.

ITBC did get a boost this year through the funding made available via the secretarial order on bison, but unless this committee acts, that is likely only to be a one-time allocation. ITBC awards funds to tribes to determine how best to use them for restoration and management efforts as exercises of tribal sovereignty. ITBC recently conducted a needs assessment, and our member tribes provided a cumulative response of \$17 million. This is the realistic base for tribal herd development grants for buffalo restoration efforts. I am respectfully asking this committee to appropriate in fiscal year 2025 \$17 million for herd development, \$2 million to continue ITBC conservation work with national parks, \$100,000 for health-related research, and \$500,000 for education and outreach to tribal youth, for a total of \$19.6 million.

We are also working to create a permanent statutory authorization for tribal buffalo restoration that will void the current discretionary funding that has limited creation of a tribal buffalo industry for true restoration and move towards self-sustainable herds and economic returns. In the last Congress, the late Don Young, together with a dozen bipartisan colleagues, introduced and secured passage of the Indian Buffalo Management Act through the House. This year, Congresswoman LaMalfa and Peltola, together with a bipartisan group of members, have once again introduced that legislation, and it has been ordered reported out of the House Natural Resources Committee. Senators Heinrich, Mullen, and others have introduced it in the Senate, where we are awaiting a hearing before the Indian Affairs Committee.

Honorable members, committee members, we hope that you will see clear to fund our request at \$19.6 million. We have some success today, but much more is needed. We are regularly transporting surplus buffalo from our national parks to Indian tribes, hoping to create or diversify herds and, in so doing, help out both the parks and our members. We need your help to enhance the restoration of buffalo to tribes and the recovery of our people. I would like to say, even though we have had a small increase for one time, I have been here many times. I think my hair was a different color when I first came here.

Mr. SIMPSON. Mine, too.

Ms. WEEKS. Our funding has stayed stagnant, and our numbers have grown of our tribes that have joined the organization. Many, many tribes feel it very important for these herds, and I know we have a lot of other issues in Indian Country that are paramount, but these are also very, very important to our culture and returning our culture, and helping us heal from all of the things that are happening on the other areas in our tribes. So I am really respectfully asking you to help us with healing of bringing back our buffalo and the healing of our people.

[The statement of Mr. Carlson follows:]

TESTIMONY TO THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
FY 2025 American Indian and Alaska Native Public Witness Hearings
Presented by Ervin Carlson, President, InterTribal Buffalo Council
May 7, 2024

INTRODUCTION AND BACKGROUND

My name is Ervin Carlson, and I am a member of the Blackfeet Nation in Montana and serve as the President of the InterTribal Buffalo Council (ITBC). Please accept my sincere appreciation for this opportunity to testify to the honorable members of the House Interior Appropriation Subcommittee. My testimony primarily involves funding requests from the Department of Interior (DOI) (specifically the Bureau of Indian Affairs (BIA)) but funding could also be obtained from the National Park Service (NPS), the U.S. Fish and Wildlife Service (USFWS) and the Indian Health Service (IHS)..

ITBC was granted a federal charter in 2009 pursuant to Section 17 of the Indian Reorganization Act and is comprised of eighty-four (84) federally recognized Indian Tribes in twenty-one (21) states with fifty-five (55) buffalo herds. One of our most active members is the Shoshone Bannock Tribes of Idaho, a tribe that Chairman Simpson knows well. ITBC represents approximately 1,000,000 tribal members.

American Indians have a long-standing spiritual and cultural connection with buffalo that has not diminished with the passage of time. Historically, buffalo provided the Tribes with food, shelter, clothing, and essential tools for survival. The near extinction of buffalo was analogous to the tragic history of American Indians in this country. However, today's resurgence of buffalo on Tribal lands, largely through the efforts of ITBC, signifies survival of the revered Tribal buffalo culture. ITBC Member Tribes strive to restore buffalo to Tribal lands to rekindle the cultural, traditional, and spiritual relationship between buffalo and Tribes and to utilize buffalo to promote the health, and economic well-being of Tribal populations.

On behalf of the Member Tribes of ITBC, I am requesting an appropriation of \$17 million which is a definite increase over the \$1.4 million we are presently receiving from the Department of Interior for funds to allow the organization to: 1) increase funds for the Tribal herd development grant program to sustain and grow Tribal buffalo herds, 2) to fund ITBC efforts to serve as a meaningful buffalo management partner to federal agencies, and 3) to fund scientific research on the benefits of buffalo meat for the prevention and treatment of diet related diseases. The majority of this amount comes from totaling the requests for herd development funds from our member tribes. We have been receiving funding in the vicinity of \$1 million for years despite growing from a dozen tribes to 84 tribes. Clearly, we are not able to make the types of transfers our members would like and need to establish or sustain herds.

FUNDING HISTORY

ITBC has been funded through various methods from the Department of Interior Bureau of Indian Affairs including the President's budget, Congressional earmarks, or administrative action since 1992. ITBC's funding history illustrates Congressional and Administrative support for ITBC's restoration and management program and the Tribal buffalo herds. Annual funding of ITBC provides evidence that buffalo restoration and management is not a limited or one-time "project"

but a "recurring program." ITBC has most recently been funded from the BIA, Natural Resources, Tribal Management/Development Projects line item.

The ITBC has worked for several years on the Indian Buffalo Management Act to create a permanent buffalo restoration and management program in the Department of Interior Bureau of Indian Affairs. This Act would authorize an annual appropriation for Tribal buffalo programs and allow ITBC to expand technical services to its member Tribes. The Indian Buffalo Management Act was originally introduced by Representatives Don Young, Deb Haaland, Tom Cole and Norma Torres and others and passed the House. It was more recently introduced by Congressman Doug LaMalfa, Mary Peltola and others and has been reported out of the House Committee on Natural Resources. The Department of Interior has testified in favor of the bill during both Republican and Democratic administrations.

FEDERAL COMMITMENT TO TRADITIONAL FOODS

At the request of the Department of Interior, Bureau of Indian Affairs, ITBC prepared a written comparison of the funding provided to tribal fish commissions and the funding provided ITBC, primarily due to the fact both entities were funded out of the same line items of the Department of Interior budgets. This analysis of public records, historical documents and case law revealed that seven fish commissions receive federal funding in an amount exceeding \$140 million annually from various federal agencies at the Department of Interior, the Department of Commerce and the Environmental Protection Agency. The seven fish commissions cover 52 tribes over 12 states, and an approximate population of 525,000 enrolled tribal members. A single fish commission employs 10 times the staff we do and operates two additional offices. We don't begrudge these tribes the funding they receive. It is deserved and needed but the comparison to the buffalo tribes is stark.

The level of federal funding to fish commissions is largely due to the well-known *Boldt* decision that awarded fishing Tribes co-management authority over salmon with the States, access to half of the returning fish each year, and declared the security of Indian fishing rights was a trust obligation of the United States. While the *Boldt* decision focused on Tribal access to fish, the ruling supports all American Indians having a right to their traditional foods. This decision supports an argument that the Federal Government's trust responsibility extends to the return of buffalo to Tribes.

Article XI of the 1868 Treaty of Fort Laramie guarantees Tribes access to buffalo "so long as buffalo may range." Unfortunately like many other treaty provisions, the Federal Government has failed to live up to this promise. Recently, the United States Supreme Court examined the 1868 Fort Laramie Treaty and upheld Tribal off-reservation hunting rights in the *Herrera* decision. Adequate funding for Tribal buffalo restoration provides an opportunity for the Federal Government to honor the 1868 Treaty language and a commitment for Tribes to access a traditional food source.

An increase in funding to ITBC will enhance the necessary infrastructure to provide buffalo to a larger segment of the Indian community. This in turn will lead to greater self-determination and food-sovereignty opportunities for Tribes through production of their own traditional foods and creation of economic opportunities. I respectfully request an increase in the Tribal Management and Development Program and the Fish, Wildlife, and Parks and Natural Resources Tribal Priority Allocation Programs in the BIA. The Subcommittee may also consider using programs in the NPS and USFWS to increase the allocations for buffalo restoration and management involving the InterTribal Buffalo Council. We do routinely provide an important service to the National Parks who have herds of buffalo. When those Parks reach their carrying capacity they call ITBC and we round up and transport identified buffalo from them (obviating the culling of those herds). We

often find tribes who want to take those buffalo, so we transport them, presently at no cost to the National Park involved.

FUNDING INCREASE JUSTIFICATION

ITBC's primary objectives are to restore buffalo to Tribal lands, and to sustain, conserve and manage existing Tribal herds through the promotion of traditional buffalo handling practices and beliefs. ITBC strives to aid Tribes to meet the needs and desires of individual Tribal programs. ITBC attempts to balance the varying interests of Member Tribes from maintaining herds for spiritual purposes to utilizing buffalo as viable economic development endeavors. ITBC accomplishes these objectives as follows:

Increase in Herd Development Grant Funds

ITBC distributes \$1,000,000 of its funding directly to ITBC Member Tribes via Herd Development Grants (HDG). The HDG funding has been stagnant despite the continued growth of the Tribal membership of the organization. In FY 2025, unmet needs for ITBC members exceeded \$17 million based upon the exigent needs of Tribal buffalo herd managers. ITBC members use these funds for a variety of purposes including water development, range management, fence construction and repair, corrals, purchasing handling equipment, supplemental feed, and administrative costs. These funds will create new jobs in Indian Country, create sustainable Tribal buffalo herds, and allow Tribes to utilize buffalo for economic development. I am requesting an increase of \$15,600,000 to provide ITBC members with this desperately needed aid.

Funding for Federal Agency Partnerships

ITBC is a member of various Federal and State working groups organized to address buffalo issues. ITBC collaborates with NPS, the U.S. Forest Service, and the USDA Animal and Plant Health Inspection Service regarding Yellowstone buffalo. ITBC provides critical transportation for translocation of Yellowstone buffalo to Tribal lands. However, ITBC cannot participate to its full potential and serve as a meaningful partner due to a lack of funding for these collaborative efforts.

Since its inception, ITBC has partnered with the NPS on buffalo management efforts including population management through roundups and distribution of buffalo to Tribes. Badlands, Theodore Roosevelt, and Wind Cave National Parks have surplus buffalo that need to be moved from the parks to ensure that those ecosystems remain intact. This also allows NPS to avoid slaughtering these surplus buffalo which negates likely public outcry with needless slaughters. ITBC bears the costs of transporting these surplus buffalo but has not been funded for its role in these activities. Additionally, the USFWS does not provide funding programs to Tribes for buffalo restoration efforts. I would request the Committee appropriate funds to support ITBC's role in protecting NPS's wildlife and provide buffalo restoration in the USFWS in the amount of \$2,000,000.

Health Related Research and School Lunch Programs

ITBC has a long-term objective to prevent and treat diet related diseases in Native populations through the reintroduction of buffalo meat into daily diets. ITBC has eight Member Tribes serving Tribal raised buffalo in their school lunch programs to address health concerns of school-age children. ITBC anticipates expanding this program to 20 Tribes in the next three years with increased funding.

However, these efforts to coordinate with health care providers have been limited by the lack of scientific evidence of the health benefits of natural, grass-fed buffalo diets. ITBC believes research

to develop concrete evidence of these health benefits will facilitate ITBC partnerships with health programs to prevent and treat diet related diseases in Native populations. This critical research will support ITBC's efforts to provide buffalo meat to school lunch programs as a healthy alternative to other meat products. ITBC wants to partner with IHS to fund this research to promote traditional, healthy tribal diets. I am requesting \$100,000 to promote and fund this research.

Technical Assistance, Education, and Outreach

ITBC assesses current and potential Tribal buffalo programs to determine technical service and infrastructure needs. After this assessment, ITBC then provides technical assistance in the areas of wildlife management, ecological management, range management, buffalo health, cultural practices, and economic development. Further, ITBC assists with construction of fencing and corrals, facility design, water development, and equipment research. ITBC provides annual training sessions (national and regional) designed to enhance Tribal buffalo handling and management. However, current funding levels do not allow ITBC to be responsive to the needs of the growing ITBC Membership. ITBC only has two technical services providers which limits the frequency our member-Tribes receive this support. The hiring of more technical services providers would assist Tribes with reaching goals of self-sufficient herds.

Additionally, ITBC staff provide educational presentations to school-age youth, tribal buffalo managers, and others. The topics of these presentations range from buffalo restoration, conservation efforts, and the historical, cultural relationship between buffalo and American Indians. However, current funding limits outreach, educational efforts, and staff training. Additional funding in the amount of \$500,000 would allow more American Indian youth to benefit from the important history of buffalo and Tribal.

CONCLUSION

ITBC has existed for over two decades to assist Tribes with restoration of buffalo to Tribal lands for cultural purposes. No other program exists to assist Tribes with buffalo restoration and protection. ITBC and its Member Tribes have created a new Indian Reservation industry that includes job creation and new revenue for the Tribal economies. ITBC ultimately hopes to restore Tribal herds large enough to support local Tribal health needs and generate sufficient revenue to achieve economically self-sufficient herds.

ITBC and its Member Tribes are appreciative of past and current support from Congress and the Administration. However, I urge the Committee to increase ITBC funding to a total of \$17,000,000 which is a level commensurate with the growth of the Tribal Buffalo Programs and other Tribal wildlife programs. This increase will demonstrate Congressional respect for the national mammal and allow ITBC to fulfill its responsibilities to restore, protect, and manage buffalo.

I would like to thank this Committee for the opportunity to present testimony and I invite you to visit ITBC Tribal buffalo projects and experience firsthand their successes. Questions and/or comments regarding any of the issues presented within this testimony may be directed to Mr. Ervin Carlson, President, Troy Heinert, Executive Director, and/or to Ms. Majel Russell, Legal Counsel, at (406) 259-8611.

Ervin Carlson is a member of the Blackfeet Nation in Montana. He is the Director of the Blackfeet Buffalo Program and President of the Intertribal Buffalo Council (ITBC).

He manages the existing Blackfeet buffalo herd used for cultural purposes and for food for elderly and ailing tribal members. As the manager of the Blackfeet Nation buffalo herds, Ervin is responsible for two tribal buffalo herds on the Blackfeet Nation Reservation. These small herds been under management on limited pastures for more than 20 years but cannot expand in size and scale. Ervin has long advanced the vision of buffalo ranging widely across the Blackfeet Reservation—much as they once did.

He served on the Blackfeet Tribal Business Council in 2000 – 2004. Ervin was the Agriculture Director for the Blackfeet Tribe in 1996 – 2000 and Montana – Wyoming Indian Stock Growers in 2004 – 2006.

Ervin Carlson has been the President of ITBC since 2007. As President, Ervin represents the ITBC at various functions, including the Interagency Bison Management Plan. Ervin also presides over ITBC's Membership and Board of Director meetings. Ervin is committed to growing ITBC to promote the welfare of American Indians and Native Alaskans by restoring buffalo to Indian lands.

Mr. SIMPSON. Thank you. I appreciate it. Frank.

TUESDAY, MAY 7, 2024.

OGLALA SIOUX TRIBE

WITNESS

FRANK STAR COMES OUT, PRESIDENT, OGLALA SIOUX TRIBE

Mr. STAR COMES OUT. Yes. Good morning, Ranking Member, Madam, Sir. We meet again. My name is Frank Starr Comes Out. I am the president of Oglala Sioux Tribe, a Marine Corps veteran of the Gulf War in Mogadishu, Somalia. Today I serve my people. Many of you are familiar with our tribe and the Pine Ridge Indian Reservation. I know some of you have visited our lands. We invite you back.

Our reservation is roughly 3.1 million acres, and our enrollment membership is over 52,000. We have tremendous untapped potential on our reservation. However, the chronic underfunding for the United States to carry out its peace treaty and trust obligations has taken an enormous toll on us. We look to you to uphold the U.S. peace treaties and its obligations. We need you to continue your work to fulfill funding shortfalls so that our people can enjoy the same quality of life and opportunities enjoyed by all other Americans. My written testimony is comprehensive. Today, I will highlight a few priorities.

First, the tribe is in the midst of a dire public safety crisis. We implore the subcommittee to reset the base funding for law enforcement and fully fund our law enforcement. Our acting chief of police will be testifying later with details. Next, I bring to your attention our health needs. We have a priority list. A priority is specialty care. We need specialized doctors. We only have one podiatrist, two dentists for our whole reservation. We also need specialists in mental and behavioral healthcare. Our reservation, we suffer a much higher than average suicide rates. Having specialists would decrease the number of patients being referred out and save the IHS money in the long run. When our patients are referred out for care, they are left on their own. The families turn to the tribe to help cover gas money and to get them home, and for hotel stays while they visit their loved ones in the hospital. As a tribe, we support our tribal members in this way, but we need resources to do so. We ask you to appropriate funds at levels that support full staffing at our facilities, and to legislate for enticements for healthcare workers to come work for us.

We also need ambulances. We have three for our entire reservation. One is dedicated solely for transporting patients from our hospital to Rapid City for care, so actually, we only have two to serve our large reservation. We also ask for direct funding to upgrade certain of our community water systems and six wastewater lagoons. Our priority need for us is roads, equipment. Our current fleet is outdated and some is decrepit. It costs us thousands of dollars each time we repair equipment. It quickly eats up our allotted budget for emergency repairs.

Finally, funding the Tiwahe initiative is critical to our tribe. We urge the subcommittees to meet the President's funding request for Tiwahe so that the new sites, of which we are one, can gain parity. Also, general assistance is also a priority for our tribe, and it is so important for our members.

In closing, we are people rich in history, culture, and traditions, and one of the largest tribes in the Nation, but we are the poorest reservation in the country. With that, I would like to thank you, and I am available for questions.

[The statement of Mr. Star Comes Out follows:]

Written Testimony of Frank Star Comes Out, President of the Oglala Sioux Tribe
“American Indian and Alaska Native Public Witness Days”
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
May 7, 2024

Recommendations:

1. Reset our base funding for Law Enforcement and fully fund our Law Enforcement.
2. Provide \$124.3 million for Welfare Assistance and \$148 million for Social Services (both through Bureau of Indian Affairs (BIA) accounts).
3. Provide \$46.2 million to BIA for ICWA implementation and child protection services.
4. Provide BIA with not less than \$45 million for a new roads improvement program.
5. Provide \$1.1 billion for the BIA Housing Improvement Program.
6. Provide BIA with \$5 million to establish a program for replacing tower infrastructure.
7. Provide \$53.9 billion to the Indian Health Service (IHS) for FY 2025 and provide advance appropriations for FY 2026.

Including: \$4.86 billion for the IHS Alcohol & Substance Abuse Disorder account
Including: \$2.54 billion for the Healthcare Facilities Construction account

8. Provide \$8.5 million for the Native Language Immersion Program within the Bureau of Indian Education (BIE).
9. Provide \$951.1 million for Indian Student Equalization Program (ISEP) funding and increase teacher pay at BIE-funded schools.
10. Expand Impact Aid to include tribal schools.
11. Provide \$25 million to complete the Mni Wiconi Project for regional clean drinking water.
12. Provide \$14.5 million for the Water Management, Planning and Pre-Development Program.
13. Establish a 5% tribal set-aside within the National Safe Drinking Water and Clean Water Act Revolving Funds.
14. Provide at least \$8 million for the BIA Endangered Species Program.
15. Provide \$8 million for the BIA Environmental Quality Program.
16. Review and revise existing legal authorities and direct \$12 million funding and resources from the Land and Water Conservation Fund to support tribal co-management of public lands and establish an office in BIA.
17. Provide \$205.2 million for the BIA Human Services account to support Tiwahe Initiative.
18. Change approach to funding Indian Country to provide continuous funding of programs.
19. Fully fund all accounts identified as Tribal Priority Allocations.
20. Provide funding directly to our Tribe across all accounts.
21. Prioritize the allocation of funding based on demonstrated need.
22. Provide funding for tribal consultation services.

Introduction. The Oglala Sioux Tribe is a member of the Oceti Sakowin (Seven Council Fires, known as the Great Sioux Nation). The chronic underfunding of Indian Country programs has taken an enormous toll on our Tribe and our citizens. The Fort Laramie Treaties of 1851 and 1868 cemented the United States' obligations to the Oglala Sioux Tribe, and we look to you to fulfill those obligations through the federal budget process. We look forward to working with this Subcommittee to ensure full and adequate funding for programs that serve Tribal Nations and Native people. Any cuts to such programs would be devastating given the historic severe underfunding of such programs.

Public Safety Crisis. Our Tribe is in the midst of a dire public safety and law enforcement crisis. *The Tribe wholeheartedly supports and incorporates by reference the testimony and public safety recommendations submitted by our Tribe's Acting Chief of Police.* We implore this Subcommittee to reset our base funding for law enforcement and fully fund our law enforcement so we have the resources necessary to adequately combat the high tide of crime, violence, and drug trafficking currently plaguing our Reservation. We need a surge of equipped police officers immediately. Our public safety situation is untenable, and it is affecting the daily life of our Reservation residents.

Health Care: IHS Funding. The health care of our members is of paramount importance. We were thrilled that for FY 2024 and FY 2025 Congress provided advance appropriations for the IHS. This is substantial but incomplete progress. The IHS Tribal Budget Workgroup estimated the FY 2024 need for full funding of IHS at more than \$51 billion; the FY 2024 enacted budget provided \$7 billion. We ask Congress to ensure that the IHS is fully funded. Further, the passage of advance appropriations must happen annually and appropriators must hold harmless all Indian Country accounts, not use them to offset the following year's advance appropriations. We urge this Subcommittee to commit to true advance appropriations for IHS; fully fund Indian Country's health care needs by simultaneously fully funding FY 2025 and FY 2026; holding future years' IHS accounts harmless; and supporting mandatory funding for the IHS. Advance appropriations for IHS insulate tribal patients from the volatile politics of the Federal Government, provide job and program security, and contribute to greater continuity of care. IHS appropriations should also include funding to improve and construct IHS facilities and to provide staff quarters for qualified staff to combat our chronic issues of recruitment and retention of talented health care personnel.

Roads. Federal funding for tribal roads is absolutely essential, but funding for the BIA Road Maintenance program has been chronically below the level of demonstrated need. In FY 2021, for example, the BIA received funding at *only 12%* of documented need. This would not even cover roads needs in the Great Plains Region alone. In addition, targeted action must be taken to address the dire need for roads and bridge maintenance projects in the Great Plains Region. Congress should create a new BIA roads maintenance account that targets backlogged road and bridge projects and prioritize them by taking each Tribal Nation's mile inventory, geographic size, and location (for weather conditions) into account. We also need adequate funding for heavy equipment needs, especially in light of our harsh winter conditions.

Education. We urge this Subcommittee to continue its investment in Native language and culture revitalization. Congress must provide adequate funding to BIE-funded schools so teachers and school staff can be compensated at competitive salaries. We ask Congress to increase ISEP funding to provide funding parity between BIE-funded schools and public schools. In addition, we need Congress to expand Impact Aid to include BIE-funded schools to provide much-needed revenue for these schools. Significantly, we ask this Subcommittee for adequate funding for school resource officers in all of our BIE-funded schools, particularly in light of our public safety crisis. We need to focus on school safety issues. *The Tribe wholeheartedly supports and incorporates by reference the testimony of the Oglala Lakota Nation Education Consortium on these and other matters.*

Housing. Housing is a necessary pillar of our citizens' health and welfare, and we need resources to address our acute housing crisis. Our unmet need is at levels of 4,000 new housing units and 1,000 housing repairs. Our existing homes are overcrowded, in disrepair, and are unsafe. These conditions are an affront to human dignity that must be alleviated. The Housing Improvement Program should be expanded to reach more families who live in substandard housing

and help those families become homeowners. We also need adequate funding to accompany our ability to build apartments for professional living quarters. One reason we cannot attract health, law enforcement, and other professionals to work for us for extended periods is because there are no available local residences for them.

Social Services and Child Protection Services. The average Oglala Tribal citizen must contend with high rates of infant mortality, chronic illness, intergenerational trauma, appalling high-school drop-out rates, limited to nonexistent economic development, high unemployment, and limited recreational outlets, among other challenges. BIA social services programs are, therefore, essential to meeting our citizens' well-being needs and integral to improving public safety. We need social services resources necessary to aid families dealing with the results of crime and violence, homelessness, domestic abuse, substance abuse, and food insecurity. Our Child Protection Services and ICWA programs need increased resources to provide child and family services on our Reservation, and our Emergency Youth Shelter Program is operating with just a fraction of the resources it needs. We urge this Subcommittee to appropriate funding to meet the President Biden's requests for the Tiwahe initiative (Human Services-BIA). Particularly, we support the President's additional requested funding so that the four new sites (of which we are one) can gain funding parity with the other Tiwahe sites.

Addiction Services. Our community members experience increased vulnerability to certain adverse life experiences, which can result in susceptibility to drug use. The Great Plains Region has been devastated by an epidemic of drug addiction. We have been the unwitting victims of a drug trafficking effort that originates outside of our reservations, but which specifically targets our citizens. We desperately need resources to treat our people in our communities. We need funding that guarantees detox and inpatient rehabilitation beds for every single individual who needs these services.

Tribal Co-Management of Lands. Tribes must be part of the management of public spaces and resources, such as lands under federal control in our sacred Ḧe Sápa Black Hills. We urge this Subcommittee to provide funding to support tribal co-management of these lands. Just as federal land management agencies need funding to support the management of these spaces, so too do we. We also request funding for the BIA Endangered Species Program which provides Tribes resources to protect wildlife on Tribal lands through natural resources restoration and management, and the President's funding request for the Indian Land Consolidation Program.

BIA Towers. We need funding to replace aging BIA tower infrastructure and to construct new towers as necessary to service schools, law enforcement, and other communication needs across the Pine Ridge Reservation.

Clean Water: Mni Wiconi Project. We need funding to finally complete the congressionally authorized Mni Wiconi Project. (Pub. L. 100-516). The Project provides potable water from the Missouri River to three reservations and the West River/Lyman-Jones Water District. Yet, we still need approximately \$25 million to upgrade 19 existing systems on our Reservation and transfer them into the Mni Wiconi Project. Once transferred, they will be operated and maintained pursuant to statutorily authorized funding. In the near term, we are focused on six community upgrade projects with a total cost of approximately \$10.39 million. We ask Congress to provide increases in EPA's Revolving Funds and IHS's Sanitation Facilities Construction accounts for this purpose. Congress should also establish 5% tribal set-asides for the National Safe Drinking Water Revolving Fund and for the National Clean Water Act Revolving Fund.

Waste Water Needs. We need funding to rehabilitate and, in certain instances, replace our aging and overstressed lagoon system. We are focused on six lagoons at present with a total cost

of more than \$62 million. A prioritized project among them is Sharps Corner with costs of approximately \$7.6 million. We ask the Subcommittee to fund the BIA Environmental Quality Program and EPA's Solid Waste Program at adequate levels to ensure funding is available and directed to meet our waste water needs. We also need to undertake further investigation of the health of our local ground and surface water sources and secure funding for their restoration.

Repatriation Activities. Our Tribe appreciates the new NAGPRA regulations and the increased activity on repatriation efforts. Repatriating our items of cultural patrimony is very important to our Tribe and we try in earnest to make sure our items and relatives are rightfully brought home. However, we lack adequate resources for these activities and the necessary associated travel. We ask Congress to adequately fund accounts for grants, such through the National Park Service's National NAGPRA Office or a new grant program, for under-resourced Tribes like ours to use to carry out repatriation activities.

General Recommendations: Reform Indian Country Funding Model. Rather than providing long-range funding for our programs, Congress funds Indian Country year to year. Under this funding model it is difficult to provide continuity of government, employment, social services, education, law enforcement, or any other service. Our employees leave and our programs have to plan for status quo or worse, triaging against the fear of program cuts and funding gaps caused by delayed, inconsistent, and piecemeal funding. We need continual, long-range planned funding.

Fully Fund All Tribal Priority Allocations. We urge this Subcommittee to fully fund all Tribal Priority Allocations (TPAs) identified by the Department of the Interior. These should not be the only items that receive full funding, but funding these priority needs is a strong place to start addressing generations of unmet needs.

Provide Direct Funding to our Tribe. We also ask that this Subcommittee provide funding directly to our Tribe across all accounts under its jurisdiction. When allocations must pass through State or Federal entities before ever reaching Tribes, this funding is carved up as each office along the way takes its cut. These may seem like small amounts in the grand scheme of Federal Government spending, but these carve-outs mean less resources on the ground for our Tribe. This undercuts Congress's intent in appropriating money for these programs, and prevents funds from reaching our Tribal members in need. Providing federal funding to us directly is a more efficient use of federal dollars and honors the advancement of Tribal sovereignty.

Adopt Needs-Based Funding Methodologies. We urge this Subcommittee to require the Department of the Interior to adopt needs-based funding methodologies. Needs-based funding makes better use of federal resources and respects the diverse needs of Tribal Nations.

Compensate Us for Consultation Work. Finally, we ask Congress to provide funding for tribal consultation activities. At present, Tribes, like ours, are typically confronted with a choice between consulting without compensation or not consulting at all. The consultation input of Tribal Leaders is work that merits compensation. Inevitably, Tribes provide valuable input to the Federal Government to improve their programs and regulations. Still, the Federal Government asks us to work for free to ensure that our sacred sites and resources are protected and that our interests in health care, criminal justice, education, and other issues are properly represented. Of course, we will continue to consult to safeguard our people and way of life, but for Tribes like ours it imposes a heavy financial burden. We ask you to create a pot of monies dedicated to Tribes of a certain financial profile for travel expenses to participate in consultation sessions.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Appropriations

Subcommittee: Interior, Environment, and Related Agencies

Hearing Date: 05/07/2024

Hearing Title :

House of Representatives American Indian and Alaska Native Public Witness Days

Witness Name: Frank Star Comes Out

Position/TITLE: President

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Oglala Sioux Tribe

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

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Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

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Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

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Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

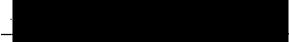
* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
 - (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
 - (C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
 - (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

Appropriations



05/07/2024 — House of Representatives American Indian and Alaska Native Public Witness Days

False Statements Certification	
Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.	
	<u>4/29/24</u>
Witness signature	Date

**Biography of
Frank Star Comes Out
President of the Oglala Sioux Tribe**

Frank Star Comes Out was elected President of the Oglala Sioux Tribe in November 2022 and was sworn into office on December 6, 2022. As President, he is focused on ensuring the United States upholds its treaty obligations and trust responsibility to the Tribe and the Great Plains Tribes as well. He is also focused on promoting the health, education, and general welfare of all of the people of the Oglala Lakota Nation.

President Star Comes Out is also the current Chairman of the Great Plains Tribal Chairman's Association. He is also on the United States Department of Veterans Affairs Advisory Committee on Tribal and Indian Affairs.

Prior to becoming President, he served as the District Chair for the Oglala District of the Oglala Sioux Tribe. There, he oversaw the District government and worked to ensure District members' basic needs were addressed. President Star Comes Out also was part of the Crazy Horse Planning Commission, which consists of Chairmen from all nine districts of the Tribe.

President Star Comes Out also served as the Fifth Member of the Oglala District, a position that serves to ensure the Tribe's several treaties are considered in respective District's actions.

President Star Comes Out is a United States Marine Corps veteran. As a Marine, he served in Operation Desert Shield and Operation Desert Storm (The Persian Gulf War) and Operation Restore Hope (Mogadishu, Somalia). He also held a seat on the Oglala Sioux Tribe's Veterans Affairs Committee. Increasing opportunities and improving the quality of life for veterans is a passion of President Star Comes Out. He also worked at the various Federal Government positions, including the Veterans Affairs, Indian Health Service, National Cemetery, the Bureau of Indian Affairs, and the Department of Defense.

President Star Comes Out is also a member of the Tokala Society, a revered traditional warrior society of the Great Sioux Nation.

After traveling extensively for his different positions, President Star Comes Out moved home to serve his Tribal Nation and to assert and protect Tribal rights. He currently lives in the Oglala community on the Pine Ridge Indian Reservation.

Mr. SIMPSON. Thank you. Buffalo is certainly a big issue. We always see some requests from members for buffalo restoration and it is certainly important in my part of Idaho. I am tempted to ask you, but I don't know if you would know the answer to this or not. I grew up in Blackfoot, Idaho. Any relationship to Blackfoot Indians? Nobody knows how Blackfoot, Idaho became Blackfoot, Idaho. It used to be Grove City, and then it became Blackfoot, Idaho, and there are all sorts of stories out there, but nobody really knows. It is kind of interesting. Anyway, thank you. Ms. Pingree.

Ms. PINGREE. Yep. Thank you very much for your testimony, and I really appreciate both of the South Dakota tribes talking about all of the issues that we know are so important, but particularly your sort of detailing the law enforcement crisis and how significant this is. And obviously, we have heard this from many tribes, but when you are talking about the area that both of your reservations cover, it is just staggering. I looked up some of the numbers, and this is part of why we are going to hear about this all day today, that right now, it is estimated that our funding of BIA covers 13 percent of the need across the country. So 13 percent of the need is a drop in the bucket when you are dealing with the crises that you have got.

I know this budget request from the administration is another \$95 million, which would certainly be helpful if we are able to do that, but the estimated need is actually \$3 billion nationwide, so are not even beginning to give you the level of assistance that you need. You know, what is that?

Mr. SIMPSON. Three-point-three.

Ms. PINGREE. Three-point-three, so there, I stand corrected, but I hope we can do more with that and also more with the health issues. The idea that you have three ambulances to cover the territory that you have got is completely insignificant. So thank you so much for detailing the challenges, and I hope we can offer more support. And I, too, am a strong supporter of the buffalo, and also even more so, have really tried to work on issues related to food as medicine, getting people able to connect with the traditional foods, and certainly the buffalo is such a significant role. And when you look at the pictures of the slaughter that happened in the late 1800s, it is really unfathomable, such a majestic species and so fundamental.

So I hope we can do more. I don't know that we will get \$19.2 million or whatever the number was, but I can see that bumping it up would really make a huge difference. And I am so happy to hear that more and more tribes are getting engaged and involved, so if there is anything that we could do to support that, I hope we can. Thank you. I yield back, Mr. Chair.

Mr. SIMPSON. Just like in the 1800s when they slaughtered all these buffalo, that was how we were going to control the tribes, by controlling their food supply or eliminating their food supply, and they would consequently have to go to reservations. But one of the best ways to treat diabetes is getting back to traditional foods, and that is one of the most effective means that we have got on treating diabetes that is higher among Indians than it is any other sub-

population of the country. So anyway, thank you for all you do. Thanks for being here today. I appreciate it very much.

TUESDAY, MAY 7, 2024.

UPPER MATTAPONI TRIBE

WITNESS

FRANK ADAMS, CHIEF, UPPER MATTAPONI TRIBE

Mr. ADAMS. Thank you, Mr. Chairman and ranking member, for the hospitality and the privilege to testify. I have not testified before this committee before, but I am looking forward to the task. First, my name is Frank Adams. I am chief of the Upper Mattaponi Tribe in King William County, Virginia. We were one of the six tribes that became recognized in 2018, so we are newbies, but we fought for decades to obtain Federal recognition. And some of our accomplishments have been that we were one of the first of the six tribes to put land into trust. We were basically a landless tribe until we got federally recognized, but we had put some small portion of property into trust that we have begun our reservation.

But we do have an issue because since getting federally recognized, it was suggested by the BIA that we update and rewrite our constitution, which we did over 2-year span. We put a lot of thought into it, but our tribal constitution calls for a tribal court. So we did our due diligence and made a request for 638 funding with the Eastern Region BIA in Nashville, Tennessee, only to be rejected and told that they didn't have any funding for tribal judicial systems. So we appealed that decision and were rejected again simply because they didn't have the funds.

As a result of that, I feel like the Upper Mattaponi Tribe and all the Virginia tribes are treated unfairly. It seems that since we were recognized in 2018, we are penalized for coming to the table late, but the law is clear. Indian self-determination, all tribes are able to contract with BIA. The Thomasina Jordan Act, the act of established our Federal recognition status, states that the tribe and all of its citizens shall be eligible for all service and benefits afforded to federally-recognized Indian tribes. That is written in the law. And then the Indian Reorganization Act, saying that there is no difference between tribes. Again, there is law.

But my ask today is that the BIA Eastern Region be funded appropriately to support the Upper Mattaponi Tribe's justice system, as well as the other Virginia tribes who will most certainly be following behind us in establishing their own court and establishing their own reservations. With that, I say thank you for your time and attention.

[The statement of Mr. Adams follows:]



13476 King William Road, King William, Virginia 23086

**TESTIMONY OF CHIEF W. FRANK ADAMS, UPPER MATTAPONI TRIBE, TO THE
HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE**

Introduction

My name is W. Frank Adams, and I am the Chief of the Upper Mattaponi Tribe. In January 2018, Congress enacted a law extending federal recognition to six Indian tribes located in the boundaries of the State of Virginia including the Upper Mattaponi Tribe. Our ancestors were the first people to encounter Europeans in North America. We have endured centuries of hardships at the hands of multiple sovereigns including the State of Virginia, but we never gave up in our fight for official recognition of the Tribes.

Last year, the Upper Mattaponi Tribe adopted a new Constitution that includes a judicial branch of government. We have confirmed three highly qualified justices to the Tribe high Court. The Tribe also recently acquired its first Reservation trust land. The requirement to govern the Tribe's territory and people in a fair and just manner is now a reality for the Tribe.

Statement of the Issue: Denial of Federal Funds for Judicial Services

The Upper Mattaponi Tribe, and all the other newly-recognized Tribes in Virginia, have been denied federal funding for judicial services – funding that is available to all other Indian tribes in the United States – simply because the date of the Tribe's recognition is more recent

than other tribes that were federally-recognized years ago. Federal law requires federal agencies to treat all tribes in an equal manner, regardless of the date of federal recognition, including providing judicial services funds on an equitable basis. As a federally-recognized Indian tribe, the Upper Mattaponi is entitled to its share of federal funding for judicial services, and the Congress should appropriate funds for such purposes to the Eastern Region of the Bureau of Indian Affairs (“BIA”).

Testimony

The date of a tribe’s federal recognition should not dictate whether or not a tribe receives funding from the BIA. Federal law requires the BIA to treat all federally-recognized Tribes in an equal manner regardless of the date of federal recognition of the tribe. The Upper Mattaponi Tribe, as well as the other tribes located within Virginia, are entitled to receive those BIA judicial services funds provided to other tribes.

Law – Equal Footing (Indian Reorganization Act)

All federally-recognized Indian tribes, like all recognized U.S. states, are on an equal footing. Federal law requires federal agencies to treat all tribes on an equal basis and on equal footing. For example, the State of Hawaii is treated the same as the State of Delaware even though Delaware is the 1st state and Hawaii is the 50th state.

Federal law makes no distinction between *earlier*-recognized tribes and *later*-recognized tribes, *i.e.*, once a tribe is federally-recognized, the exact date of such recognition is rendered moot. In fact, Congress enacted the 1994 amendment to the Indian Reorganization Act (“IRA”)

to require all existing federal regulations, and all new federal regulations, to treat tribes on an equal footing basis. The IRA, at 25 USC §1523(f) and (g), states:

(f) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; PROHIBITION ON NEW REGULATIONS.—Departments or agencies of the United States shall not promulgate any regulation or make any decision or determination pursuant to the Act of June 18, 1934 1 (25 U.S.C. 461 et seq., 48 Stat. 984) as amended, or any other Act of Congress, with respect to a federally recognized Indian tribe that classifies, enhances, or diminishes the privileges and immunities available to the Indian tribe relative to other federally recognized tribes by virtue of their status as Indian tribes.

(g) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; EXISTING REGULATIONS.—Any regulation or administrative decision or determination of a department or agency of the United States that is in existence or effect on the date of enactment of this Act and that classifies, enhances, or diminishes the privileges and immunities available to a federally recognized Indian tribe relative to the privileges and immunities available to other federally recognized tribes by virtue of their status as Indian tribes shall have no force or effect. (Emphasis added).

Federal law is clear. A federally-recognized Indian tribe must be afforded the same privileges and immunities as other federally-recognized tribes. Federal agencies, including the BIA, cannot grant privileges to one tribe while denying the same privilege to another tribe.

Tribe's Request For Judicial Services Funds and BIA's Response Denying Tribe's Request

On September 21, 2023, the Upper Mattaponi Tribe requested 638-Self Determination Act funding from the BIA for the Tribe's new judicial branch of government. On December 18, 2023, after returning and redirecting the Tribe's request for annual judicial services funding to another BIA department, the Tribe submitted its *third* request and application for 638-contract funding for judicial services.

In a January 4, 2024, letter to the Tribe, the BIA Eastern Regional Office denied the Tribe's request for Self-determination Act funding because the BIA Eastern Region, *unlike other*

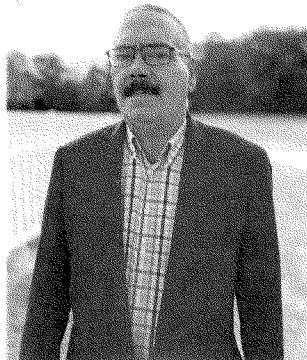
BIA Regions, "...does not have a Tribal Court Program" and has "...no Tribal Court Funding".

The BIA Eastern Regional Office directed the Tribe to request an appropriation of additional funds to the BIA, specifically to the BIA Eastern Region, for judicial services programs for tribes in the Region.

Conclusion

The Upper Mattaponi is a federally-recognized Tribe eligible for federal programs and services like other federally-recognized Indian tribes, including funds to assist with the operation of the Tribe's judicial branch of government. Recently, the BIA denied the Tribe federal funds for its judicial branch of government simply because the federal government extended federal recognition to the tribe more recently, and that no funds had been appropriated for the BIA Eastern Region for such purposes.

The Upper Mattaponi Tribe spent many decades to achieve federal recognition as an Indian tribe. The Tribe should not have to continue to fight for programs and services that are afforded to other Indian tribes, as we have the same needs for judicial services for the protection of our lands and people.

BIOGRAPHICAL INFORMATION**W. FRANK ADAMS****CHIEF OF THE UPPER MATTAPONI INDIAN TRIBE**

W. Frank Adams is a lifetime King William County, Virginia resident and a birthright member of the Upper Mattaponi Indian Tribe.

A dedicated public servant and entrepreneur, Adams has over 40 years of experience in small business management and Tribal and local government.

Adams is currently Chief of the Upper Mattaponi Indian Tribe and has been involved in his Tribal government for most of his adult life. Adams served as Assistant Chief for the Upper Mattaponi Tribe for 16 consecutive years before becoming Chief in January of 2017. Adams also served 8 consecutive years (1992-2000) on the Tribal Council. He has helped to guide the Tribe's fight for federal recognition, planned and executed numerous fundraisers and assisted in tribal community outreach.

As a resident of King William County, Adams has also served on numerous boards for the county government as a volunteer. Adams was elected to serve a 4-year term on the Board of Supervisors for King William County as the 3rd district representative, providing leadership and decision-making within the scope of local government.

Adams is a board member of the Virginia Department of Wildlife and a board member for local community assistance organization Thrive. Adams has served as a Tribal representative for the King William County Tri-Centennial Committee as well as the King William County Park and Recreation Department. Adams was appointed by the Governor of Virginia and was chairman of the Virginia Council on Indians for a four-year term.

Since 1996, Adams has owned and operates Glenwood Golf Club in Henrico, Virginia. Adams is also a member of the Golf Course Superintendents Association.

Adams is a lifelong member of Indian View Baptist Church where he is the Chairman of the Building & Grounds and Church Cemetery Committee.

Adams' passion is serving the citizens of the Upper Mattaponi Indian Tribe.

Mr. SIMPSON. Thank you. Mr. Adkins.

TUESDAY, MAY 7, 2024.

CHICKAHOMINY TRIBE

WITNESS

STEPHEN ADKINS, CHIEF, CHICKAHOMINY TRIBE

Mr. ADKINS. I guess it is afternoon. Good afternoon, Chairman Simpson and Ranking Member Pingree. Thank you for the opportunity to provide testimony today on behalf of the Chickahominy Indian Tribe. My name is Stephen Adkins. I am chief of the Chickahominy Indian Tribe, and I am accompanied here today by Wayne Adkins, my first assistant chief. Wayne, if you would raise your hand.

The Chickahominy Indian Tribe is located not far from here, along the Chickahominy River in Charles City County, Virginia, near homelands that we have inhabited over a thousand years. Despite our long and intertwined history with the United States, our tribe was only recently recognized on January 29, 2018, Public Law 115–121. Since that time, our tribe has worked with this committee and the administration to establish and fund our Federal priorities and build out our tribal capacity and infrastructure.

So our first request is to increase the funding for our new tribe, which turns out to be a transition to tribal priority allocation funding for the tribes, and we are asking for funding at a minimum of \$1 million. You may want to ask why. During COVID, it was determined that every tribe should get at least a million dollars, and I think that logic still holds today. We need those funds to build the infrastructure that we need, such as social services, education, law enforcement, and healthcare, among others.

So for the first 3 years after acknowledgement, tribes are allocated the new tribes funding, but guess what? The new tribe funding is based on a population of less than 1,700 members for \$160,000, from 1,700 to \$3,500. The funding is determined on a case-by-case basis for those tribes with population over 3,500. So for tribes with less than 1,700, it is \$160,000, and for tribes 1,700 to some number a little bit above that, it is \$320,000. It is impossible to stand up the infrastructure that we need to achieve the self-determination of Public Law 93–638 with additional funding. So the amount of new tribe funding and tribal priority allocation funding for new tribes is not sufficient, as I said, to stand up government structure needed to carry out all of the programs that we need, and I stress healthcare, law enforcement, and social services.

So to obtain Federal funding and implement Federal programs requires substantial resources. As newly-recognized tribes, we are competing with tribes that already have experienced personnel resources to obtain and carry out grants and implement programs. I also admit we are better than we were when we used bake sales and car washes to generate income, but this is not sufficient to help us get where we need to be. So the measure of population with new tribes and tribal priority allocation funding does not equate to the needs and should not be used as a basis for tribal funding. And in-

cidentally, we don't have the expertise in-house to write these competitive grants with a real measure of success, so another reason we need funding to help stand us up so that we can actually compete for those funds that there are there for tribes.

So our tribe is aggressively working to build capacity, but today, many of us wear two to three hats to cover the responsibilities that are there. So that brings me to our second priority: mandatory funding for the Indian Self-Determination and Educational Assistance Act, 105(l) Program. I would first like to thank this committee for having the vision to support and to fund the Section 105 Program. This lease program allows tribes to enter into leases with the Department of Interior or the Indian Health Service and receive funding facilities used to carry out self-governance programs.

We long since outgrew her tribal center, which now houses our governmental office. Our tribe is excited to enter this program for the buildings that we currently use to house social services and tribal government programs, and we have been participants in the program since 2023. We consider the Section 105(l) Program a way to exercise our self-governance as a newly-recognized tribe, and we see the potential for this lease revenue to help us address the lack of Federal funding available to new tribes, for a reason: going to the commercial market for funding, living on reserved land, banks aren't that keen to lend the funding. And if we have this revenue stream, the 105(l), at least we can use that to help us attract funds to build the infrastructure that we need.

So as more and more tribes exercise their self-determination through the 105(l) Program, the funding needed to honor those leases has the potential of disrupting funding for other programs at the Department that are also much needed, so we don't want to borrow from Peter to pay Paul. We want to make sure that what we get doesn't deprive other needed areas, and this, to me, looks like a way to ensure that does not happen. The intent of the 105(l) Program was not to compete with other Federal programs, but to offer a way for tribes to carry out self-governance programs and construct the necessary infrastructure to implement those programs, and, again, this would help us attract the necessary capital. So for the Chickahominy Tribe, the mandatory funding would offer much-needed security for us to obtain the financing needed to construct a new administration building, which we sorely need. As we expand our Federal footprint, we are already at capacity for the space we need for our program, employees, tribal council, and community meetings.

We appreciate this committee's commitment and understanding of our tribal funding needs and the opportunity to speak directly to those needs during today's hearing. We know that you have difficult decisions to make, but we hope you will consider the priorities that the Chickahominy Tribe have requested today. Thank you for your time and your attention.

[The statement of Mr. Adkins follows:]

HOUSE INTERIOR APPROPRIATIONS COMMITTEE
TESTIMONY OF CHIEF STEPHEN ADKINS
CHICKAHOMINY INDIAN TRIBE

March 7, 2024

Chairman Simpson and Ranking Member Pingree, thank you for the opportunity to submit testimony on behalf of the Chickahominy Indian Tribe (“Tribe”). The Tribe’s testimony includes two requests: 1) Increase funding for “New Tribes”/Tribal Priority Allocation and 2) mandatory funding for the Indian Self-Determination and Education Assistance Act’s section 105(l) lease program.

The Chickahominy Indian Tribe achieved “Federal recognition” in January of 2018 after over 400 years of engagement as the United States was formed around our tribal community. Our Community is located along the Chickahominy River in Charles City County near homelands that we have inhabited over 1,000 years. Our current membership consists of approximately 1,000 members and we are governed by a Chief, First Assistant Chief, Second Assistant Chief and a Tribal Council.

Increase of Funding for “New Tribes/Aid to Tribal Government”

As a newly recognized tribe, the Chickahominy’s first federal funding from the Department of the Interior was “New Tribes” funding which is intended to build capacity to carry out the government-to-government relationship and the daily governmental operations of a newly federally recognized tribe.

This New Tribe funding is based on a formula according to the population of the Tribe as follows: populations of less than or equal to 1,700 receive \$160,000; populations between 1,700 and 3,500 receive \$320,000; and populations over 3,500 receive funding determined on a case-by-case basis. This New Tribe funding remains in place for three years, after which funding is transferred to the Aid to Tribal Government Tribal Priority Allocation (“TPA”). This New Tribes funding generally becomes the base funding for that tribe after transferred to TPA funding.

The TPA funding is intended to provide tribes with the funds needed to build out and strengthen their governmental and programmatic capacity, determine federal priorities, and put mechanisms in place to obtain funding in priority areas such as social service, law enforcement, healthcare, and workforce development, among others.

In addition to a population-based assessment that transitions to a newly recognized tribe’s base allocation for TPA, such an allocation ignores the varying needs of newly-recognized tribes to build capacity and develop the programs that have been long needed, but denied to their membership such as healthcare, natural resource protection and conservation, law enforcement, administration functions to carry out self-governance programs, workforce development and others. The allocation remains the same regardless of tribal need or financial assets.

In the case of the Chickahominy, we are actively seeking participation in federal grant programs such as the Tiwahe Initiative, but compete with tribes with more advanced programmatic functions, grant writers and federal resources that can supplement these programs. So, while other
1

tribes may use these funds to supplement their court, social services and law enforcement functions, the Chickahominy seek these funds to establish those functions. Our limited TPA makes it difficult to build out programs and attract additional funding, thereby creating an unnecessary competition among tribes for limited functions but for very different levels of programmatic capacity and need.

The conversion of New Tribe funding into TPA funding based on population starts with the assumption that funding newly forming governmental functions and programs is dependent on the number of members in the Tribe. Starting with that assumption ignores the need for new programmatic expertise, staffing to carry out federal programs, and new infrastructure to house programs and services. While at some point, federal programs are allocated based on formula which may include population of those served, starting these federal programs and building the space and human capacity to initiate, develop expertise and carry out these programs has little to do with the number of members that will ultimately be served.

Request: The Chickahominy requests an increase in New Tribes/TPA funding to \$1 million for a period of time to allow for capacity building of core governmental programs and services to address critical governmental needs of members.

Mandatory Funding for the Indian Self-Determination and Education Assistance Act, Section 105(l) Lease Program

The Indian Self-Determination Education and Assistance Act (“ISDEAA” or “Act”), at 25 U.S.C. § 5324(l) mandates that the Secretary of the Interior or Health and Human Services enter into a lease, commonly referred to as a “105(l) lease”, with a Tribe or Tribal organization for a facility used for the administration and delivery of ISDEAA services and further mandates that the Secretary reasonably compensate the Tribe for the use of the facility.¹

The Indian Health Service (“IHS”) has been entering into 105(l) leases with Tribes for a number of years, while the first lease at Interior started with in 2019 with a pilot program to construct a school. Since that time, the program at the Department of the Interior has grown significantly and implementation of the Act is addressing long-standing and much needed infrastructure and facility improvement needs throughout Indian Country.

The Chickahominy Indian Tribe has entered into leases for our current infrastructure to ensure we can carry out our self-governance contract functions as we build our capacity as a newly recognized tribal nation. Our current leases include our Administration building, our

¹ The statutory language specifically provides:

(1)Upon the request of an Indian tribe or tribal organization, the Secretary *shall* enter into a lease with the Indian tribe or tribal organization that holds title to, a leasehold interest in, or a trust interest in, a facility used by the Indian tribe or tribal organization for the administration and delivery of services under this chapter.

(2)The Secretary *shall* compensate each Indian tribe or tribal organization that enters into a lease under paragraph (1) for the use of the facility leased for the purposes specified in such paragraph. Such compensation may include rent, depreciation based on the useful life of the facility, principal and interest paid or accrued, operation and maintenance expenses, and such other reasonable expenses that the Secretary determines, by regulation, to be allowable. (emphasis added)

Programmatic Office Building and the buildings utilized to carry out our social services functions.

The Tribe appreciates the commitment this Committee has shown through its continued support of the 105(l) program and recognition that the Act mandates the United States enter into leases with tribes who request such leases. The mandatory nature of the Act means that the funding must follow which is why the funding classification for the 105(l) program is current classified as indefinite funding. This ensures the leases entered into will be funded, and ensures the United States honors its responsibilities under the program.

The classification to indefinite appropriations authorizes payments for the 105(l) lease program to be appropriated in “such sums as may be necessary” on an annual basis. For fiscal year 2025, we recommend those indefinite appropriations also include appropriate funding for federal salaries, administration, and oversight activities to carry out the lease program.

The next step to allow the program truly reach its full potential and be accessible to all tribes, however, is for the appropriations to be classified as mandatory appropriations. Mandatory appropriations for the 105(l) program was included in the President’s fiscal year 2025 request and would have the advantage of ensuring that as the program continues to grow it does not interfere with much needed funding for other programs at Interior that are critical to carry out the federal government treaty and trust obligations such as for law enforcement, social services, education and others.

In addition, mandatory funding will allow tribes such as the Chickahominy to bridge the gap from entering into leases on existing facilities to construction under the program. This Committee saw the wisdom in supporting and funding an alternate way for tribes to construct much needed infrastructure under the 105(l) program. This program allows tribes to design and construct infrastructure to carry out self-governance programs and then enter into a lease with the Department to pay back the funding.

In this way, Congress, the Administration and Tribes created a mechanism to avoid the decades-long backlog that exist for law enforcement, education, and administration facilities throughout Indian Country. However, there is still a great burden on tribes to attract the financing and ensure adequate funding is provided during the construction phase and until the lease can be negotiated – after the building is occupied.

Mandatory funding would put in place a level of certainty for finance institutions to invest in Indian Country and really enable what is in effect a tribal-public-private partnership that can revolutionize infrastructure in Indian Country – especially since federal funding for this type of infrastructure cannot keep up with the need.

As a newly-recognized tribe, we have immediate infrastructures needs, including for a new Administration building to increase our programmatic footprint and to increase our human capacity to both attract new funding opportunities and to implement self-governance programs. We run up against a lack of understanding in the finance community about lease terms of one-year, a lack of collateral to pledge against loan funds as all of our funding goes directly into growing our federal programs, and a growing backlog of existing need for tribes across the country to improve or construct new facilities.

This Committee backed the first construction project at Gila River which was a successful pilot project. We think the program can, and should, work for all tribes. Mandatory funding would especially benefit our newly recognized tribe. We were denied federal acknowledgement for centuries – we are now trying to rebuild our governmental infrastructure through increasing our federal program functions and the infrastructure needed to carry out those much-needed programs for our members.

The Chickahominy support the indefinite appropriations that have ensured lease commitments are honored. But we feel strongly that the next step is to make funding for the 105(l) lease program mandatory, which was also included in the President's budget.

This is also supported broadly across Indian Country. In July of 2023, 21 tribal organizations sent a letter to Senate and House Appropriations Chairs to express support for mandatory funding for the 105(l) program for both Indian Health Service and the Department, along with staff funding increases. Those organizations included the National Congress of American Indians, National Indian Health Board, United South and Eastern Tribes, Inter Tribal Association of Arizona, Rocky Mountain Tribal Leaders Council, Northwest Portland Area Indian Health Board, among others.

The 105(l) lease program has been a very successful program that is just beginning to realize its potential. The program encompasses the intent of the Indian Self-Determination and Education Assistance Act and provides much needed tribal infrastructure funding in a way that does not require appropriators to choose one tribe over another for much needed construction and maintenance funding. The program will continue to grow and benefit all self-governance tribes so bringing the appropriations funding in line with the mandatory language in the statute is the next stage in development for this successful partnership between Indian Country and this Committee.

Request: Classification change for Section 105(l) funding from Indefinite appropriations to mandatory appropriations in keeping with the mandatory language included in the Indian Self-Determination and Education Assistance Act for fiscal year 2025.

Conclusion: Thank you for taking the time to hear the priorities of the Chickahominy Indian Tribe. We look forward to working with this Committee to address the needs of our tribe as a newly-recognized tribe and all newly-recognized tribes and we look forward to working with you as the 105(l) program continues to grow and offer opportunities for tribal infrastructure for tribes across Indian Country.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: House Appropriations Committee

Subcommittee: Subcommittee on Interior, Environment and Related Agencies

Hearing Date: 05/07/2024

Hearing Title :

American Indian and Alaska Native Public Witness Days

Witness Name: Stephen Adkins

Position/TITLE: Chief

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Chickahominy Indian Tribe

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

Elected Official for the Chickahominy Indian Tribe.

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

As a tribal nation, the Chickahominy Indian Tribe is a recipient of funds from the Department of the Interior as a governmental entity.

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

N/A

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
 - (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
 - (C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
 - (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

House Appropriations Committee



05/07/2024 — American Indian and Alaska Native Public Witness Days

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.



Witness signature

4/29/24

Date



Chief Stephen R. Adkins

Chief Stephen R. Adkins was elected Chief of the Chickahominy Indian Tribe in 2001. The Chickahominy Indian Tribe has a population of approximately 1,000 tribal members and is located along the Chickahominy River in Charles City County near homelands that the Tribe has inhabited for over 1000 years.

During his tenure as Chief of the Chickahominy Indian Tribe, Adkins has made it a priority to advance the healthcare, education, social services and infrastructure needs of the Tribe.

Mr. SIMPSON. I thank you both for your testimony and for bringing up the subject because it is, frankly, something that I have not really thought about, the needs of newly-recognized tribes and the challenges. So I appreciate you bringing that up, and it is certainly something we will look at, at least I will have my attention focused on a little bit more when we write this bill. I appreciate the information.

Mr. ADKINS. But feel free to reach out. I will provide my phone number, and anytime you need more information, I would (inaudible), but I just appreciate you entertaining us today. And I didn't use the microphone. I think you heard what I said, though.

Mr. SIMPSON. Ms. Pingree.

Mr. ADKINS. But we are open for questions beyond today, if you are so inclined.

Ms. PINGREE. Great. Thank you. And I concur with the chair. I learned a lot about the challenges that a new tribe faces, and I will look forward to working on the issues with you, and we certainly can get back in touch on that, so thank you.

Mr. SIMPSON. Kind of seems strange to call them a new tribe, huh?

Ms. PINGREE. I know. I know.

Mr. SIMPSON. They have been here for longer—

Ms. PINGREE. We know you are probably not new, yeah, but—

Mr. SIMPSON. Newly-recognized tribe.

Ms. PINGREE. Yeah. Congratulations on being recognized.

Mr. ADKINS. We were forced off our homeland in 1646, so that Trail of Tears—

Ms. PINGREE. Been waiting while.

Mr. ADKINS. The template was set in what is now the Commonwealth of Virginia back in 1646.

Ms. PINGREE. Wow. Well, thank you for being with us.

Mr. SIMPSON. Thank you all for taking the time to be here this morning, and we sincerely appreciate all of you coming to testify for our committee.

The committee stands adjourned until 1:00 p.m. Thank you.

TUESDAY, MAY 7, 2024.

**AMERICAN INDIAN AND ALASKA NATIVE PUBLIC
WITNESS DAY 1—AFTERNOON SESSION**

WITNESS

JEFFREY GILL, COUNCILOR, SENECA NATION

Mr. SIMPSON. The committee will come to order. Good afternoon, and welcome to the second session of our public witness hearing, specifically focused on American Indian and Alaska Native programs. I would like to welcome all the distinguished tribal elders and leaders here today and thank our witnesses for appearing before the committee to share their perspectives on these important topics.

In terms of logistics, I will call each panel of witnesses to the table, one panel at a time. Each witness will have 5 minutes to present testimony. Your full written testimony will be included in the record, so please don't feel pressured to cover everything in 5 minutes, but we will stick to the 5 minute rule because we do have, like, 80 tribes that we are trying to hear from this morning, this afternoon, tomorrow morning, and tomorrow afternoon. We will be using the timer to track the progress of each witness, and when the light turns orange, the witness will have 1 minute remaining to conclude his or her remarks. When the light turns red, I will ask the witnesses to stop so that we can remain on schedule.

We will hear from every witness on each panel before members will be provided an opportunity to ask questions. Because we have a full day ahead, I request that we try to keep things moving so we can stay on schedule and respect each other's time. And as I said, about 1:30, we are going to have to leave for a few minutes for a vote anyway. We will briefly recess to allow members to vote and then resume the panel when members return. I also want to note that committee rules prohibit the use of outside cameras or audio equipment during these hearings. The hearing can be viewed in its entirety on the committee's website, and an official hearing transcript will be available on GOP.gov. I would be happy to yield to my friend, Ranking Member Pingree, if she has anything to say.

Ms. PINGREE. I can be very brief. Thank you, Mr. Chair, for bringing us together again. Thank you to all the witnesses that we will hear from this afternoon. We really appreciate you taking your time to come and talk to us. It plays a huge role in informing what we do in the 2025 budget, so thank you very much in advance for what I know we are going to hear from you, so I will yield that back.

Mr. SIMPSON. Jeffrey, you are up first.

Mr. GILL. Good afternoon. I am Jeffrey Gill, Councilor from the Seneca Nation. The Seneca Nation is one of the largest of the six

native nations from the historic Iroquois Confederacy, a democratic government that predates the formation of the United States. We are located in what is now called West New York State, and we have over 8,500 enrolled members, most of whom reside on or within 50 miles of our multiple territories.

I want to start by thanking the committee for providing advanced appropriations for the Indian Health Service. Next, for fiscal year 2025, we asked the committee to provide targeted funding within the IHS budget to combat the opioid and fentanyl crisis, as everyone is fighting that today. Like other native nations, the Seneca Nation is experiencing a surge in opioid abuse and fentanyl overdoses and deaths. Between 2015 and 2020, there were 110 documented overdoses on two of our territories. There have been so many funerals within the community over the past year, that a group of Senecas formed a grassroots organization to help grieving families with our traditional ceremonies that are required when someone passes away. Lately, it has been continuous.

We see success when we can strengthen a person's cultural practices, offer them detoxification in treatment in a culturally relevant way. Our Seneca Strong Program focuses on culturally-focused drug alcohol prevention and recovery. Additionally, we are also hosting the World Indigenous Suicide Prevention Conference. The data available shows that opioid and fentanyl use is directly related to suicide in Indian Country. We know how to address the mental and behavioral health parts of this crisis. We just need some financial resources to assist, so we ask this committee to provide a separate pot of funding for the opioid fentanyl crisis in the IHS budget. We also ask for more funding for the EPA Section 106 Program of the Clean Water Act. The Seneca Nation, like many other native nations, relies on funding we receive from the Section 106 Program. These funds help us develop, maintain, and expand our water quality programs. We use the funds to access and monitor the quality of the water within our territories and to control, prevent, and eliminate any pollution.

At our headwaters of the Cattaraugus Creek lies the West Valley Nuclear Repository, and nuclear waste travels directly through our nation. Each native nation that applies for the Section 106 Program will receive some funding. The problem is that more native nations are applying for the program, but the funding is not increasing to match the demand. This means that our base funding is decreasing each year. So we ask the committee to increase funding for the Section 106 Pollution Control grant.

I want to end today by reminding the committee that we are nations. I know you had mentioned tribes earlier, but the Seneca Nation is a nation-to-Nation, government-to-government. We are not racial groups. The Seneca Nation has always defended our sovereign status. Our lands are not held in trust by the United States. We have original title to our lands, but our lands and people have been impacted by the United States. And that is why we seek responsible funding from you. Every U.S. President, and Congress in recent decades acknowledges our government-to-government relationship. President Biden recently announced support for the Duggenes to play lacrosse under our own indigenous flag when the sport returns to the Olympics in 2028. We memorialize the game

and still utilize it as our healing medicine game to this day, so it makes sense to recognize our sovereignty to play it at the Olympics.

In December, President Biden issued an executive order for native nations that says, "Now is the time to build upon this foundation by ushering in the next era of self-determination policies in our unique nation-to-Nation relationships, during which we will better acknowledge and engage with tribal nations as respected and vital self-governing sovereigns." Again, that is from President Biden.

We thank this committee for inviting us to share our views on the funding for the Interior, EPA and IHS. In that spirit, during the break, I would like to present you items of interest from the Seneca Nation in honor of our government-to-government relationship. We need to bring those items to you so that you honor and understand where we are coming from. Yahweh. Thank you very much.

[The statement of Mr. Gill follows:]

Testimony of Jeffrey Gill, Councilor, Seneca Nation

American Indian and Alaska Native Public Witness Days

House Appropriations Committee, Subcommittee on Interior, Environment and Related Agencies
May 7, 2024

On behalf of the Seneca Nation, thank you for providing an opportunity to give comments on the fiscal year 2025 budget for the Interior Department, Environmental Protection Agency and Indian Health Service. My remarks today will focus on the need for targeted funding within the Indian Health Service budget to combat the opioid and fentanyl crisis. Additionally, I will address the need for increased funding for the Clean Water Act's Section 106 Pollution Control program within the Environmental Protection Agency, which the Seneca Nation relies upon.

The Seneca Nation is one of the largest of the six Native Nations from the historic Iroquois Confederacy, a democratic government that predates the formation of the United States. We are located in what is now called Western New York State. We have over 8,500 enrolled members, most of whom reside on or within fifty miles of our multiple non-contiguous territories. Our territories span four counties: Erie, Cattaraugus, Chautauqua, and Niagara. Our judicial system is comprised of a Peacemakers Court that focuses on civil matters, a Surrogates Court that oversees probate matters, and a Court of Appeals. The primary enforcers of Seneca Nation laws are the Seneca Nation Marshals and Conservation Officers. The Nation does not have its own criminal code or criminal laws and the Nation's Courts do not process any criminal complaints. Federal and state law enforcement officials share authority under federal law to exercise criminal jurisdiction over the Nation's territories, but their limited resources and competing interests often mean that the enforcement of criminal laws on Seneca Nation territories may not receive the same attention as neighboring off-territory communities.

The Seneca Nation supports the federal policy of self-determination for Native Nations, and we receive our federal funds for the Bureau of Indian Affairs and Indian Health Service programs through self-governance compacts. Doing so allows us to have more flexibility in how we can use such funds to address our unique needs, but it often makes it difficult to advocate to Congress on our specific needs as increasing funding for one program will not necessarily increase funding for our self-governance compact.

Funding to Combat the Opioid and Fentanyl Crisis within the Indian Health Service. Like other Native Nations, the Seneca Nation experiences drug-related challenges and a surge in opioid abuse and fentanyl related overdoses and deaths. The Seneca Nation shares many of the same experiences as other Native Nations when it comes to these drug epidemics. Our lands are in rural areas, our people suffer from intergenerational trauma, and our communities and governments are still recovering from broken treaties and promises made by the United States. We believe that our territories and people are being specifically targeted by drug cartels and dealers because of jurisdictional complexities and a lack of resources. Our territories border the State of Pennsylvania and are close to the Canadian border, and we are positioned in a main corridor to access New York City. Thus, drug dealers seeking to smuggle drugs into New York city often target the Seneca Nation territories as places to set up shop for strategic access.

No family in our Nation has been spared from the heartache of opioid and fentanyl abuse. We have had instances where babies are born addicted to opioids and our community must watch these babies go through the detox process. Many of our children have lost their parents due to overdoses, and many more watch their parents struggle with active addiction. These situations place additional burdens on extended families and our foster care system who must now care for these children.

The effects of addiction and loss ripple through our community. Like other Native Nations, our community feels like an extended family, and we are all connected. Thus, deaths affect all of us – neighbors, friends, and family. Over the past 10 years, the number of funerals in our community has increased tremendously and the devastation that untimely and unnecessary deaths leave behind is often unbearable. Between 2015-2020, there were 110 documented overdoses on two of our territories. There have been so many funerals within our community over the past year that a group of Senecas formed a grass roots organization to help grieving families. It is the custom and tradition of Seneca people to bring the bodies of our loved ones home when they pass away so that our community may care for them with traditional ceremonies. This can involve hundreds of people coming to a home to participate in the ceremonies and grieving process. Since most homes cannot fit this many people, large canopies, tables, and chairs are set up outside the home to accommodate the number of mourners who visit throughout the day and night. Given the increased number of funerals in our community due to the opioid and fentanyl crisis, the grass roots organization also provides resources to Seneca families for the mourning process and provides grief support.

There is no single solution to the fentanyl crisis, and we must take a holistic approach to solving the problem and its root causes. A holistic approach means that we need to focus on supporting cultural practices, mental health, detoxification, and treatment, in addition to law enforcement. We need federal funding to address these issues and the flexibility to develop comprehensive community-based programs in a culturally relevant manner.

We have seen success in combatting opioid and fentanyl use through our behavioral health services and programs like *Seneca Strong* and peer recovery programs. *Seneca Strong* focuses on drug and alcohol prevention and recovery, utilizing peer outreach and recovery support models such as our drop-in center, and providing individuals with access to support groups and local 12-step programs. We have also found success by increasing the availability of Narcan and educating people on how to use it. However, our success is limited because we simply do not have sufficient funds to make these resources available to everyone who needs them.

No one knows how long this opioid and fentanyl crisis will be with us, but we do know that we need more funding to address the problem. And we know that Native Nations are on the front lines of the battle and are disproportionately impacted more than any other community. In 2022, the Centers for Disease Control and Prevention identified fentanyl poisoning and overdoses as the number one killer of Americans ages 18-45. The agency further stated that the overdose death rate for Native Americans is higher than in any other racial or ethnic group.

The Committee already provides funding for Alcohol and Substance Abuse programs, which are very important to our communities. But we believe there needs to be specific funding provided

to help Native Nations combat the current opioid and fentanyl crisis. Thus, we ask the Committee to **identify and set aside funding in the fiscal year 2025 appropriations bill specifically to help Native Nations combat the opioid and fentanyl crisis** in our communities.

Every Native Nation is unique and what works for one Nation may not work for another. At the Seneca Nation, we find that culturally adapted treatments are most successful at combating these drug addictions. So, we thank the Committee for including in your report for fiscal year 2024 language regarding *Culturally Adapted Treatments for Substance Use Disorders* and ask that you expand upon that language in your report for fiscal year 2025 by directing the Indian Health Service to also partner with Native Nation health departments to promote culturally responsive care. We also ask that the Committee direct the Indian Health Service to include Native Nation health departments in any partnerships that the agency is able to develop with academic institutions and medical facilities so that we can also learn and leverage any new data and methods immediately.

Native Nations are at war against opioids and fentanyl, and we need every available tool to help us in this battle.

As a part of the Seneca Nation's commitment to taking an active role in addressing opioid/fentanyl abuse and its root causes, we are hosting the World Indigenous Suicide Prevention Conference in July. This will be the first time the Conference will be held in the United States. The data available shows that opioid and fentanyl use is directly related to suicides in Indian Country. It would be great if the Indian Health Service and other federal agencies can participate in this Conference and the dialogue about culturally appropriate strategies to combat the crisis.

Lastly, the Seneca Nation thanks the Committee for providing advance appropriations for the Indian Health Service. As you have heard, some of us Native Nations are combatting serious health issues. It is incredibly helpful to not have to worry about federal government shutdowns interrupting the work we are doing on a daily basis. So, thank you, again, for the advance appropriations for the Indian Health Service.

Funding for the Clean Water Act Section 106 Pollution Control Program within the Environmental Protection Agency. The Seneca Nation, like many other Native Nations, relies on funding we receive from the Clean Water Act Section 106 program. These funds are used to help us develop, maintain, and expand our water quality programs. We use the funds to assess the quality of the water within our territories and to control, prevent and eliminate any pollution. The base funding we receive from this program is used primarily for water quality monitoring and educating our citizens about water quality issues.

The Section 106 program is beneficial because each Native Nation that applies for the program will receive some funding so long as they meet the standards required by law. This is great because Native Nations do not have to compete for base funding from the program. But it is a problem because more Native Nations are applying for the program, but the funding is not increasing to match the demand. This means that our base funding is decreasing each year. This results in diminishment of our capacity to conduct adequate water quality monitoring and

assessment and implementation of the Water Quality Standards. It also diminishes our capacity to sample and gather data. This is such a fundamental program for Native Nations. So, we ask the Committee to **increase funding for the Section 106 Pollution Control Grant** to better accommodate the increased number of Native Nations participating in the program.

Thank you again for providing the opportunity to share comments on behalf of the Seneca Nation.

*Jeffrey Gill
Councilor
Seneca Nation*

Jeffrey Gill, Seneca Nation Citizen, Heron Clan, has served the Seneca Nation for 5 terms as a Seneca Nation Councilor. He retired from a 26 year career in law enforcement. Jeffrey is married to Clarice Gill, Oglala Sioux Tribe, and they have been married for almost 42 years. They have two sons, Jonathan and Justin, and three grandchildren. He is a life long resident of the Seneca Nation Cattaraugus Territory. Jeffrey has enjoyed a life of public service to his community.

Mr. SIMPSON. Thank you. Wema.

TUESDAY, MAY 7, 2024.

QUAPAW NATION

WITNESS

WEMA SUPERNAW, CHAIRWOMAN, QUAPAW NATION

Ms. SUPERNAW. Chairman Simpson, Ranking Member Pingree, members of the subcommittee, thank you for the opportunity to be here to speak to you about the priorities of the Quapaw Nation. [Speaking native language.] My name is Wema Supernaw, and I am the elected chairperson of the Quapaw Nation. I am here today on behalf of 6,000 enrolled tribal members to ask that you help close a dark chapter in our history.

Shortly after the establishment of our reservation in 1833 up through the 1960s, our trustee, the Bureau of Indian Affairs, allowed our natural resources to be plundered. The mining activities conducted on our lands produced more than 50 percent of the lead and zinc used to defend the United States during World War I, and from 1917 through 1947, over \$20 billion of ore was extracted from our lands. They then allowed the plunderers to dump the waste on our land. BIA's actions not only destroyed our ability to use the reservation, they also poisoned it for generations. Our pleas for justice fell on deaf ears for more than a hundred, but finally, in 2012, a congressmember from the State of Oklahoma, with a deep understanding for our history, stepped in, and I am incredibly grateful that this outstanding champion of Indian Country, Congressman Tom Cole, now has the distinguished honor of chairing this very committee.

Congressman Cole's legislation gave the Quapaw Nation and our co-claimants the ability to seek restitution from the United States in the U.S. Court of Federal Claims for the damages alleged in the case of Thomas Charles Baer, et al. v. the United States. With the support of our nation, our co-claimants, and the U.S. Department of Justice, on January 9, 2020, the court entered a historic settlement of the Baer case. The Court recommended that the nation and our co-claimants receive \$137-and-a-half million in compensation for the damages. This funding would help us address the generations of damage to our land and trauma to our people.

Sadly, I am here today because more than 4 years later, the Quapaw Nation and our co-claimants have not seen a dime. We have not seen a dime even though more than \$20 billion in lead and zinc deposits were removed from our land. We haven't seen a dime even though portions of our reservation are so geologically unstable, that garbage trucks cannot drive on certain roads out of fear they may collapse into ubiquitous mines authorized by the Bureau. We have not seen a dime even though some of the piles of toxic mining waste that still sit on our reservation are more than five stories tall, taller than other manmade structures that exist for miles. We have not seen a dime even though the Quapaw people have lived in and next to the Tar Creek Superfund Site, one of the most toxic sites in the country.

Congress, in fact, this very committee, can help us turn the page. I ask that you join the Quapaw Nation and our co-claimants in asking the U.S. to finally live up to its trust and treaty responsibilities. An appropriation to settle the Baer case will not undo all the damage, but it will help us move forward. Thank you and I appreciate this opportunity to testify before you today. [Speaking native language.]

[The statement of Ms. Supernaw follows:]

Statement of Chairwoman Wena Supernaw
Chairwoman, Quapaw Nation
House Appropriations Subcommittee on Interior, Environment and Related
Agencies
May 7, 2024

Chairman Simpson, Ranking Member Pingree, Members of the Subcommittee, thank you for the opportunity to be here to speak to you about the priorities and needs of the Quapaw Nation. My name is Wena Supernaw and I serve as elected Chairperson of the Nation.

I am here today on behalf of our nearly 6,000 enrolled citizens to ask that you help close a dark chapter in our history.

Shortly after the establishment of our Reservation up through the 1960s, our trustee, the Bureau of Indian Affairs, allowed our natural resources to be plundered. The mining activities conducted on our lands produced more than 50% of the lead and zinc used to defend the United States during World War I and from 1917 through 1947 over \$20 billion of ore was extracted from our lands.

They then allowed the plunderers to dump the waste on our land. BIA's actions not only destroyed our ability to use the Reservation, they also poisoned it for generations.

Our pleas for justice fell on deaf ears for more than 100 years. But finally, in 2012, a Congressmember from the State of Oklahoma with a deep understanding of our history stepped in. I am incredibly grateful that this outstanding champion

for Indian Country, Congressman Tom Cole, now has the distinguished honor of chairing this very committee.

Congressman Cole's legislation gave the Quapaw Nation and our co-claimants the ability to seek restitution from the United States in the U.S. Court of Federal Claims for the damages alleged in the case of *Thomas Charles Bear, et al., v. United States*.

With the support of our Nation, our co-claimants, and the U.S. Department of Justice, on January 9, 2020 the Court entered a historic settlement of the *Bear* case. The Court recommended that the Nation and our co-claimants receive \$137,500,000 in compensation for the damages. This funding would help us address the generations of damage to our land and trauma to our people.

Sadly, I am here today because more than four years later, the Quapaw Nation and our co-claimants have not seen a dime.

- We have not seen a dime even though more than \$20 Billion in Lead and Zinc deposits were removed from our land by without our permission.
- We have not seen a dime even though portions of our Reservation are so geologically unstable that garbage trucks cannot drive on certain roads out of a fear they may collapse into ubiquitous mines authorized by the Bureau.

- We have not seen a dime from our settlement even though the piles of toxic mining waste that still sit on our reservation are some of the tallest man-made structures that exist for miles.
- We have not seen a dime even though the Quapaw people have lived in and next to the Tar Creek Superfund site, one of the most toxic sites in the country.

Congress, in fact this very Committee, can help us turn the page. I ask that you join the Quapaw Nation and our co-claimants in asking the U.S. to finally live up to its trust and treaty responsibilities. An appropriation to settle the *Bear* case will not undo all the damage, but it will help us move forward.

Thank you and I appreciate this opportunity to testify before you today.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Appropriations

Subcommittee: Interior

Hearing Date: May 7, 2024

Hearing Title :

Tribal Witness Day

Witness Name: Wena Supernaw

Position/TITLE: Chair

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Quapaw Nation

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

Quapaw Nation has received no federal funding related to the subject of the testimony

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

Quapaw Nation has Received no foreign funding related to the subject of the testimony

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

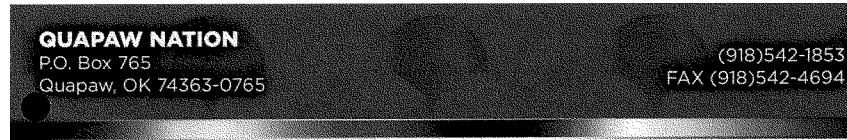
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- (5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
 - (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
 - (C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
 - (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

Appropriations
May 7, --Tribal Witness Day

False Statements Certification	
Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.	
	<u>5/6/24</u> Date
W	{

Appropriations
May 7, ;—Tribal Witness Day



Wena Supernaw
Quapaw Nation Business Committee Chair

Ms. Supernaw is the elected Quapaw Nation Business Committee Chair, a position she is humbly honored to hold on behalf of the Quapaw People since July 2023. She served as the Quapaw Nation Business Committee Secretary Treasurer August 2022 before becoming Chair. She was a member of the Quapaw Nation Constitution Committee for a year prior to becoming elected. She also serves as the Inter-Tribal Council Vice Chair.

Prior to being called to service to the Quapaw Nation's People, Ms. Supernaw was the Global Process Leader of Management Reporting for MetLife Inc. before retiring after 30 years of service. In that capacity she was responsible for simplifying, standardizing, and creating process efficiencies for Management Reporting as part of the Financial Management Group Transformation team. In addition, she assumed responsibility for the Business Adoption and Organizational Readiness Transformation work streams. Prior to that role, Ms. Supernaw led teams of business analysts and subject matter experts in the planning, budgeting and implementation of domestic and global investment accounting and reporting initiatives. While at MetLife Ms. Supernaw has implemented and been operationally responsible for technology applications supporting fixed income, equity, derivative, real estate, mortgage and hedge fund trading, trade settlement, accounting, reporting and reconciliation.

Prior to joining MetLife in 1990, Ms. Supernaw spent 2 years in Cap Gemini's Insurance & Investment consulting practice. Ms. Supernaw was responsible for implementing securities accounting, treasury and derivative accounting applications for multiple financial services clients. Her industry background includes 30+ years of financial services application development, investment accounting and reporting experience.

Ms. Supernaw received her B.S. degree in Accounting from George Mason University in Virginia. She was active in multiple professional mentoring programs for many years. She was on the Big Brothers Big Sisters Board of Directors for 6 years. Board Secretary for 1 year, Board Governance Chair for 4 years. Named 2021 Board Member of the Year. She is an Oklahoma native and an enrolled member of the Quapaw and Osage Nations. Appointed Head Woman Dancer for the 2010 Ki-He-Kah-Steh Powwow.



Mr. SIMPSON. Thank you. Carson.

TUESDAY, MAY 7, 2024.

MUSCOGEE (CREEK) NATION (MCN)

WITNESS

CARSON BALL, SELF GOVERNANCE COORDINATOR, MUSCOGEE (CREEK) NATION (MCN)

Mr. BALL. Thank you, committee. I would just like to thank all of you on behalf of the Muskogee Creek Nation for allowing me the opportunity to provide testimony today.

So just a little bit on the Muskogee Nation. We are the fourth largest federally-recognized tribe in the United States with a reservation spanning nearly 5,000 square miles, and we represent the interests of over a hundred enrolled citizens, and thousands of other Native Americans, and hundreds of thousands of non-natives who live on our reservation.

One of the first kind of points I want to get into is public safety and justice. After the McGirt decision, the Muskogee Nation experienced unprecedented growth in both our criminal and civil jurisdiction, which has led to a rapid expansion of all court systems, law enforcement, and detention services. From this committee, we have received increases in funding to address these needs. However, the levels are inadequate to the amount of needs we are facing on the ground. I will just give you an example.

Our light horse police, which is our law enforcement, currently, they receive about \$4 million a year, and we ran the minimum amount they would need to be at capacity for both the size of the reservation, the mix of urban and rural, and for just the amount of criminal activity we are seeing, we are looking at \$12 million. So we are receiving less than a third of that currently. And our detention services really need to be increased. When we look at the associated costs with building and maintaining the infrastructure of detention centers, you are looking for an 80-bed facility operation costs yearly are going to be \$1-\$2 million. So we know that the funding we receive for detention centers is not built into our compact yet. That is something we would really, really want to see instead of this being an amount that is annually decided on, really looking at that being added to our compact.

Outside of that, also education is something that we are really looking at within the Muskogee Nation. Specifically, we would like to implore Congress to increase the per student amount for the Johnson O'Malley. We realized that in 2018, the JOM Modernization Act set forward to increase the amount we would receive per student. However, they have still not increased that amount, and they don't plan to until the 2025 budget cycle, even though this bill was passed and enacted in 2018. It was supposed to start in the 2019 fiscal year cycle. So looking at the amount of money we have not received in that amount of time, when we are receiving \$60 per student and the State in Title VII or VIII rate is about \$160, we would kind of implore the committee to look at ways to help kind

of fund that gap where we weren't receiving funds, where we were entitled through our obligations.

Another thing is the Indian Health Services, and we would strongly urge Congress and this committee to reclassify appropriations made to IHS as mandatory spending and establish a complementary mechanism to automatically kind of adjust the spending to keep up with pace in population growth, inflation, and healthcare costs, which have skyrocketed since the COVID-19 pandemic. Moving these funds to mandatory would ensure that the appropriation Congress provides for Indian healthcare can be used efficiently and strategically by the Muskogee Nation to really best serve our community.

At Muskogee Nation, our Department of Health has a proven track record of utilizing IHS funds to operate community hospitals, long-term acute care facilities, physical rehabilitation centers, and we are one of the few tribes within the United States where we do offer service to tribal citizens and the general public. So we have seen the firsthand impact of our healthcare solutions being able to lift up rural and urban, native and non-native communities alike. And being able to make this mandatory and know these numbers and have them be distributed in timely segments would really allow our healthcare facilities to further develop and serve the communities in which they are located.

The last thing I would like to bring up is the Environmental Protection Agency. As a place-based people, the Muskogee Nation has sacred histories and maintain cultural practices, and our tribe is tied to the land and our ancestral territories, and as a result, we are often disproportionately affected by a lot of environmental degradation that happens within our lands. And so we really implore the committee to look at creative ways to increase fiscal and infrastructural support for climate resiliency initiatives and clean energy expansion, not just for urban centers, but for rural areas as well. A lot of electrical initiatives and the move away from gas is really difficult when you don't have the infrastructure pre-established in rural communities, and looking at ways in which we could increase appropriations to better establish this baseline infrastructure would be beneficial. And we would also recommend an increase in appropriations to the EPA Tribal General Assistance Program, which has really been a pivotal Program at the nation to deal with a lot of the onsets of climate change that we have seen. Thank you for your time.

[The statement of Mr. Ball follows:]

M U S C O G E E (C R E E K) N A T I O N

Written Testimony of the Muscogee (Creek) Nation
For the U.S. House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
American Indian and Alaska Native Public Witness Days.
May 7th, 2024

On behalf of the Muscogee (Creek) Nation (MCN), thank you for the opportunity to provide testimony at the U.S. House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies concerning appropriations over the Department of Interior (DOI), Indian Health Service (IHS), and the Environmental Protection Agency (EPA). Affording tribal nations the platform to share feedback and suggestions for improvement over the annual fiscal year appropriations cycle is crucial to improving and reshaping federal budget strategies to best serve tribal nations and uphold treaty rights. As the 4th largest federally recognized tribe in the United States, with a reservation spanning nearly 5,000 square miles and divided into eight districts corresponding with the counties of Creek, McIntosh, Muskogee, Okfuskee, Okmulgee, and portions of Wagoner, Tulsa, Rogers, Hughes, Seminole, and Mayes, MCN represents the interests of over 100,000 enrolled citizens and thousands of other Native Americans who reside within our reservation boundaries.

The funding requests and recommendation provided in this testimony are grounded in our commitment to tribal sovereignty and our government-to-government relationship with the U.S. Federal Government that has deep rooted financial obligations, guaranteed in treaties and agreements entered into with MCN. It is our intention that MCN's testimony can serve as a starting point for improved dialogue and partnership between Congress and tribal nations.

Recently, Congress and the current Administration have made strides towards improving funding avenues, for tribal nations; the FY 2025 Budget Request represents the most forward-thinking presidential budget and policy proposal for tribal programs to date. However, a substantial funding-gap still exists for Native American programs at DOI, IHS and the EPA, and there is ample amount of work to be done to fulfill the federal government's treaty obligations. Accordingly, MCN urges the House Committee on Appropriations to improve how funding levels are determined, delivered to their respected agency, and classified. Actions like these will reaffirm Congress' commitment to Tribal Self-Governance and support strong Tribal governments, economies, and communities by enacting measures that address the structural deficiencies across the Federal system.

I. DEPARTMENT OF INTERIOR – BUREAU OF INDIAN AFFAIRS (BIA)

The BIA is one of the primary agencies responsible for providing services throughout Indian Country, either directly or through compacts or contracts, the operation of these programs and services is essential for the health, safety, and social and economic well-being of MCN and surrounding Native communities. Unfortunately, chronic underfunding of tribal programs has perpetuated systemic issues in Indian Country that could be reduced or eliminated by increasing funding for tribal programs to meet treaty and trust obligations.

The following subsections provide a select number of the recommendations from the Muscogee (Creek) Nation for specific program areas:

A. PUBLIC SAFETY & JUSTICE

After *McGirt* (2020), MCN experienced unprecedented growth in criminal and civil jurisdiction which led to a rapid expansion of our court systems, law enforcement (LHP), and detention services. MCN has received increases in funding to address law enforcement needs; however, the appropriated levels are inadequate and fall short on treaty obligations because for LHP to operate at full capacity the program would need to receive an annual funding allocation of \$12 million. Therefore, MCN would like the committee to consider increasing the yearly amounts appropriated for these services.

Additionally, funding for detention services should be increased because of the sizeable costs associated with building and maintaining the infrastructure and operations of a detainment center. In FY24, MCN received \$7,953,098 for detention services and we would request this figure become the baseline amount funded annually by congress, subject to increases to meet demonstrated need.

B. EDUCATION

Indian Education programs are historically funded at lower levels compared to their local state, and federal counterparts; despite education being a key determinator in fiscal mobility and childhood development. MCN would request that the House Committee on Appropriations increase the baseline funding amount appropriated to educational activities and programming,

Specifically, MCN would like to implore congress to increase the per-student amount of funding Johnson O’Malley (JOM) programs receive. Currently, MCN’s JOM program receives a rate of \$60 per student, but for this figure to be representative of the true cost and competitive the amount would need to be raised to \$200 per student—this increased rate would lower the existing gap between JOM and Title VII funding which receive student rates of over \$175.

II. INDIAN HEALTH SERVICE

The Muscogee (Creek) Nation strongly urges Congress to re-classify appropriations made to IHS as mandatory spending and establish a complimentary mechanism to automatically adjust spending to keep pace with population growth, inflation, and healthcare costs. Moving IHS funds to mandatory funding would ensure that the appropriations Congress provides for Indian healthcare can be used efficiently and strategically by MCN to best serve our community.

At MCN our Department of Health has a proven track record of utilizing IHS funding to operate community hospitals, a long-term acute care facility, and physical rehabilitation centers that serve both tribal citizens and the general public. We currently lead the Nation in tribally offered healthcare solutions, uplifting both rural and urban, native and non-native communities alike. However, this work can be advanced by increasing funding to meet treaty obligations and by reclassifying funds as mandatory spending.

Until such time that IHS is provided mandatory direct appropriations, advance appropriations for the IHS are consistent with the trust and treaty obligations reaffirmed by the United States in the Indian Health Care Improvement Act

III. ENVIRONMENTAL PROTECTION AGENCY

As place-based peoples, the Muscogee (Creek) Nation has sacred histories and maintain cultural practices that tie the tribe to their current land bases and ancestral territories. As a result, tribal peoples directly, and often disproportionately, suffer from the impacts of environmental degradation. This is why the MCN recommends the House Committee of Appropriations explore creative ways to increase fiscal and infrastructural support for climate resiliency initiatives and clean energy expansion.

Additionally, MCN would recommends an increase in appropriations to the EPA Tribal General Assistance Program.

M U S C O G E E (C R E E K) N A T I O N

Bio for Carson Ball

Self Governance Coordinator, Muscogee (Creek) Nation

For the U.S. House Committee on Appropriations

Subcommittee on Interior, Environment, and Related Agencies

American Indian and Alaska Native Public Witness Days.

May 7th, 2024

Carson Ball serves as the Self Governance Coordinator for the Muscogee (Creek) Nation (MCN), where he performs duties associated with budget management and government relations. Carson holds a B.A. in Political Science and Native American Studies from the University of Oklahoma (OU) and a M.A. in Political Science from the University of British Columbia (UBC). His thesis challenged current avenues for repatriation of Indigenous cultural property by examining frameworks, policy standards, and perspectives of Indigenous descendant communities. Prior to working for the MCN, Mr. Ball was awarded a Canadian Fulbright Scholarship where he researched the militarization of Indigenous lands and served as a research contributor for the United Nation's Human Rights Office.

It is with great honor that Mr. Ball is afforded the opportunity to testify to the House Committee of Appropriations on behalf of the Muscogee (Creek) Nation.

Mr. SIMPSON. Thank you, Carson. Chief Hoskin.

TUESDAY, MAY 7, 2024.

CHEROKEE NATION

WITNESS

CHUCK HOSKIN, JR., PRINCIPAL CHIEF, CHEROKEE NATION

Mr. HOSKIN. Chairman Simpson, Ranking Member Pingree, and members of the Interior Subcommittee, I bring you greetings from the Cherokee Nation. I am proud to represent more than 463,000 citizens living across our 7,000 square mile reservation in Northeast Oklahoma and across the United States. In fact, we have citizens in all 435 congressional districts, and we are the largest tribe in the country. I wanted to share a few thoughts on this year's Interior bill.

For fiscal year 2025, we encourage the subcommittee to do four things. First, push the Indian Health Service to open a new round of applications for the Joint Venture Program. As the committee knows, the Joint Venture Construction Program is the gold standard approach to innovative and cost-effective healthcare infrastructure development in Indian Country. We at Cherokee Nation have successfully used this program 3 times. Twice we built clinics in rural and underserved areas of our reservation, and most recently, we opened a 469,000 square foot outpatient center in our capital of Tahlequah. And we are prepared to use the Joint Venture Program once again to increase access to quality healthcare in our region, and Congress can help by urging the Indian Health Service to take a new round of applications.

Second, we want to see continued funding for tribes directly impacted by the McGirt decision. We want to thank the subcommittee for its continued attention to McGirt and public safety and issues related to McGirt over the past three appropriation cycles. We maintain one of the largest and I think one of the best justice systems in the country, but our needs and responsibilities continue to grow, so here is what we have done. We have increased our own public safety and justice spending by \$35 million annually so we can strengthen law enforcement capabilities. We have to meet a 380-percent increase in felony and misdemeanor filings in the wake of the McGirt case. The cost of sustaining that system are substantial, but we are grateful the resources that this committee, this Congress has provided in the wake of McGirt in recent years, and we would ask that the committee continue that support in fiscal year 2025.

Third, we ask the committee to closely scrutinize IHS spending requests and push back strongly against any IHS attempts to improperly use the "new tribes funding" to support tribes that are neither new nor restored. In fiscal year 2025, IHS sent a justification to include \$6 million in "new tribes funding" to "support the delivery of healthcare services for the United Keetoowah Band of Cherokee Indians in Oklahoma." This funding is an improper use of Federal dollars. It is unnecessary, it is redundant, and the subcommittee should, frankly, reject this request. This is at least the

third time that IHS has sought to use new tribe funding for the United Keetoowah Band. This is a tribe that was recognized more than 70 years ago. It was created by the Congress, but it was more than 70 years ago that the tribe was created. It is not a new tribe. Six years ago, when the IHS sought to use this account for this sort of funding, IHS acknowledged that it is typically used "when a new tribe is federally recognized or reinstated." The UKB is neither.

This is the most significant part, though, Mr. Chairman and members. It is completely duplicative. We already at Cherokee Nation provide healthcare services to all Native Americans living within our reservation. Congress should not let IHS waste the very limited amount of dollars, and that is what we are here to talk about collectively, that it commits to the Indian Health Service when we already provide the biggest and best healthcare in Indian Country.

Finally, Mr. Chairman, consider reclassifying tribal contract support costs. Right now, contract support costs are legally required and mandatory in nature, but they currently reside on the discretionary side of the ledger. This is taking up an increasingly larger share of IHS appropriation. It results actually in a net reduction in funding provided for actual programs. Given the potential budgetary impact of the case pending before the Supreme Court in *Becerra v. San Carlos Apache*, moving contract support costs to the mandatory spending side is simply good risk management on the part of the Congress. We appreciate your consideration of these issues. Happy to answer any questions when the time presents.

[The statement of Mr. Hoskin follows:]



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Submitted Testimony of Chuck Hoskin, Jr., Cherokee Nation Principal Chief
U.S. House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
May 7, 2024

Chairman Simpson, Ranking Member Pingree, and members of the Interior subcommittee:

Osiyo. On behalf of the citizens of Cherokee Nation, I thank you for this opportunity to share some thoughts on the fiscal year 2025 appropriations process. The subcommittee, in formulating and considering its FY25 Interior Appropriations measure, should:

- Improve healthcare access and increase Tribal self-determination by **encouraging the Indian Health Service to open a new round of applications for the Joint Venture Construction Program**, which remains the gold standard approach for innovative and cost-effective health care infrastructure development in Indian country;
- Promote public safety in eastern Oklahoma by **continuing to provide direct funding for the Tribes impacted by the *McGirt* decision**;
- Ensure the Indian Health Service is properly and lawfully spending taxpayer resources by **conducting robust oversight of IHS spending decisions**, particularly around the agency's use of "new tribes" funding to support a Tribe that was recognized more than 70 years ago;
- Alleviate growing budget pressures on IHS and the Interior Appropriations bill, and address Tribal health inequities by **reclassifying Tribal Contract Support Costs from discretionary to mandatory funding**.

With a population of more than 463,000, Cherokee Nation is the largest Native American tribe in the United States. Approximately 143,000 of our citizens reside on our Treaty-guaranteed land, a 7,000-square mile reservation covering 14 counties in northeast Oklahoma. The remainder of our citizens are spread across the United States, living in all 435 congressional districts.

We are the economic engine of northeast Oklahoma, employing more than 11,000 people and providing for the 513,000 men, women, and children that live within our reservation boundaries and the communities located on our land. Cherokee Nation and its businesses have an annual economic impact on northeast Oklahoma that exceeds \$3 billion, and that impact is not limited to Cherokee Nation citizens. We remain steadfast in our commitment to grow our regional economy, helping our non-Cherokee friends and neighbors improve their quality of life.

We are currently operating under the largest budget in Cherokee Nation history, a record \$3.8 billion in strategic investments that will help Cherokee families become happier, healthier, stronger, and safer. We are moving forward with historic investments in mental health, drug treatment, career readiness, housing, language preservation and revitalization efforts, and public safety, and continuing to build out the largest tribally-operated health care system in Indian Country.

Our world-class facilities receive more than 2 million patient visits each year, and we have strategically built clinics and health care centers so that no Cherokee Nation citizen living on the reservation is more than 30 minutes away from care. Still, we know there is far more work to be done.

Cherokee Nation has successfully utilized IHS's landmark Joint Venture Construction Program three times—most recently by investing \$260 million to build and equip Nu-Wo-Ti-i, a 469,000-square foot outpatient center in Tahlequah—and stands ready to use the program once again to increase access to quality health care in northeast Oklahoma.

As you know, the IHS Joint Venture Construction Program represents a collaborative approach to healthcare infrastructure development. Tribes alleviate the upfront burden on IHS by taking on construction, expansion, or renovation costs, and IHS provides staffing funds for the facility over a 20-year span.

The program's benefits are proven:

- **Improved Healthcare Access:** The program leads to the development of modern healthcare facilities closer to tribal communities, reducing travel time and improving access to essential medical services.
- **Sustainable Infrastructure:** The program supports the development of durable and sustainable healthcare infrastructure that can accommodate the evolving needs of tribal communities over time, contributing to the long-term health and well-being of indigenous populations.
- **Economic Growth:** Joint Venture projects stimulate tribal economies by creating job opportunities and boosting economic activity through expanded healthcare positions and construction-related spending.
- **Enhanced Tribal Self-Determination:** By partnering with tribes in the planning and construction of healthcare facilities, the program empowers tribal communities to take control of their healthcare infrastructure, aligning with principles of self-governance, sovereignty, and tribal culture.

Each time we have expanded our capacity through a joint venture project, patient demand has almost immediately filled up that capacity. This speaks to the great unmet needs for care on our

reservation and the potential for additional joint ventures. So, in FY25 the subcommittee should include report language encouraging IHS to open a new round of joint venture applications.

Next, I would like to thank the subcommittee for its attention to public safety and justice issues in connection with the historic *McGirt* decision. *McGirt* and the subsequent *Hogner* decision that reaffirmed the continued existence of the Cherokee Nation reservation—and our exclusive jurisdiction over our land—changed the complexion of law enforcement and criminal justice in eastern Oklahoma.

Cherokee Nation maintains one of the largest and best justice systems in Indian country, but our needs and responsibilities continue to grow. Since the *McGirt* decision Cherokee Nation has dramatically scaled up its criminal justice system, boosting spending by \$35 million annually to strengthen our law enforcement capabilities and meet the massive 380 percent increase in felony and misdemeanor case filings. Where prior to *McGirt* we filed fewer than 100 criminal cases per year, since *McGirt* we have filed more than 10,000.

The costs of sustaining the large criminal justice system needed on our reservation are substantial, and so I am exceedingly grateful for the direct resources you provided to the *McGirt*-impacted tribes through the FY22, FY23, and FY24 appropriations bills. I ask that you provide the impacted tribes another round of *McGirt*-specific funding again in FY25.

Third, I urge you to provide strong oversight over IHS through the appropriations process to ensure that the agency is properly using taxpayer resources. I request that the subcommittee give special attention to IHS's request (as found on Page CJ-96 of IHS's Fiscal Year 2025 Justification of Estimates for Appropriations Committees) to provide \$6 million in "New Tribes" funding to "support the delivery of health care services for the United Keetoowah Band of Cherokee Indians in Oklahoma." This funding is an improper use of federal dollars, unnecessary, and redundant, and the subcommittee should reject IHS's request.

This is at least the third time IHS has sought to use "New Tribes" funding to fund the United Keetoowah Band—a tribe recognized more than 70 years ago. IHS's FY24 request sought at least \$5 million for this purpose, and in the FY19 cycle IHS used the "New Tribes" account to grant "\$99,000 for [UKB's] estimated 1,299 members. In the congressional justification accompanying the FY19 request IHS acknowledged New Tribes funding is typically requested "when a new Tribe is federally-recognized or reinstated." Now, with no real explanation or legal or policy justification, in FY25 IHS is inexplicably going back to the well for a third time. This is wrong—IHS should not be allowed to circumvent its own policies when granting federal dollars to the UKB or any other tribe.

Again, the United Keetoowah Band of Cherokee Indians is not a new tribe. This alone should prevent IHS from seeking funding under the "New Tribes" account, which, per the agency's own policy, is utilized for "new or restored Federally Recognized Tribes." The UKB is neither a new tribe nor a restored tribe.

Moreover, Chapter 4 of the Indian Health Manual, the document IHS deems “the reference for IHS employees regarding IHS-specific policy and procedural instructions,” states a “New Tribes” appropriation request “will be included in the budget cycle immediately following the new or restored Tribe’s recognition.” Again, this request comes more than 70 budget cycles after recognition.

Not only is this funding improper—it is completely duplicative. Cherokee Nation maintains the largest tribally-operated health care system in Indian Country, and the existing health care infrastructure and array of services that already exist in northeast Oklahoma—particularly, in the city of Tahlequah—renders another line of funding unnecessary and wasteful.

Cherokee Nation, in partnership with IHS, has made significant fiscal investments to ensure that all tribal citizens within the Cherokee Nation Reservation—UKB citizens included—will receive the highest quality health care for generations to come. A new UKB-run health care clinic would not provide any services that are not already being provided to UKB members by Cherokee Nation’s health system—patient statistics show that approximately 94.4 percent of UKB’s user population currently receives care from Cherokee Nation.

Congress should not waste already scarce IHS dollars by funding redundant health care services in an area that already contains the best tribal health care system in the country. I urge you to carefully consider this unjustified request, and keep this funding out of the final FY 2025 Interior Appropriations bill.

Finally, while legally required pursuant to the Indian Self-Determination and Education Assistance Act and Supreme Court decisions, Contract Support Costs (CSC) are currently paid for under discretionary spending caps. Inclusion of the CSC account that is mandatory in nature under discretionary spending caps has resulted in a net reduction on the amount of funding provided for Tribal healthcare programs.

On March 25, 2024, the Supreme Court heard oral arguments in *Becerra v. San Carlos Apache Tribe* and *Becerra v. Northern Arapaho Tribe*. The issue of the case is whether the IHS must pay CSC not only to support IHS-funded activities but also to support the Tribe’s expenditure of income collected from third parties. The outcome of the case is unknown, but it could have a significant impact on IHS funding.

Immediately moving CSC to mandatory is good risk management for the United States because, regardless of the forthcoming CSC Supreme Court decision, the amount is already mandatory in nature and there is a mechanism for controlling costs. Since the amount is already mandatory in nature, there is nothing added to the mandatory budget by moving this authority to the mandatory side of the federal ledger.

Wado.

Principal Chief Chuck Hoskin Jr.

Chuck Hoskin Jr. serves as the Principal Chief of Cherokee Nation, the largest tribe in the United States with more than 463,000 citizens. Prior to being elected in 2019, and re-elected in 2023, he was Cherokee Nation's Secretary of State and also served as a member and Deputy Speaker of the Council of the Cherokee Nation. As Principal Chief, he increased minimum wage at Cherokee Nation and Cherokee Nation Businesses and secured the largest language investment in the tribe's history to expand Cherokee cultural preservation. He appointed the tribe's first delegate to the U.S. Congress. He prioritized health and wellness initiatives, including record investments in behavioral health and addiction treatment. Chief Hoskin has also expanded tribal workforce training programs, sustainable housing, protections for natural resources, and educational opportunities for Cherokees of all ages. He, along with First Lady January Hoskin, has elevated the voices of women and children, and their safety, within the Cherokee Nation Reservation.

Mr. SIMPSON. Thank you. Thank you all for your testimony. The Burns case that you mentioned?

Ms. SUPERNAW. Bear.

Mr. SIMPSON. Bear case that you talked about, \$130?

Ms. SUPERNAW. Hundred thirty-seven-and-a-half million.

Mr. SIMPSON. Hundred thirty-seven-and-a-half million. That came out of a court case, right?

Ms. SUPERNAW. It did. It was actually a congressional reference in 2012 but sent it to the U.S. Court of Federal claims, and then when the settlement was reached in January of 2020, it was basically referred back to Congress for purposes of appropriation. I should say recommendation, I think that is what it is called.

Mr. SIMPSON. Yeah. I was just wondering why it didn't come out of the Justice Fund because most time, when a court decision requires funding, it comes out of the Justice Department's Justice Fund. I see. Okay. Very interesting.

Ms. SUPERNAW. That is why we are here for your help.

Mr. SIMPSON. Yeah. We will take a look at this and see what it is going to do, but I know that and the McGirt decision are going to cost some money, but I will tell you that we are very proud to have Mr. Cole as chairman of the full Appropriations Committee, too. He is a friend to all of us on both sides of the aisle. And obviously he has educated me to challenges and issues in Indian Country for the years that I have known him. He is one of my best friends in Congress, and he is going to do a great job as chairman. So, Ms. Pingree.

Ms. PINGREE. Thank you. Thank you to everybody for your testimony. I am glad the chair is already looking into the Bear case, so I hope we can do something to make that right. That is really tragic how long you have had to go, and also just the idea that that much was taken from your land, which I know happened in many cases across the country, but I hope you can do something about that.

And I appreciate Seneca Nation being here. Thank you. It was very interesting to hear about the Lacrosse change in the Olympics. That will be fascinating to watch. But also, I know you brought up a lot of really critically important things we have been talking about today about the opioid crisis and many of the other things that are challenges. So I hope we can address some of those in this year's budget.

Mr. GILL. Thank you for your comments.

Ms. PINGREE. Absolutely. And to the Oklahoma tribes, thank you. I had a chance to visit that fantastically beautiful, just breathtaking, honestly, the clinic that you built and the medical school. I mean, really such an amazing example of what can be done when the resources are there, and I know it is so different for every tribe, but really, really impressive the things that have been done with the resources. And I look forward to getting back to Oklahoma again to just see more tribes and the communities, but certainly I think we are all counting on having Chairman Cole weigh in this year. I hope you all weigh in with him about our allocation in this committee because that is really where this all starts. I mean, I think we have to step back and deal with some bigger funding crises that we have in meeting our treaty and tribal obligations. But

for this committee in particular, we are often struggling with funding the EPA and the BIA and BIE and the arts agencies. And if we start with a very small allocation, then everybody gets these cuts that are completely unconscionable, honestly, to make.

So when it comes to things like McGirt, which really deserves significant funding, and the contract support costs, absolutely big critical items to fund. I hope we can work with the chair of the full committee, and I think we are all fortunate to have him in this position this year. So thank you all so much really. I can't talk about every single thing you brought up, but really, really impressive testimony.

Mr. SIMPSON. Mr. Edwards.

Mr. EDWARDS. Thank you, Mr. Chair. I would just like to express my appreciation to all of our guests. I know it is quite a commitment to come all the way to Washington, D.C. to speak for just a few minutes on the things that are important to you back at home. I found this very useful, and I want you to know I appreciate you being here. Thanks.

Mr. SIMPSON. Ms. McCollum.

Ms. MCCOLLUM. Well, I would just like to agree with everything that has been said, including thank you so much for your time for coming, but if I could follow up with you, Mr. Ball, on the third party payment. So you said you are taking third party payments. Tell me, is it insurance? Is it Medicaid/Medicare? Is it VA? What third party payments are you taking?

Mr. BALL. From my understanding, it is insurance, Medicare, Medicaid.

Ms. MCCOLLUM. It is everything.

Mr. BALL. Mm-hmm. Yes.

Ms. MCCOLLUM. Because when we started doing the VA for third party payment, it wasn't a smooth start, so I would be interested in knowing how it is going. If you would maybe follow back with your business office and share with the chair how the third party payments are going, who is involved, what is working, what is not working. Maybe it is working great with private insurance, but it is not working great with the third party, with the Federal Government, or the State for Medicaid, Medicare. Let us know.

Mr. BALL. Yeah, that would be great. We have a commission set aside for that, and I would love to connect you—

Ms. MCCOLLUM. Yeah.

Mr. BALL [continuing]. And anyone else on the committee with them.

Ms. MCCOLLUM. Because a lot of tribes are in the position where they can sometimes serve other areas, and it is a win-win for everyone, and you know where we can figure out how that works, where that sweet spot is, we would like to do it, especially when it comes to dialysis in very rural areas. Thank you, Mr. Chair.

Mr. BALL. Thank you.

Mr. SIMPSON. Mr. Harder.

Mr. HARDER. Nothing I would like to add. Thank you all so much for your time and your testimony, and the hard work you do every day, and we will do our best to support you.

Mr. SIMPSON. Let me ask my Oklahoma guys. Tom took me to Oklahoma in August. It is hot in Oklahoma in August, but we visited a lot of tribes. [Laughter.]

Mr. SIMPSON. But really, the question I would like to ask you is how have the tornadoes been on your tribal members?

Ms. SUPERNAW. We actually fared okay, at least last night. Let's just keep our fingers crossed and keep our prayers to the Creator that kind of continues to bypass us. Not all of our neighbors fared so well last night.

Mr. BALL. Mr. Chairman, we are assessing the damage now, but in Barnsdale and the Osage Nation, there was a fatality.

Mr. SIMPSON. Yeah. Pretty dramatic effects. [Laughter.]

Mr. SIMPSON. But it is beautiful country, and our prayers and thoughts go out to all your members and hope that they are safe in this environment that seems to happen all the time, you know. I appreciate it. Thank you all for being here today, and we look forward to working with you as we take into consideration your sentiments and views of what we should be doing in this bill. Thank you.

We are going to call up Panel Number 9: John Pettigrew, Julius Murray, Dustin Klatush.

Mr. KLATUSH. Klatush.

Mr. SIMPSON. Klatush. Okay. I was close. You knew what I was talking about, and Cindy Marchand. They have just called our votes, but we will proceed with the panel. But we will let you testify before we go to votes, and then we will have to run over and vote, and then we will be right back. First, John. Yeah, we have talked before.

TUESDAY, MAY 7, 2024.

**OGLALA SIOUX TRIBE—DEPARTMENT OF PUBLIC
SAFETY**

WITNESS

**JOHN PETTIGREW, ACTING CHIEF OF POLICE, OGLALA SIOUX TRIBE—
DEPARTMENT OF PUBLIC SAFETY**

Mr. PETTIGREW. I am John Pettigrew. I am the acting chief of police for the Oglala Sioux Tribe Department of Public Safety. I got about 20 years of law enforcement experience with the Ogalala Sioux Tribe Department of Public Safety.

The Pine View Reservation is the third largest reservation in the United States that is just under the size of Connecticut, the State of Connecticut, with an enrolled membership of around 151,000. Last year, Algin Young, the former chief of police, testified about our extreme officer shortage and an increase in violent crime. In 2022, we had 138,000 calls for service with 33 officers. In 2023, we have seen a jump from around 30,000 to around 165,000 calls for service with less officers. We only had 30. That is four to six officers per shift.

Add to that the medical clearances that are required for many of the people that we arrest. These clearances take up to anywhere from 3 to 6 hours. And just like that, the four to five officers cov-

ering nine districts is down to three to five, two to four, depending on how busy it is, and because of this, our response time for non-emergent calls is running 30 minutes to an hour. Even emergent calls, depending on the officer covering the area, if he is busy with medical clearances, prisoner transport, more often than not than not is covering multiple districts and has to respond from a large distance away.

Officer safety is a huge concern for me. As with response time, backup is over a half hour, if backup is available at all. This leaves my officers in a very dangerous position. Five minutes is a lifetime when you are fighting for your life, let alone 30 minutes. My Federal partners, the FBI and BIA drug agents, are based in Rapid City, an hour and a half away, but takes 2 to 4 hours for any call ups for them to respond. My investigators and officers are first at these incidences and complete most of the work before they arrive. I do appreciate the help and the work they do, and we do work very closely with them, but when my officers do most of the work but get a little to no credit, it is a little upsetting.

[Chart]

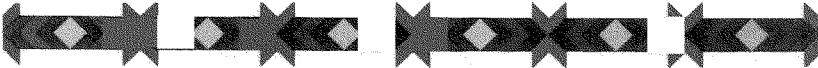
Mr. PETTIGREW. The picture I am showing you—I believe she handed it out—is of a 13-year-old student carrying a handgun. I wish this was an isolated incident, but it is not. We have over a hundred weapons in our evidence that were taken on school grounds. That is just on the school grounds, the parking lots, classrooms, those kind of things, knives, handguns, machetes, those types of things. Many State schools refuse to come to a reservation because they consider it too dangerous to send their people, their kids.

I have a recording. I am not sure if I give it to you guys here or not. It is 9-1 recording, but I must warn you, it is graphic. On this recording, you will hear what my 9-1-1 dispatchers hear: a young woman beaten by multiple men for over an hour. She suffered fractures to her arm, skull, ribs, and legs. Because of lack of officers and obstacles I have mentioned before, it took 1.5 hours to respond. Many of you may know what it feels like to feel helpless, knowing someone is in danger and you are powerless to help.

My officers know this feeling very well. My officers are over-worked, underpaid, and on the verge of burnout. My officers receive the same training to do the same job as BIA and State officers or State counterparts, but do it for far less pay, no real benefits, and far less resources. The BIA funds my department base at 15 percent of need. Fifteen percent. In what world is that acceptable? What we are asking for is a budget correction to bring us up to par with our Federal and State counterparts, but to be real, I know this will never happen, but something needs to be done because 15 percent is a crazy number. We are not asking for more than we need, just a fair share because 15 percent is a joke.

I thank you for your time and allowing me to be here.

[The statement of Mr. Pettigrew follows:]



Oglala Sioux Tribe

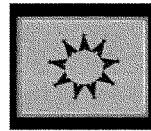


Acting Chief of Police
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OFFICE OF THE CHIEF OF POLICE



Law Enforcement Services
Criminal Investigations
Communications Services
Administrative Services

May 7, 2024, TESTIMONY OF JOHN PETTIGREW BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Good afternoon. My name is John Pettigrew, and I am the Acting Chief of Police for the Oglala Sioux Tribe (OST) Department of Public Safety (DPS). I have over 20 years of professional law enforcement experience and am a graduate of the federal police academy. Thank you for inviting me to testify.

To put my statement into context, the Pine Ridge Reservation is the third-largest reservation in the United States, outside of Oklahoma, and is just under the size of the State of Connecticut. As of February 14, 2023, the Tribe has an enrolled membership of 51,460, an on-reservation law enforcement service population of more than 40,000, and 52 separate residential communities.

- Public Safety Crises

Last year, my predecessor, Algin Young, testified about our extreme officer shortage and the devastating increase in guns and drugs on our Pine Ridge Reservation. I am here today to tell you that things have only gotten worse. For example, in FY 2021, we had around 138,000 calls for police service and 33 officers. That was around 5-7 officers per shift, 24 hours a day, 7 days a week, 365 days a year because we have exclusive federal/tribal criminal jurisdiction over the Pine Ridge Indian Reservation.

For FY 2023, we had over 165,799 calls for police service, and we had only 30 patrol officers. Along with other crimes, these calls reported: 1133 assaults, 449 cases of child abuse, 1,245 cases of domestic violence, 589 gun-involved crimes, and 343 cases of the most serious drugs. Just between October 1, 2022, and February 2023, we have had 8 homicides, 8 violent rapes, and another 299 serious cases of child abuse.

Due to our extreme shortage of officers, our average response time continues to be between 30 minutes and an hour. Medical clearances for an arrest, which is often required for a large percentage of our detainees, continue to exceed 3 hours, and our Indian Health Services (IHS) referred care cost for a single crime victim can easily exceed the cost of two officers' salaries for a year.

Our officers continue to work alone, with backup, if any is available, being around 30 minutes away, even when the alleged perpetrator has a loaded weapon. South Dakota is a non-Public Law 280 State, which means that State and County officers do not respond to crimes unless it is a non-

Indian on non-Indian incident.

Despite our previous testimony, our federal partners, the Federal Bureau of Investigation and the Drug Enforcement Administration assigned to Indian Affairs, are still based in Rapid City, SD. Not in our reservation communities. The United States Assistant Attorney's Office often declines to prosecute an astonishing number of crimes that fall under the Major Crimes Act, General Crimes Act, or Assimilative Crimes Act, which have occurred in Indian Country. Finally, many of our ambulance workers carry firearms to protect themselves when officers are unavailable. Although we do not recommend this, they do it anyway for their personal safety.

The picture I am about to show you is a 13-year-old student carrying a handgun just off the campus of a Bureau of Indian Education (BIE) funded school; you will hear Mrs. Firethunder testify further on school safety. I wish this were an isolated incident, but it is not. We have over 100 weapons in our evidence locker that were confiscated on school grounds. As a result of school safety issues, many South Dakota state schools have refused to come onto the Pine Ridge Reservation to compete in school sports. State schools consider the lack of law enforcement too dangerous for their students.

I also have a tape that I was going to play for the Subcommittee, but it is simply too graphic. Therefore, I will leave it with your staff with that warning; it is graphic. On the tape, you will hear what our 911 officers hear regularly: a young mother being beaten by multiple men for over an hour. In this instance, her arm, skull, ribs, and leg were broken, and she had multiple contusions, all of which required a great number of medical procedures, which were funded by this Subcommittee appropriations to the IHS.

Due to the lack of law enforcement, our department took 1.5 hours to respond to the 911 call in this incident. Our own tribal attorneys are reluctant to encourage members to get protective orders because protective orders are only as good as a police officer's practical enforcement ability. As many of you know, anyone with service in the armed or protective forces understands what it feels like to be helpless, knowing someone is in danger and you are powerless to help them in time. It's hell, and we feel this often.

Because crime on our reservation is so high, rumors are rampant. A little over a month ago, Oglala had a projectile hit a school bus, and many of our parents feared it was a bullet. You can only imagine the social and political ramifications of this fear and the fear that our already overworked and underfunded officers felt when they went to a parent's home. Suffice it to say it was not pleasant.

Recently, a national news network aired a report called "Cartels Target Indian Reservations," and I want to be clear about that broadcast. I cannot tell you that El Chapo Jr. is personally on our reservation, but what I can say is that we do not have any drug, fentanyl, or gun manufacturers on our reservation. A larger percentage of the drugs and guns that we do see can be traced back to the Mexican border and the Cartels that are at the top of the supply chain.

- The Need for Additional Officers

As a result of our shortfall in police officers, crimes are not being fully investigated, evidence is lost due to slow response times, and some prosecutions cannot be pursued due to those two things. Our officers sometimes do not even have the time to write a police report before being called away to another equally dangerous crime. They are stressed to the point that their health and personal lives are impacted.

Our tribal officers also make far less than they would if they worked the same job for the BIA-OJS or other federal or state police departments, with far fewer benefits. In fact, they have no decent health or life insurance, no real retirement, and they do not receive federal salary increases, promotions, or retention bonuses available to BIA-OJS and all federal employees, even though they are performing the federal government job.

Following the federal minimum standard from the Bureau of Indian Affairs (BIA) requires a minimum of 2.8 officers per 1,000 people. That would give us a minimum of 113 patrol officers. I have 30. You may hear from the BIA about calculating a tribal service population, but to me, it's simple! Do we have exclusive criminal jurisdiction over that crime; yes. Does that call for emergency police service get answered by our 911 call center: yes. If the answer is yes to both of those questions, it is our responsibility to service that area, and it should be considered a part of our service population. The dispatcher does not pause and asks what race the victim is or if they are a tribe member. If they are in danger, we will respond, plain and simple.

OST-DPS uses the IHS registered patient numbers from our on-reservation IHS program (people need to be there to register) to calculate our service population, which is around 50,000. Even though using our tribal enrollment would suggest that we need more than the minimum 113 patrol officers using the federal standard stated above. Let me take a moment to explain how our law enforcement services became so diminished and what we propose as a solution.

- Resetting the BIA-OJS Law Enforcement Budget

In the late 1990s, Congress passed the first Indian Law Enforcement statute. That statute mandated the creation of the BIA Office of Justice Service (OJS) and afforded it certain mandatory responsibilities, in addition to other federal laws that have been added to this mandate. Those responsibilities were not and are not discretionary; they are established by existing federal law.

Unfortunately, when Congress passed those laws, neither Congress nor anyone in the Administration or since has thought about what it takes to fulfill the responsibilities of meeting the 2.8 officers per 1,000 service population that BIA-OJS and the Department of Justice (DOJ) use to meet the minimum needed to fulfill this essential governmental function.

Instead, the BIA created the OJS with the money it was spending in 1999, ignoring the other federal funding the DOJ provided. The reality was that well over 70% of the Indian law enforcement funding at that time for large land-based tribes with exclusive federal/tribal criminal jurisdiction was being provided by DOJ grants. When those DOJ grants expired, they were never replaced by the BIA-OJS. Between the mid-2000s and now, inflation took over, and OST-DPS went from the 130 officers it had at the end of the 1990s to the 30 I have now.

Although Congress regularly provides add-ons to the BIA's appropriations request for law enforcement, it has never been adequate to supplement the federal funding large land-based tribes received from DOJ grants in the 1990s. Although inflation has certainly taken a toll on our generally flat annual funding from Congress, the federal government's newly created law enforcement standards are also partially to blame because they have been mandated to tribes without any additional funding to meet those standards.

It is important to recognize that officer salaries are the lowest cost for OST-DPS. Most money goes to cars, gas, insurance, and other disposables subject to inflation. Last year, Chief Young presented this Subcommittee with our federally mandated equipment list and the prices we faced. For example, in FY2022, an annual salary for a certified law enforcement officer is just \$55,814.40, an annual salary with fringe benefits is just \$74,685.25, but mandatory equipment is \$97,401.82 per year per officer. I will leave a copy of these costs with your staff.

These costs are set by the OMB and Congressionally mandated competitive bid process, so there is nothing we can do about cost. It's the public market, and we either pay or go without. I certainly cannot send an officer 40 miles on a bicycle. To make matters worse, the BIA is mandated by contract to perform an equipment check at least once a year to ensure that we have everything on that list in good working order. If we don't, we are declared to be in breach of contract.

Consider what you paid for a new car ten years ago and what you would have to pay for that same car today. We turn over vehicles quickly because our police cars travel around 30,000 a month. While we appreciate your ongoing support of add-ons to the BIA's appropriations request for law enforcement, we really need a budget reset for the base funding that large land-based tribes receive.

BIA's annual reports submitted to Congress admit that they are funded at 15% of actual need. Not 50%, 15% of actual need. We request a budget correction to bring us up to par with our non-Indian law enforcement services. We will never get where we need to go, or even at par with other federal programs with regular add-ons, and we will never get where we need to be unless Congress orders the BIA to give newly appropriated funds to tribes and not in-house operations. We know a budget correction will not be done in the next year, but if Congress can implement a budget correction over the next two or three years, it would give my officers some hope.

In summary, we need your help now. We need School Resource Officers, drug and cadaver dogs, and more patrol officers. Finally, both Democratic and Republican Administrations have studied the lack of law enforcement in Indian Country to death; instead of another study or another needs assessment report, we need the budget reset that those prior studies have recommended! It's just that simple!

Thank you for your continued support of Indian law enforcement and especially of my Tribe.

Bio for John Pettigrew

John Pettigrew is the current acting Chief of Police for the Oglala Sioux Tribal (OST) Department of Public Safety (DPS). Prior to being the actin chief of police, he spent four years as the Captain of Investigations for OST-DPS. Mr. Pettigrew has spent over 20 years with OST-DPS as a law enforcement officer, is a graduate of Oglala Lakota College and is a graduate of the federal law enforcement 's Indian Police Academy. He is also a Certified Criminal Investigator through the Federal Law Enforcement Training Center, an Alert, Lockdown, Inform, Counter, Evacuate (ALICE) instructor, and Rapid Deployment, Awareness, Intervention, Decisiveness, EMS, Recovery (RAIDER) active shooter instructor, and tactical medical instructor.

Mr. SIMPSON. Thank you. We have got time for one more. Julius, let's have you testify, and then we are going to run over and vote real quick, and then we will be back.

TUESDAY, MAY 7, 2024.

**UTE INDIAN TRIBE OF THE UNTAH AND OURAY
RESERVATION**

WITNESS

**JULIUS T. MURRAY, III, CHAIRMAN, UTE INDIAN TRIBE OF THE
UINTAH AND OURAY RESERVATION**

Mr. MURRAY. I will read fast then. Chair Simpson, Ranking Member Pingree, and honorable members of the subcommittee, thank you for the opportunity to testify today. My name is Julius T. Murray, III, and I serve as the chairman of the Ute Tribal Business Committee. Our reservation in Northeastern Utah and is the second largest in the United States, covering roughly 4.5 million acres. We have about 2,700 members, and over half of our members live on the reservation.

Investment in Indian energy is needed. Continued neglect and misguided criticism of oil and gas and development in the Uintah Basin presents a threat to the nationwide energy economy that supports countless jobs for the American families. More than 91 percent of our tribal government revenues come from energy development. These revenues fund our government and provide essential services to our members. Energy development on our land supports thousands of jobs and hundreds of millions of dollars in economic development.

The tribe cannot tap into the full potential of its mineral estate due to limited access to refineries capable of processing black wax and yellow wax crude. The remoteness of our reservation and limited means of transportation have forced the tribe to rely on refineries in Salt Lake City with limited capacity to process crude oil. In 2013, the final report for the Uintah Basin Energy and Transportation Study forecasted up to \$29 billion in lost production revenue over the course of 30 years due to transportation constraints in the Uintah Basin. This report was published over a decade ago, and yet no meaningful transportation improvements have been implemented.

The proposed Uintah Basin Railway Project would have expanded access to proven refineries in the Gulf Coast by connecting the Uintah Basin to the national rail network. Rail access would decrease trucks on the Nation's highways and grow the nationwide market for waxy crude, a low sulfur solid substance that presents fewer environmental hazards than other more common forms of crude oil. Energy development in Indian Country also continues to be slowed down by staffing shortages at the Bureau of Indian Affairs. A year ago, the BIA Division of Energy and Mineral Development had 46 contract employees. Now there are just over 20 contract employees. Many of these layoffs occurred on the same day, further demonstrating that this administration's effort to target the energy sector funding for qualified staff decreased from 26 million

to about 5 million. The subcommittee should invest more funding to support Indian development and provide enough BIA staffing.

Funding for BIA law enforcement and detention staff is needed as well. The subcommittee should also provide an increase for BIA law enforcement and detention staff funding. BIA and its Office of Justice Services lack the funding to fulfill the United States' treaty and trust responsibility to maintain safety in our tribal communities. Due to lack of funding, the tribe is required to fund half of BIA law enforcement officers and provide over 50 percent of on-reservation law enforcement services, including radios, patrol vehicles, and other necessary equipment. Funding for detention services also needs to be increased. Congress stopped the funding for law enforcement detentions and tribal court construction when the tribe was near the top of the construction priority list. The tribe was forced to use \$36 million of its own tribal funds to build a new tribal justice center.

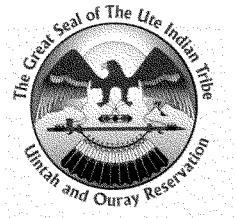
The tribe contributed another \$1 million to cover stored up costs, including necessary equipment and supplies. The Tribal Justice Center was completed in 2016 using BIA-approved plans, which complied with the applicable Federal size and use specifications. The tribe entered into a memorandum agreement, MOA, with BIA to authorize Federal occupancy of the building and detention areas in exchange for a Federal contribution to the operation and maintenance of these spaces. However, the Tribal Justice Center remains mostly empty due to lack of funds to provide enough staffing.

The BIA has been granted oversight through the MOA and implemented four phases with the goal of ultimately reaching full capacity. The facility remains at the first phase of implementation and requires a staff of 13 correction officers. However, BIA is only able to employ four. Tribal members are sent away from reservation to county jails, and BIA pays county detention facilities every 2 weeks, diverting funding to off-reservation facilities. Additionally, prisoners are often released from jail, are not picked up on warrants due to the lack of space, and additional costs of housing them off our reservation. This creates a public safety issue for our tribe. Base funding for law enforcement must be increased by 3 to 5 times the current levels to meet the tribe's needs.

Infrastructure. Uintah Indian Irrigation Project requires critical Federal funding for repair and rehabilitation due to decades of deferred maintenance, disrepair and deterioration. Recently a D.C. Circuit Court has confirmed that the United States has trust obligations to the tribe in the management and administration of the UIIP. It is of paramount importance that Congress allocates the necessary Federal funding to ensure that its solemn trust obligation to the tribe is met.

Conclusion. Congress must uphold its trust and treaty responsibility to the Uintah Indian Tribe and the other tribes. Chronic underfunding of programs supporting Indian tribes continue to plague our ability to develop our resources, promote our economics, and provide safe communities. Thank you.

[The statement of Mr. Murray follows:]



**Testimony of Chairman Julius T. Murray, III
Ute Indian Tribe of the Uintah and Ouray Reservation**

**U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
Fiscal Year 2025 Appropriations**

May 7, 2024

Chair Simpson, Ranking Member Pingree, and Honorable Members of the Subcommittee on Interior, Environment and Related Agencies, thank you for the opportunity to testify on Fiscal Year (FY) 2025 Appropriations. Our testimony focuses on funding needed for energy development, law enforcement, infrastructure, and access to broadband. The United States, including Congress, must fulfill its trust and treaty obligations to Indian tribes and address chronic underfunding of federal programs supporting tribes.

The Ute Indian Tribe of the Uintah and Ouray Reservation is in northeastern Utah and is the second largest in the United States covering roughly 4.5 million acres. The Tribe has approximately 2,700 members and over half of our members live on the Reservation.

INVESTMENT IN INDIAN ENERGY

Energy mineral development on our Uintah and Ouray Reservation and the Uintah Basin as a whole has been truncated by severe deficiencies in federal investment in this mineral rich region. Our testimony does not just touch on issues important to our Tribe. Rather, these are issues that impact the nation as a whole. Continued neglect and misguided vilification of oil and gas development in the Uintah Basin presents an existential threat to the sustainability of the nationwide energy economy that supports countless jobs for American families. We are calling on Congress to invest in energy development in the Uintah Basin for the economic and environmental betterment of the nation.

Our Tribe relies heavily on revenue from oil and gas development on its Reservation. In fact, more than 91 percent of our Tribal government revenues come from energy development. We use these revenues to fund our government and provide essential services to our members through 60 Tribal departments and more than 450 Tribal employees. Energy development on our lands supports thousands of jobs and hundreds of millions of dollars in economic development. Despite having developed strong and longstanding partnerships with our industry partners, the Tribe cannot tap into the full potential of its vast mineral estate due to limited access to refineries capable of processing black wax and yellow wax crude. The relative remoteness of the Uintah and Ouray Reservation, combined with limited means of transportation, have forced the Tribe to rely on refineries in Salt Lake City with limited capacity to process crude oil.

This is not a new issue. In 2013, a consortium of counties and agencies in Utah commissioned the Uintah Basin Energy and Transportation Study. The Final Report for this study forecasted up to \$29 billion in lost production revenue over the course of 30 years (beginning in

2012), directly attributable to transportation constraints in the Uintah Basin. This lost production value is not just lost profits for oil producers; it includes substantial opportunity costs encompassing lost tax revenues, private rents, royalties and jobs. This report was published over a decade ago, yet no meaningful transportation improvements have been implemented.

The proposed Uintah Basin Railway Project would have significantly expanded access to proven refineries in the Gulf Coast by connecting the Uintah Basin to the National Rail Network. Our Tribe was unwavering in its support for this project from its inception. However, rather than side with our Tribe, the original occupants of the State of Colorado, Colorado Senator Michael Bennet and Representative Joe Neguse sided with environmental advocacy groups who opposed the project for no other reason than to indiscriminately vilify oil and gas production in all its forms. This has unfortunately shown to be a death knell for this important project. Worse yet, the Biden Administration has done next to nothing to advocate for this project, standing idly by while members of Congress reinforce uninformed stances about the purported environmental harms that the rail project will inflict.

It is, to say the least, ironic that environmental advocacy groups and their supporters in Congress have entirely ignored the environmental benefits that this type of infrastructure could bring. Not only would access to rail decrease the trucks on the nation's highways, it would also grow the nationwide market for a waxy crude, a low-sulfur, solid substance that presents far fewer environmental hazards than other more prevalent forms of crude oil being produced and refined throughout the United States. By deferring to uninformed environmental advocacy groups, the Biden Administration and its supporters in Congress are undermining the Administration's own environmental policies.

The Biden Administration is more concerned with creating blanket penalties on all oil and gas production than promoting the expansion of the market for environmentally favorable waxy crude. This is aptly illustrated through the proposed Waste Emissions Charge for Petroleum and Natural Gas Systems. The Environmental Protection Agency states in the Proposed Rule that the rule "will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law," yet has failed to reconcile this statement with the significant negative impact on royalties payable to the Tribe through the production and sale of Tribal oil and natural gas. As currently proposed, this Proposed Rule will drive up costs of production through the imposition of a regulatory fee on emissions in excess of 25,000 metric tons of carbon dioxide equivalent, per year, pursuant to the requirements applicable to each category of emissions sources. This Proposed Rule should be seen for what it is: an attempt to penalize all oil and gas production regardless of its compliance with existing environmental regulations.

Energy development in Indian Country also continues to be hampered by staffing shortages at the Bureau of Indian Affairs. In the past decade, there have been two telling Government Accountability Office (GAO) Reports on the resource and capacity issues at the Bureau of Indian Affairs (BIA) hindering energy development in Indian Country. GAO Report 15-502 discussed, among other issues adversely impacting energy development, how some BIA offices lack the skills or adequate staff resources to effectively review energy-related documents. GAO Report 17-43 reemphasized this staffing issue, stating that "[w]ithout current workforce information on key

skills needed for energy development, tribal goals and priorities, and potential workforce resource gaps, BIA may not have the right people with the right skills doing the right jobs in the right place at the right time and cannot provide decision makers with information on its staffing needs going forward.”

Even though BIA resources and staffing issues relating to energy development in Indian Country have been repeatedly flagged by GAO, these issues remain on a severe downward trend. Since the latter of the aforementioned GAO reports was published, for example, over half of the contractor workforce at the Division of Energy Mineral Development has been laid off as a result of severe diminishment in the Division’s passback budget. Exacerbating this issue are the increasingly onerous procedures and requirements for hiring new staff, which renders it impossible to fill essential positions with qualified staff in a timely manner.

FUNDING FOR BIA LAW ENFORCEMENT AND DETENTION STAFF

The BIA and its Office of Justice Services (OJS) lack the funding to fulfill the United States’ treaty and trust responsibilities to maintain safety in our tribal communities. The Uintah and Ouray Reservation is the second largest Indian reservation in the United States, comprised of 4.5 million acres. On average, we have a total of three officers per shift to patrol this entire area. This is not sufficient to patrol and respond to calls for help on a Reservation larger than the State of Connecticut.

Providing law enforcement to our Reservation is a federal responsibility. Due to the lack of funding for BIA Law Enforcement, the Tribe has provided funding for additional Tribal officers to supplement the availability of the BIA. Currently, there are 15 law enforcement officers available to patrol the entire reservation and the Tribe is required to fund half of those officers to ensure public safety given BIA shortfalls. The Tribe also provides over 50% of on-reservation law enforcement services, including radios, patrol vehicles, and other necessary equipment.

Funding for detention services is also inadequate. Congress stopped the appropriations to the BIA and the Department of Justice for law enforcement, detention, and tribal court construction when the Ute Tribe was near the top of the construction priority list. Consequently, after the BIA Detention center was condemned and forced to close in 2006 due to unsafe conditions the Tribe was forced to expend \$36 million of its own Tribal funds to build a new Tribal Justice Center on our Reservation. The Tribe contributed another \$1 million of our own funds to cover the costs of start-up costs including necessary equipment and supplies.

The Tribal Justice Center was completed in 2016 using BIA Division of Facilities Management approved plans, which complied with all applicable federal size and use specifications. The Tribe entered into a Memorandum of Agreement (MOA) with the BIA to authorize federal occupancy of the building and detention areas of the building in exchange for a federal contribution to the operation and maintenance of those spaces. Even though the Tribal Justice Center holds a federal certificate of completion, federal certificate of occupancy, and a federal health and safety compliance certificate, it remains mostly empty due to the lack of funds to provide sufficient BIA Detention Officers to staff the building.

The Tribal Justice Center is a 100 bed facility, to which the BIA has been granted oversight through the MOA. The BIA has implemented four phases with the goal of ultimately reaching full capacity. The facility remains at the first phase of implementation permitting the detainment of only 10 inmates at a time and BIA does not even have the funding to operate at this phase. Phase one requires a staff of 13 Correction Officers, however the BIA is only able to employ a total of four Correction Officers due to a lack of funding.

Our Tribal members, instead of being housed in a detention facility on their reservation, are shipped off the reservation to county jails which the BIA pays to rent bed space. The BIA pays county detention facilities every two weeks to send 30 or more adults and 10 youth to county detention facilities when our Tribal Justice Center has the capacity to hold these individuals. Scarce funding that is needed to staff the Tribal Justice Center is being diverted to off reservation facilities. These Tribal members are detained outside of our jurisdiction, without access to Tribal services, and far away from their families and the Tribal Court. Additionally, prisoners are often released from jail or not picked up on warrants due to the lack of space and additional costs of housing them off our Reservation. This creates a public safety issue for our Tribe.

An additional challenge to the recruitment of Correction staff and Law Enforcement Officers is the lack of housing. BIA employees have to rely on government housing which is generally maintained by the BIA. However, the Consumer Pricing Index regulates the amount a tenant is charged by considering the surrounding areas average rent prices off the Reservation and applying that rate to the Reservation. Due to recent oil and gas production, the application of the Consumer Price Index results in extremely high rental rates compared to what is common in most rural areas. The cost of rent is too expensive. In 2020, the Tribe built four homes for BIA law enforcement officers in Myton, Randlett, Fort Duchesne, and White Rocks, but these homes have never been occupied due to the high rent that is required and the lack of funding.

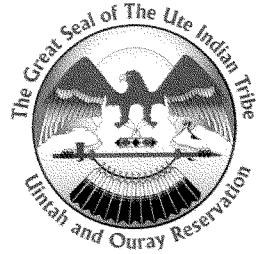
Congress chronically underfunds BIA law enforcement and detention services. The base funding must be increased by three to five times the current levels to meet the Tribe's needs. We respectfully request that this Subcommittee honor its treaty, trust, and law enforcement obligations to the Ute Indian Tribe and provide additional funding for the BIA that is needed to provide law enforcement officers and fully staff the Tribal Justice Center at the needed capacity.

INFRASTRUCTURE

The Uintah Indian Irrigation Project (UIIP) requires critical federal funding for repair and rehabilitation due to decades of deferred maintenance, disrepair, and deterioration. Recently, the D.C. Circuit Court has confirmed that the United States has a trust obligation to the Tribe in the management and administration of the UIIP. It is of paramount importance that Congress allocates the necessary federal funding to ensure that its solemn trust obligation to the Tribe is met.

CONCLUSION

Congress must uphold its trust and treaty responsibilities to the Ute Indian Tribe and other tribes. Chronic underfunding of programs supporting Indian tribes continues to plague our ability to develop our resources, promote our economies, and provide safe communities.



UTE INDIAN TRIBE

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**Biography for Ute Tribal Business Committee Chairman Julius T.
Murray, III, Ute Indian Tribe of the Uintah and Ouray Reservation**

May 7, 2024

Julius Murray is a member of the Ute Indian Tribe and serves as the Chairman of the Tribal Business Committee which is the Tribe's governing body. Chair Murray lives on the Tribe's Uintah and Ouray Reservation.

Mr. Murray has served on various boards for the Tribe. He has also served as Director of the Tribe's Public Works Department and as a manager of the Tribe's Bison Program. The Tribe maintains one of the largest genetically pure free ranging bison herds in Indian country.

Chair Murray has lived on the Reservation all of his life and is dedicated to providing new opportunities and support for his Tribal membership.

Mr. SIMPSON. Thank you. I apologize for this, but we are going to have to go to vote, and we will be back hopefully within 15–20 minutes. The next vote doesn't take that long, so we will be back as soon as we can, but I would like to talk to you about police protection and what needs to be done.

So the committee stands in recess for approximately 15, 20, 25 minutes. Thank you.

[Recess.]

Mr. SIMPSON. The committee will be back in order. Thank you for your patience. It took a little longer than we thought, but, Cindy, you are up next.

TUESDAY, MAY 7, 2024.

**CONFEDERATED TRIBES OF THE COLVILLE
RESERVATION**

WITNESS

**CINDY MARCHAND, SECRETARY, CONFEDERATED TRIBES OF THE
COLVILLE RESERVATION**

Ms. MARCHAND. Thank you, Mr. Chair. Good afternoon, Chairman Simpson, Ranking Member Pingree, and members of the subcommittee. My name is Cindy Marchand, and I serve as the secretary of the Colville Business Council, which is the governing body of the Confederated Tribes of the Colville Reservation. I thank you for this opportunity to provide testimony today on the subcommittee's fiscal year 2025 spending bill.

By way of background, although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is a confederation of 12 aboriginal tribes and bands from across Eastern Washington State, Northeastern Oregon, Idaho, and British Columbia. The present-day Colville reservation is in North Central Washington State and was established by Executive Order 1872. The Colville Reservation covers more than 1.4 million acres and, geographically, is larger than the State of Delaware, and it is the largest Indian Reservation in the Pacific Northwest.

The first issue I would like to discuss is the Indian Health Service. The Colville Tribes has endured many problems with IHS mismanagement of the PRC Program. Last week, the tribe testified at a legislative hearing before the Subcommittee on Indian and Insular Affairs on a bill that we developed that addresses the problem of tribal members being sent to collection agencies when IHS fails to pay health providers under the PRC Care Program.

The Colville Tribes would like the subcommittee to include report language that directs Government Accountability Office to investigate and report on IHS' management of the Purchased Referred Care Program at IHS managed facilities. Specifically, we would like GAO to address why IHS has allowed such a large amount of carryover PRC funds to accumulate in most IHS area offices. We estimate that of the \$34 million in PRC carryover funds in the IHS Portland area, as much as \$24 million of those dollars is attributable to unreconciled PRC purchase orders from the Colville Service Unit from the PRC Program. There are many problems with

IHS' administration of the PRC Program, and we request that the committee direct GAO to investigate the carryover issue in report language.

I would also like to discuss public safety. There is constant need for additional funding from tribal law enforcement and detention operations. Large land-based tribes almost always have too few many officers, and this results in long response times to calls. There are occasions when the Colville Tribes has only one single officer on duty for the entire 1.4 million acre reservation. Collectively, the police department has a 30 percent vacancy rate for both commissioned and noncommissioned officer positions. Nationwide, BIA law enforcement is funded at only a fraction of the actual need. Recruitment and retention remain acute issues even with the Colville Tribes supplementing the BIA funding allocation by more than 200 percent annually. The Colville Tribes requests that the committee provide a hundred-million-dollar increase for the criminal investigations and police services account to enable tribes in all BIA regions to hire more police officers and retain their existing police officers.

The last issue I would like to discuss is wildland fire funding. Since 2015, more than half of the 1.4 million acreage Colville Reservation was burned due to wildfire events, yet my tribe and other tribes must compete for resources within DOI for funding from other DOI land management agencies. On a per acre basis, Indian tribes receive a fraction of what is spent on U.S. Forest Service and other Federal lands for forest management and wildfire preparedness, yet make those dollars go farther than Federal agencies ever could. Funding for wildfire preparedness is particularly important as the treatments funded by this program helps keep small and moderate fires from becoming mega fires. Because of our history having to deal with major fires, we have been at the forefront of recommending policy changes to enable the Colville Tribes and similarly-situated tribes to protect their on reservation forests. The Colville Tribes ask that the subcommittee include report language that directs the Secretary of Interior to prioritize tribal requests for preparedness funding from the wildland fire management account.

Thank you for allowing me to testify today. This concludes my testimony, and I would be happy to take any questions. Thank you.

[The statement of Ms. Marchand follows:]



The Confederated Tribes of the Colville Reservation



Prepared Statement of the Honorable Cindy Marchand, Secretary
Confederated Tribes of the Colville Reservation

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Public Witness Hearing—Native Americans

May 7, 2024

Good afternoon, Chairman Simpson, Ranking Member Pingree, and members of the Subcommittee. On behalf of the Confederated Tribes of the Colville Reservation (the “Colville Tribes” or the “CCT”), I thank you for this opportunity to provide testimony today on the Subcommittee’s FY 2025 spending bill.

The CCT has three recommendations for the Subcommittee’s consideration:

- (1) **Indian Health Service (IHS)**: The CCT would like the Subcommittee to include report language directing the Government Accountability Office (GAO) to investigate and report on IHS’s management of the Purchased/Referred Care (PRC) program at IHS managed facilities, specifically on why IHS has allowed such a large amount of carryover PRC funds in most IHS Area Offices.
- (2) **Public Safety and Justice**: the Colville Tribes has a fraction of the number of officers it needs to patrol its 1.4-million-acre (2,200 square mile) reservation. The CCT urges the Committee to provide a significant increase to the applicable accounts for law enforcement officer salaries to enable tribes nationwide to hire more officers and retain the officers that they have.
- (3) **Prioritize Tribal Wildland Fire Funding Requests**: Approximately half of the 1.4-million-acre Colville Reservation has burned due to the wildfires during the past decade, yet tribes routinely must compete for resources within DOI for funding from other DOI land management agencies. Tribes, on a per acre basis, receive a fraction of what is spent on U.S. Forest Service and other federal lands for forest management and wildfire preparedness. The CCT urges the Committee to include language that would require DOI to prioritize funding requests from tribes for preparedness and other on-reservation fire prevention purposes.

BACKGROUND ON THE COLVILLE TRIBES

By way of background, although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is a confederation of twelve aboriginal tribes and bands from across eastern Washington state, northeastern Oregon, Idaho, and British Columbia. The present-day Colville Reservation is in north-central Washington state and was established by Executive Order in 1872. The Colville Reservation covers more than 1.4 million acres and its boundaries include portions of both Okanogan and Ferry counties. Geographically, the Colville Reservation is larger than the state of Delaware and is the largest Indian reservation in the Pacific Northwest.

I. DIRECT GAO TO INVESTIGATE IHS'S ADMINISTRATION OF THE PRC PROGRAM AT IHS MANAGED FACILITIES

The Colville Tribes is a “direct service” tribe, which means that IHS provides all health services, from delivery of care to billing, using federal IHS employees. For this reason, IHS has total control over the delivery of health care services on the Colville Reservation. The Colville Tribes in recent years have endured service delivery problems related to IHS’s management of the PRC program that have directly resulted in tribal member deaths.

For an approximately five-year period that ended in October 2022, the Portland Area IHS Office administered the PRC program for the Colville Service Unit in using Portland Area Office staff, not local IHS employees located on-reservation. Many problems ensued, including the following:

- Onerous documentation requirements not required by the IHS handbook or any other IHS authority were imposed on Colville tribal members to prove they were eligible for PRC. This meant that tribal elders, on an annual basis, had to produce utility bills, blood quantum and other proof of tribal enrollment, and other information not required by the IHS regulations or handbook in order to get referrals for specialty care. Those who were unable to produce this information either went without care or obtained care on their own and subsequently faced collection agencies when IHS refused to pay.
- During the five-year period when the Portland Area IHS office administered the CCT’s PRC program, thousands of unreconciled PRC purchase orders accumulated that have yet to be closed out. **The Colville Tribes estimates that of the \$33 million in PRC carryover funds in the IHS Portland Area, as much as \$24 million is attributable to open PRC purchase orders from the Colville Service Unit.**
- Private health providers have stopped participating in the PRC program and others have informed the CCT that they are considering abandoning it because the administrative difficulties in getting paid for services from IHS is no longer worth it for them.

IHS has been on GAO's high risk program list since 2017 and it would appear that many of the issues that prompted GAO to classify IHS as high risk continue on the Colville Reservation. We request that the Committee direct GAO to investigate IHS's administration of PRC program at IHS managed service units and obtain input from affected tribal governments in the preparation of the report.

II. INCREASE FUNDING FOR BIA LAW ENFORCEMENT

There is a constant need for additional funding for tribal law enforcement and detention operations. The CCT requests that the Committee provide a \$100 million increase for the Criminal Investigations and Police Services account to enable tribes in all BIA regions to hire more police officers and retain their existing police officers.

As the Committee is aware, large land-based tribes often lack a sufficient number of tribal police officers. This often results in police response times in excess of four hours. There are occasions when the Colville Tribes has only a single officer on duty for the entire 1.4-million-acre Colville Reservation.

Collectively, the Colville PD has a 30 percent vacancy rate for both commissioned and non-commissioned officer positions. Nationwide, BIA law enforcement is funded at only a fraction of the actual need. Recruitment and retention remain acute issues even with the Colville Tribes supplementing the BIA funding allocation by more than 200 percent annually.

III. INCLUDE REPORT LANGUAGE DIRECTING THE SECRETARY TO PRIORITIZE TRIBAL REQUESTS FOR WILDLAND FIRE PREPAREDNESS FUNDING

The Colville Tribes suggests that the Subcommittee include language in its FY 2025 spending bill that directs the Secretary of the Interior to prioritize tribal requests for preparedness funding from the Wildland Fire Management Account. During the past decade, more than half of the 1.4 million acre Colville Reservation has burned in wildfire events and the CCT has been at the forefront of recommending policy changes to enable the Colville Tribes and similarly situated tribes to protect their on-reservation forests.

Tribal forest managers are in the best position to assess the danger and risk to on-reservation tribal forests. Tribes rely on their forest resources for many uses and purposes, including economic development, and have a motivation to protect them from wildfires that distinguishes them from other federal land managers. If tribes are able to receive preparedness funds quickly and without having to navigate bureaucratic red tape, they can prevent fire events from becoming massive wildfires.

This concludes my testimony. At this time, I would be happy to answer any questions that the Committee may have.

Biography of Cindy Marchand**Secretary, Colville Business Council**

Cindy Marchand is a member of the Colville Confederated Tribes (Sinixt/Lakes Band). She is currently serving her first term on the Colville Business Council as Secretary of the Executive Committee. She also chairs the Fisheries Committee and serves as vice-chair of the Natural Resource Committee. She works extensively on environmental issues in the United States and Canada. Ms. Marchand serves as the Eastern Representative of the Environmental Protection Agency's Regional Tribal Operations Committee and Commissioner for the Upper Columbia United Tribes.

Before being elected to the Colville Business Council, Ms. Marchand worked for the Colville Tribes' Environmental Trust Department for 15 years working on complex tribal boundary water issues of the Okanogan and Columbia Rivers both on and off the reservation in the U.S. and in Canada. She worked on a wide range of environmental issues and on-going projects dealing with international waters and the reduction of cross boundary contaminants affecting tribal resources. She has also worked on issues related to the protection and management of tribal natural resources and human health associated risks.

Ms. Marchand holds a B.A. of Interdisciplinary Studies with minors in Business Administration, Economics, and Anthropology from Eastern Washington University. She is currently in her final term to receive a Masters of Business Administration from Western Governors University.

Mr. SIMPSON. Dusty.

TUESDAY, MAY 7, 2024.

**CONFEDERATED TRIBES OF THE CHEHALIS
RESERVATION**

WITNESS

DUSTIN KLATUSH, CHAIRMAN, CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION

Mr. KLATUSH. Thank you, Chairman Simpson, Ranking Member Pingree, and members of the subcommittee for having me here today to provide testimony. My name is Dustin Klatush. I am the chairman of the Confederated Tribes of the Chehalis Reservation. The Chehalis Reservation was established by executive order in 1864 and is located between the confluence of the Chehalis River and the Black River. Geographically, the tribe is located approximately halfway between Seattle and Portland, just off Interstate 5. The Tribe's 500-acre reservation is largely checkerboarded and spans three different counties in Southwest Washington State. The tribe has approximately 996 tribal members, with 40 percent of them being under the age of 18.

I would like to highlight three different issues today. The first is law enforcement. The Chehalis Tribal Police Department carries out law enforcement and detention services under contract with the BIA under the Indian Self Determination and Education Assistance Act of 1975. The tribe's police Department has 13 commissioned officers who are certified under the State law to enforce State and local criminal laws in addition to Chehalis tribal criminal laws. Like most tribes, the BIA's portion of the tribe's law enforcement budget represents a fraction of the actual need.

The Chehalis Tribe needs additional resources to assist with recruitment and retention of experienced law enforcement officers. We have lost experienced law enforcement officers to neighboring jurisdictions offering more competitive pay and benefits. The tribe currently offers a competitive salary only because it supplements the funding it receives from the BIA with significant tribal funds. More BIA law enforcement funding is needed to allow tribes to be more competitive with neighboring jurisdictions. In fiscal year 2024, most BIA law enforcement programs received level funding compared to the fiscal year 2023 enacted levels. The fiscal year 2025 President's budget requested seeks \$45.5 million increase in criminal investigation police services, with \$33.5 million specifically allocated to increase the number of officers and investigators in Indian Country. The tribe is requesting that subcommittee fund the criminal investigation and police services account with at least the fiscal year 2025 requested levels.

The second issue I would like to discuss is housing. Forty percent of the Chehalis tribal members are under the age of 18, demonstrating a need for new housing for tribal members that will only become more acute over time. Our Tribal Housing Authority receives formula funds from HUD under the Indian Housing Block Grant, but these funds do not cover housing-related needs. The

BIA's Housing Improvement Program provides funds to tribal members with substandard or no housing and no immediate housing assistance. HIP funds can be used for home repair, renovation, replacement, and new housing. Like most tribes' unmet housing needs, the Chehalis Tribe needs more resources from the HIP Program to improve and extend the life of its existing housing stock. The president's fiscal year 2025 budget request seeks \$18 million for fiscal year 2025. The tribe requests that the committee fund the HIP Program at the requested levels or higher levels.

Finally, I want to highlight a report language request in my written statement. In the BIA's Northwest Regional Office, there is an acute shortage of contracting officers to process various types of transactions, including process payments for contract support costs. The tribe is awaiting payment for its CSCs for fiscal years 2021, 2022, 2023, and 2024, which collectively amount nearly \$4 million. Timely payments of CSCs assist in keeping our contracted programs, such as law enforcement, housing and other programs, and services operating smoothly. Based on discussions with BIA, the reason for the delay is a shortage of contracting officers in the BIA.

We understand that this problem is not limited to the Northwest Region, but is nationwide. Given the backlog in payments that the Chehalis Tribe and other tribes are experiencing, the Department should deploy contracting officers from other agencies within the Department to assist the BIA in clearing the backlog of the CSCs and other payments that tribes are waiting for. My written statement provides language for the subcommittee to consider that would give the Department this direction.

I want to thank the subcommittee for allowing me to provide testimony and look forward to answering any questions. Thank you.

[The statement of Mr. Klatush follows:]

**Prepared Statement of the Honorable Dustin Klatush, Chairman
Confederated Tribes of the Chehalis Reservation
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies**

May 7, 2024

Thank you, Chair Simpson, Ranking Member Pingree, and members of the Subcommittee for having me here today to provide testimony. My name is Dustin Klatush, and I am the Chairman of the Confederated Tribes of the Chehalis Reservation (the “Tribe”). In my testimony, I will address the need for increased funding for the Bureau of Indian Affairs’ (BIA) law enforcement and Housing Improvement Program (HIP), as well as ensuring that the BIA has the necessary staff and processes to make timely payments of contract support costs (CSC).

The Chehalis Reservation was established by Executive Order in 1864 and the Original Reservation is located between the confluence of the Chehalis River and the Black River. Geographically, the Tribe is located approximately halfway between Seattle and Portland, just off Interstate 5. The Tribe’s 5,500-acre current reservation is largely checkerboarded, and spans two different counties in southwestern Washington state. The Tribe has approximately 996 tribal members, with thirty-three percent of them being under the age of eighteen.

Law Enforcement

The Chehalis Tribal Police Department (PD) carries out law enforcement and detention services under a contract with the BIA under the *Indian Self-Determination and Education Assistance Act of 1975*. Our BIA law enforcement contract allows us to have greater control and flexibility in the use of funds, program designs, services, functions, and activities, as needed, to address our local public safety and justice needs.

The Tribe’s PD has thirteen commissioned officers who are certified under state law to enforce state and local criminal laws, in addition to Chehalis tribal criminal laws. Currently, the Chehalis PD has two vacant positions. According to the BIA tribal service population model for the Scalable Law Enforcement Budget¹, the Tribe receives funding for a full-time basic program. Like most tribes, however, the BIA portion of the Tribe’s law enforcement represents a fraction of the actual need.

The Tribe is responsible for more than just its service population. The Tribe daily sees an influx of approximately 5,000 to 10,000 employees and visitors to the Tribe’s reservation. As mentioned earlier, the Tribe’s reservation spans 5,500 acres and is checkerboarded with parcels up to twenty miles apart. The distance traveled to cover the area and reach all parcels is much larger than just the Tribe’s land base of 5,500 acres. The increase in visitor traffic to the reservation and the actual distance traveled should justify an increase in BIA law enforcement funding, so that the Tribe can hire more officers.

¹ Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2020. Bureau of Indian Affairs, Office of Justice Services. March 2023; pages 4-5.

Most tribes also need additional resources to assist with the recruitment and retention of experienced law enforcement officers. The Tribe has lost experienced law enforcement officers to neighboring jurisdictions offering more competitive pay and benefits. This competition has been amplified by the shortage of officers in Washington and the recruiting efforts of neighboring jurisdictions. The Tribe currently offers a competitive salary only because it supplements the funding it receives from the BIA with significant tribal funds. More BIA law enforcement funding is needed to allow tribes to be more competitive with neighboring jurisdictions.

In FY 2024, most BIA law enforcement programs received level funding compared to the FY 2023 enacted levels. The FY 2025 President's Budget Request seeks a \$45.5 million increase in Criminal Investigations and Police Services, with \$33.5 million specifically allocated to increase the number of officers and investigators in Indian Country. The Tribe is requesting that the Subcommittee fund the Criminal Investigations and Police Services account with at least the FY 2025 requested levels.

Housing Improvement Program

Thirty-three percent of Chehalis tribal members are under the age of eighteen, demonstrating a need for new housing for tribal members that will only become more acute over time. The Chehalis Tribal Housing Authority (CTHA), the Tribe's tribally designated housing entity, estimates that fifty low-income houses are required to meet the current waiting list demand. The CTHA primarily relies on funding from the Department of Housing and Urban Development's Native American Housing Block (NAHBG) grant program.

The NAHBG grant program, however, does not cover all housing-related needs. The BIA's HIP program provides funds to tribal members with substandard or no housing and no immediate housing assistance. HIP funds can be used for home repair, renovation, replacement, and new housing. HIP funds are allocated to BIA area offices based on an inventory of housing needs, including the number of units in substandard condition and the number of units needing renovation or replacement.

When the Tribe receives HIP funds it provides them to the CTHA. Last year, the CTHA used HIP funds to provide plumbing upgrades in nine low-income homes. Like most tribes with unmet housing needs, it could use more resources from the HIP program to improve and extend the life of its existing housing stock. In FY 2024, the HIP program received \$11.9 million, which is a \$280,000 decrease in funding from the FY 2023 enacted levels. The President's FY 2025 Budget Request seeks \$18 million for FY 2025. The Tribe requests that the Committee fund the HIP program at the requested levels or higher levels.

Contract Support Costs

In the BIA's Northwest Regional Office, there is an acute shortage of contracting officers to process various types of transactions, including processing payments for CSC. The Tribe is awaiting payment for its CSC for fiscal years 2021, 2022, 2023, and 2024, which collectively amount to \$3,851,611 million. Timely payments of CSCs assist in keeping our contracted programs, such as law enforcement, housing, and other programs and services, operating smoothly.

Based on discussions with the BIA, the reason for the delay is the shortage of contracting officers in the BIA. We understand that this problem is not limited to the Northwest Region but is nationwide. Given the backlog in payments that the Tribe (and likely other tribes) are experiencing, the Department should deploy contracting officers from other agencies within the Department to assist the BIA in clearing the backlog of late CSC and other payments that tribes are waiting for. We request that the Committee include the following language in the report that will accompany the FY 2025 bill:

The Committee is aware that a lack of contracting officers has resulted in a backlog of payments of contract support costs and other types of payments to tribes, in some cases going back multiple fiscal years. The Committee directs the Department to deploy contracting officers from other bureaus and agencies to the Bureau of Indian Affairs on a short-term basis to assist in resolving this backlog.

I want to thank the Subcommittee for allowing me to provide testimony and look forward to answering any questions.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee:	<u>Appropriations</u>	<input checked="" type="checkbox"/>
Subcommittee:	<u>Interior, Environment, and Related Agencies</u>	<input checked="" type="checkbox"/>
Hearing Date:	<u>05/07/2024</u>	
Hearing Title :	<u>American Indian and Alaska Native Public Witness Hearing</u> <div style="border: 1px solid black; height: 40px; margin-top: 10px;"></div>	

Witness Name: Dustin Klatush

Position/TITLE: Chairman

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Confederated Tribes of the Chehalis Reservation

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

<u>N/A</u>	<div style="border: 1px solid black; height: 40px; margin-top: 10px;"></div>
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Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

N/A

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

N/A

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

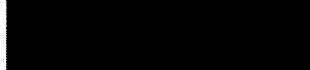
* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
 - (i) a curriculum vitae;
 - (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and
 - (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
- (C) The disclosure referred to in subdivision (B)(ii) shall include—
 - (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and
 - (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
- (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

Appropriations



06090204 — American Indian and Alaska Native Public Witness Hearing

False Statements Certification	
Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.	
 Witness signature	<u>4/29/20</u> Date

BIOGRAPHY OF DUSTIN KLATUSH

CHAIRMAN, CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION

Dustin Klatush is Chairman of the Confederated Tribes of the Chehalis Reservation and is completing his first term as Chairman. Chairman Klatush lived on the Chehalis Reservation most of his life and owns a construction business. For more than a decade, Chairman Klatush served on the Chehalis Tribal Gaming Commission, the tribal regulatory entity that oversees the Chehalis Tribe's gaming activities. In addition, Chairman Klatush has also served on the Chehalis Tribal Housing Board, the oversight entity for tribal housing programs on the Chehalis Reservation. During his tenure as Chairman he has remained in constant contact with federal, state, and local governments concerning the Tribe's needs and the path forward for a Tribe with 1,000 members, 33 percent of whom are under the age of 18.

Mr. SIMPSON. Thank you, and I will thank all of you for your patience.

We have talked a lot about tribal law enforcement. This is an excuse, not a good one, but the reality is we are going to get an allocation here, and we are going to have some things we are going to have to fund. We have concentrated over the last several years on trying to increase Indian Health Services, figuring that was the highest priority. Many of us, everybody on this committee, have wanted to increase Indian education accounts and Indian law enforcement accounts. When you look at the number of murdered and missing indigenous people in this country due to the lack of law enforcement funding, and the fact that you have so few officers per huge acres.

Somehow, we have got to get an allocation where we can both take care of Indian Health Services and we can do those other things that are necessary because for too long, we have said we got to do Indian Health Services. Health is the number one issue, we got to do that, and the others we tried to increase a little bit, but, frankly, we have got to do more. I wish I had the answer to address it, but it is a travesty what is happening with law enforcement and the need out on the reservations.

I was just talking to one of my chairmen of the Sho Bands, and Fort Hall, it is 12 miles to Pocatello and it is 12 miles to Blackfoot, and as soon as they train up an officer and he gets good, guess where he goes? Where they can offer him more money. So they are the training center for firemen and for police officers, and that is a huge problem. Somehow we have got to address that, and the only way to address it is by paying the wages to keep them where they are.

So anyway, I appreciate your testimony, and I told a panel earlier that I was rereading a book that I read when I was first chairman of this committee on Indians' and tribes' rights. I just finished the one chapter on law enforcement last week. I don't know how you guys do anything because you wonder whose law do you fall under. If you are an Indian and you commit a crime on trust land and an Indian law enforcement officer picks you up, it is different if you are a non-Indian or if you are on the reservation and it is non-trust land. It is a jumble. I don't know how officers get trained enough to know whether they have jurisdiction or whether it is the State or Federal Government that has jurisdiction. Somehow we need to make this simpler. Thank you. Chellie.

Ms. PINGREE. Thank you. I will just reinforce that again, and we have talked about it pretty much every panel, but when you talk about a reservation as big as the one that you are dealing with, you really are reminded these numbers just don't work. It is something like 15 percent of the actual funding that we get, and even if we can meet the requested budget this year, it will be \$651 million, and we have been told it is about \$3 billion in need. So we just have to do something about it. And you are right, we try to focus on Indian health, but we are just so far behind.

I just admire the people who are willing to be in law enforcement. As you have all mentioned, people are drastically underpaid, but just the danger that every law enforcement officer is in when they are so understaffed and trying to meet the needs that you

have all talked about, so I hope we can do something about that. Certainly on the forest fire issues, through the Forest Service, we are trying to put more money towards dealing with the problems there, but if not enough is reaching Indian Country, we have to figure out what to do about that. And those backlogs on the contract support numbers, I don't know how you run your budget every year being that far behind. So we will keep working on it. Thank you, Mr. Chair.

Mr. SIMPSON. Ms. McCollum.

Ms. MCCOLLUM. Chair, I would like to find out, I mean, Klatush, is it?

Mr. KLATUSH. Klatush.

Ms. MCCOLLUM. Klatush. Excuse me. You know, thinking that everybody else is in the same boat, but I will say from the VA, when it came to backlogs and that in the VA, we found that some visions were doing great and others were not doing great. And part of it was management, part of it was turnover, other things like that. I would be interested to know how the other contractors offices are doing. We need to do something, but I think we need to find out if there is one that knows how to do it right with whoever that they have, or maybe there is just so much turnover, and then we also have to get our bills done on time because that also delays everything.

While we are on law enforcement, sir, when you were giving your testimony, you can see the concern for your officers on your face, the gravity in which you take the situation. And the concern I have is for your officers, not only for their personal safety when they are out on patrol, but for when they come home from patrol. So we have tried to boost things up in healthcare. What is out there for mental health, either Zoom conversations or whatever, or are your officers so overworked with time spent on the job that they don't have time to take care of themselves and do the obligation that they feel for their family? How is their mental health?

Mr. PETTIGREW. Well, the fact is that most times those officers don't have time for themselves. With that few officers, they are on a 12-hour hour shift. They are working all night. Most times, that 12-hour shift, in all reality, is an 18-hour shift. They go home, go to bed, and come back to work the next day.

Ms. MCCOLLUM. Is there programming available for them if they had the time to take it? If we don't have the programming available, that is an issue we need to address along with pay, number of officers, and that, too.

Mr. PETTIGREW. There is a program through IHS, the mental health and whatnot, and the Employee Assistance Program that is available to them, but most officers do not take advantage of those things.

Ms. MCCOLLUM. Thank you.

Mr. SIMPSON. Mr. Kilmer.

Mr. KILMER. Thanks, Chairman, and thanks to my friends from Washington State for being here. Chairman, the issue you raised with regard to contract support costs, you know, one, I don't think we cover enough terrain with regard to the contract support costs that are provided; and two, the fact that you are seeing these delays is really unacceptable. Yeah, I think intuitively we have a

sense of what that means in terms of budgeting, but what has it meant in terms of the provision of services, your capacity to budget for your tribe?

Mr. KLATUSH. Pretty much it is just moving money around to take care of the housing stuff like that, housing and all the other things that the contract should be supporting, you know.

Mr. KILMER. Yeah.

Mr. KLATUSH. So it is just taking money away from different departments that shouldn't be going anywhere.

Mr. KILMER. Yeah. So thank you for being here. Thanks for sharing. Thanks, Chairman.

Mr. SIMPSON. Thank you all for putting up with our delay there for a little bit and look forward to working with you as we try to put this bill together and try to address the multiple issues that you bring up. Thank you.

Panel No. 10: Maulian Bryant, Darnell Maria, Thora Padilla.

Ms. Bryant, you are first.

TUESDAY, MAY 7, 2024.

PENOBCOT NATION

WITNESS

MAULIAN BRYANT, AMBASSADOR, PENOBCOT NATION

Ms. BRYANT. Good afternoon. I am Maulian Bryant, Penobscot Nation Tribal ambassador. Thank you, Chairman Simpson, Ranking Member Pingree, my fellow Mainer, and members of the subcommittee for allowing me to testify today. I am going to focus on funding for tribal courts and law enforcement, including game wardens, within the Interior budget and on funding for programs within the EPA.

The Penobscot Nation's lands historically covered much of what is now the State of Maine. Our land holdings became scattered after the enactment of a land claim settlement between us, Maine, and the Federal Government in 1980. Today we rely on the Federal Government to meet its trust responsibility by providing us with funds for certain programs that we then use to leverage for additional competitive grant funding. We understand that this bill has one of the smaller allocations each year, but this bill is the fundamental bill that fulfills the bulk of the Federal Government's trust responsibility to tribal nations. It funds direct services to native people and protects our food and water sources.

The 1980 Settlement Act I previously referenced requires the Interior to provide us with funds through the use of a self-governance compact, so our participation in self-governance is mandated by Congress. We cannot retrocede our programs back to the Interior Department if we feel that the shortfall in funding makes us incapable of properly operating a program, so this is different from other tribes in the country.

There are three components to our tribal justice system. We have our police department, our game wardens, who are located in our natural resources department, and lastly, our tribal court. They are all severely underfunded. This well-known shortfall in funding cre-

ates an incentive for criminals to commit crimes. It is also demoralizing for our employees and citizens. The biggest obstacle in our police department right now is our inability to compete with State and local police departments to recruit, hire, and retain officers. When we finally get qualified applicants and train them, they don't stay long often because they are quickly recruited to a better-paying job with lower hours and retirement benefits. These vacancies result in our existing officers having to work over 40 hours a week with no vacation time, which affects the wellness of our officers.

The same is true of our game wardens where we consistently have one-third of our positions vacant because we cannot recruit and retain qualified personnel. We are growing more concerned about these shortages given the increased activities of Chinese drug cartels developing a sprawling network of illicit cannabis growing operations in rural Maine. The chronic shortage in funding for law enforcement also impacts our tribal court system. Of the more than a hundred cases our tribal court handles each year, the vast majority of them involve some kind of substance abuse issue. Almost 80 percent of our child welfare cases involve parental opioid abuse.

We asked the committee increase funding for the tribal priority allocations to specifically address funding for tribal courts and tribal law enforcement compensation. We also ask that the committee increase funding for the Tewahi Program and direct BIA to expand the number of tribal nations who can participate because we have been waiting to participate for numerous years. Lastly, we ask that the committee increase funding for the Conservation Law Enforcement Officer Program, wildlife management and natural resources law enforcement programs to help fund additional game wardens.

We are a sustenance tribe, which means that our people continue to rely on hunting and fishing, and having access to these traditional foods cuts down on the cost of commercial groceries and also reduces our health disparities. Given the importance of our land, wildlife, forestry, and water to our daily living, our department of natural resources runs several programs focused on management and protection of these resources. We ask the committee to direct EPA to identify and create tribal set asides in all State and tribal assistance grants programs, including programs funded by the Infrastructure Investment and Jobs Act.

Within the State and tribal assistance grants portion of the EPA funding bill, the Penobscot Nation relies on Section 319, non-point source, and Section 106, pollution control. We also rely on funding from the Indian Environmental General Assistance Program, and we would ask that the committee increase funding for all three programs. We use EPA funds to protect our waters and lands. We conduct multiple water quality monitoring and assessments across our lands, and this helps us to report back to Congress with our data and update State water quality standards, as well as helping us study contaminants in wild foods used by our people, and allows us to develop health consumption advisories.

That concludes my remarks. I would love for you to read our full written remarks which flesh out a lot of these acts, and it is great to be back here with you all. Thank you.

[The statement of Ms. Bryant follows:]

Ambassador Maulian Bryant, Penobscot Nation

Appropriations Subcommittee on Interior, Environment & Related Agencies

May 7, 2024

Thank you, Chairman Simpson, Ranking Member Pingree and Members of the Subcommittee for allowing me to testify on the fiscal year 2025 appropriations for the Interior, Environment and Related Agencies. Although the Penobscot Nation and all of Indian Country continue to suffer from consistent funding shortfalls in the tribal programs within the Interior Department, Environmental Protection Agency and Indian Health Services, my testimony today will focus on funding for Tribal courts and law enforcement (including game wardens) within the Interior Department's budget, and on funding for specific programs within the Environmental Protection Agency that we utilize to protect our people, lands, wildlife, forest and water.

The Penobscot Nation has approximately 2,400 citizens and over 123,000 acres in land holdings. Although our lands historically covered much of what is now the State of Maine, our land holdings became scattered after enactment of a land claim settlement between us, Maine and the federal government in 1980. Our various territories can be a three-hour drive from each other. Additionally, our land base includes about 200 islands located within approximately 80 miles of the Penobscot River. Most of our land is undeveloped forest land and our seat of government and largest housing community are located on our largest island, called Indian Island. We have limited economic resources and rely on the federal government to meet its trust responsibility by providing us with federal funds for certain programs that we then use to leverage for additional competitive grant funding.

We understand that the Interior, Environment and Related Agencies Appropriations bill has one of the smaller dollar allocations each year, but we provide this testimony to remind Congress that this appropriations bill is the fundamental bill that fulfills the bulk of the federal government's trust responsibility to Tribal Nations. Additionally, while most of the programs funded by this bill are viewed as focusing on lands and resources, these programs are critical to Native people and our continued survival. So, the bill is more than trees and animals; it funds direct services to Native people and protects our food and water sources.

The 1980 settlement act previously referenced requires the Interior Department to provide the Penobscot Nation with any funds through the use of a self-governance compact pursuant to the Indian Self-Determination and Education Assistance Act. Thus, unlike other Tribal Nations, our participation in self-governance is not voluntary but was mandated by Congress. We cannot retrocede our Bureau of Indian Affairs programs back to the Interior Department if we feel that the shortfall in funding makes us incapable of properly operating a program. This is different from most Tribal Nations in the country. It also means that we rely on the funding for *Tribal Priority Allocations* within the *Operation of Indian Programs* portion of the Interior budget.

Funding for Law Enforcement and Tribal Courts within the Interior Department Budget.

There are three components to our Tribal justice system at the Penobscot Nation. We have our police department, which is the primary source of policing our lands where the bulk of our people live. We also have our game wardens, who are located in our Natural Resources

Department versus our Police Department, and primarily patrol our undeveloped lands that we primarily use for our hunting, fishing and gathering. However, our game wardens are often the first responders to any activities that occur on our undeveloped lands, which are located a distance from our government headquarters. Lastly, we have our Tribal court, which is responsible for prosecuting crimes and overseeing civil actions, but also for overseeing our Healing to Wellness Court, which focuses on helping people overcome their life obstacles and become productive parts of our community and their family.

All three components of our justice system are severely underfunded. And everyone knows it. Tribal and Federal governments know it, but so do the criminals, drug dealers and our citizens. The well-known shortfall in funding creates an incentive for criminals to commit crimes, but it is also demoralizing for our employees and citizens.

Our police department survives because our Chief of Police has worked for us for 24 years and has become adept at triaging funds and applying for and obtaining competitive grant funding to supplement our Interior Department funds. However, excluding our Chief of Police, our other police officers have been with the Tribe approximately 2.5 years. So, we worry about the loss of institutional knowledge that will occur when our Chief of Police retires soon.

Our biggest obstacle in our police department right now is our inability to compete with state and local police departments to recruit, hire and retain cops. Because of limited funding, we are only able to offer 25% of what the state and local cities offer as a base salary for their cops. And we cannot offer any hiring or retention bonuses. Additionally, our cops must work until 65 years of age before they can retire, while the state and local governments can offer retirement based on number of years on duty rather than age. We consistently have two positions open in our police department and we rarely get applicants for those positions. When we finally get a qualified applicant and train them, they don't stay long because they quickly get recruited to a better paying job with lower hours and retirement benefits. Vacancies result in our existing officers having to work over 40 hours a week with no vacation time, which affects the wellness of our officers.

The same is true of our Wildlife Resource Officers/Game Wardens where we consistently have one-third of our positions vacant because we cannot recruit and retain qualified personnel. Our last game warden left after 1.5 years to another job that offered a signing bonus and early retirement. We are growing more concerned about shortages in our game wardens given the increased activities of Chinese drug cartels developing a sprawling network of unlicensed, illicit cannabis growing operations in rural Maine. Last year, the U.S. Department of Homeland Security found that almost one-third of the properties actively used by these Chinese drug cartels in the U.S. are in rural Maine.

This chronic shortage in funding for law enforcement also impacts our Tribal Court system. Like other Tribal Nations, we continue to see a rise in the use of illicit opioids and fentanyl, and it impacts every aspect of our community. Our police department regularly responds to drug overdose situations, and our police officers are trained to provide NARCAN to individuals. Of the more than 100 cases our Tribal Court handles each year, the vast majority of them involve

some kind of opioid, fentanyl or substance abuse problem. Almost 80% of our child welfare cases involve parental opioid abuse, and almost half of the households that our Social Services program serves are perceived by staff to have one or both parents with a substance abuse problem. We operate an award-winning Healing to Wellness Court and a successful medically assisted Suboxone Treatment program. We make significant progress for those who participate in these programs, but we do not have the capacity to serve everyone due to a lack of funding.

Our full-time court operates on a part-time budget. In addition to performing their daily duties, our court personnel are constantly monitoring and applying for competitive grant funding to make up for the shortfall in funding we receive from the Interior Department. Our court is certified to handle criminal cases pursuant to the Violence Against Women Act, which allows us to apply for competitive grant funding at the Department of Justice. But our court system continues to have an annual budget shortfall of approximately \$650,000 of what we believe we need to adequately perform our functions.

We ask the Committee to increase funding for **Tribal Priority Allocations** to specifically address funding for **Tribal Courts** and **Tribal Law Enforcement Compensation**. We also ask that the Committee include “Tribal governments subject to restrictive settlement acts” in the **Tribal Justice Support** portion of its report that specifies Tribes affected by Public Law 83-280. Several Tribal Nations in the Eastern United States are subject to restrictive settlement acts that are like Public Law 83-280, and we want to make sure we are covered by this provision of the Committee’s report. We also ask that the Committee increase funding for the **Tiwahe Program** and direct BIA to expand the number of Tribal Nations who can participate in the program. The Penobscot Nation has been patiently waiting to participate in this program for numerous years and has been considered an incubator Tribe for the past couple of years. We are ready to be in the **Tiwahe Program**. Lastly, we ask that the Committee increase funding for the **Conservation Law Enforcement Officer Program, Wildlife Management and Natural Resources Law Enforcement Programs** to specifically help fund additional game wardens.

Environmental Protection Agency Programs. The Penobscot Nation is a sustenance Tribe, which means that our people continue to rely on hunting and fishing to obtain the food necessary for our daily sustenance. Many of our tribal citizens continue to hunt moose, deer, bear and fish on a regular basis and rely on access to traditional plants for medicinal and cultural purposes. Any extra meat and plants are donated to our elder pantry to assist in providing food for our elderly who may not be able to hunt, fish and gather at the same level during their younger years. Having access to these traditional foods cuts down on the costs of commercial groceries significantly, but it also reduces health disparities such as Type II Diabetes among our people. Given the importance of our land, wildlife, forestry and water to our daily living, the Penobscot Nation’s Department of Natural Resources runs several programs focused on management and protection of these resources.

There are numerous programs that we consistently apply for and receive funding from at the EPA, but my testimony today will focus on the three programs we primarily rely on for funding and ask that the Committee increase funding for them. Additionally, we ask that the Committee include language in its report for fiscal year 2025 appropriations **directing the EPA to follow**

the directives in Section 5 of Executive Order 14112, Reforming Federal Funding and Support for Tribal Nations To Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination. Section 5(a)(ii) of E.O. 14112 directs agency heads to “identify funding programs that may allow for Tribal set-asides or other similar resource or benefits prioritization measures and, where appropriate, establish Tribal set-asides or prioritization measures that meet the needs of Tribal Nations.” We ask the Committee to **direct EPA to identify and create tribal set-asides** in all State and Tribal Assistance Grant programs, including programs funded by the Infrastructure Investment and Jobs Act.

Within the *State and Tribal Assistance Grants* portion of the EPA funding bill, the Penobscot Nation relies on **Section 319 Nonpoint Source** (base funding and competitive grants) and **Section 106 Pollution Control** categorical grants. We also rely on funding from the **Indian Environmental General Assistance Program**. Utilizing the EPA’s Performance Partnership Grants, we can combine the funding we receive from each of these programs into one 3-year grant that allows us to comingle the funds and streamline the application process and administration of these funds. This cuts down on the bureaucracy of us having to manage 3 separate grants and it also provides us with more flexibility in how we can use the funds to meet our needs. We ask the Committee to **increase funding for all three programs**.

We use the funds from these three EPA programs to protect our waters and lands. We conduct small-scale projects aimed at preventing erosion and soil/sediments/nutrients from entering water streams located on our lands. This includes projects such as installing culverts and ditching, small bridges, flow devices to prevent beavers from damming culverts and washing out roads, flexible stormwater diverters, and planting riparian vegetation. We also use the funds to monitor activities taking place off our lands but close enough that they can impact our lands and waters. This includes monitoring local municipal highway crews and educating them on how to properly size and install culverts and ditches and teaching them other practices to protect nonpoint source pollution from entering the Penobscot watershed. We also use the funding to conduct water quality monitoring, which includes purchasing equipment and supplies for field and laboratory work and analysis. We share this data with the state and EPA, which is included in reports to Congress, and is also used to update state water quality standards. The funding also supports our ability to regularly monitor, review and provide comments on local permits pertaining to discharges, hydropower relicensing, mining, powerlines, wind power, and road developments. The funding also helps us study contaminants in wild foods used by our people and allows us to develop health consumption advisories.

When we receive competitive Section 319 funding, we focus that funding on larger projects such as riverbank stabilization, lake shoreline stabilization, bridge/stream crossings, replacing eroding boat landings, and rebuilding failing roads on our lands. Since much of our land is undeveloped, traversing it requires all terrain vehicles, so it is important that we install bridges to keep the ATVs out of streams, ponds and rivers and install water bars, culverts and ditching. Some of our work has been featured in materials published by the EPA:
<https://www.epa.gov/system/files/documents/2022-02/r1-cwa-319-tribal-celebrations.pdf>.

Thank you for the opportunity to testify before the Committee.

Ambassador Maulian Bryant Penobscot Nation

Maulian (Dana) Bryant (she/her/hers) serves as the Tribal Ambassador for the Penobscot Nation and President of the Board of Directors for the Wabanaki Alliance. She represents the Penobscot Nation to local, state, and federal governments and helps shape and advocate for policy. She also does educational outreach and relationship building with many different organizations and individuals throughout her ancestral homeland now called Maine.

She has a BA in Political Science from the University of Maine Orono and an Honorary Doctorate in Law from Colby College. She is a co-chair of the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations as well as the Maine Climate Council Subcommittee on Equity. She sits on many boards of organizations with missions she is passionate about and collaborates with the Upstander Academy.

She loves reading, writing, and walking her Alaskan Husky Olive. She spends her free time with her loving husband Lloyd and their three daughters Carmella, Layla, and Iris. Maulian believes in leading with love and advancing equity by finding shared humanity.

Mr. SIMPSON. Thank you. Thora.

TUESDAY, MAY 7, 2024.

MESCALERO APACHE TRIBE

WITNESS

THORA PADILLA, PRESIDENT, MESCALERO APACHE TRIBE

Ms. PADILLA. My name is Thora Padilla, and I am honored to serve as president of the Mescalero Apache Tribe. Thank you for this opportunity to testify about urgent funding needs to combat violence in Indian Country and bring parity to tribal forestry funding.

For the Mescalero people, forestry is our way of life. Our forest is part of our traditions and provides food, shelter, and employment and protects our vital watershed. For more than a century, we worked with the BIA to make our forestry program one of the best in the Southwest. In 2022, the tribe contracted BIA forestry activities so that we could set the priorities for our forest.

Since the 1990s, the tribe has conducted essential hazardous fuel reduction projects, developed strategic ridgeline field breaks, and implemented wildland urban interface treatments across the reservation. The tribe has treated more than 60,000 acres. These projects were coordinated with commercial harvest operations, recognizing that understory thinning alone won't reduce destructive crown fires. Our work has proven effective to protecting lives and property throughout Indian Country while maintaining the healthiest forests in the Nation. Despite the importance of this mission, budget cuts slashed our forestry staffing levels by 43 percent since 2016 and limited treatments in our forest. The current funding system is now at a breaking point.

My first request is that you bring tribal forest funding into parity with Forest Service funding. I urge you to follow the IFMAT IV recommendations to increase tribal forestry funding by \$96 million and increase wildland fire funding by \$42 million. While our forest management practices attempt to armor our reservation, fire knows no boundaries. The Mescalero reservation is sandwiched between the northern and southern sections of the Lincoln National Forest. The 2012 Little Bear fire that started on the Lincoln showed the impact of unhealthy Federal forests. Due to a slow response and poor management, the fire caused millions in damage to the tribes area. As a result, my second request is for report language to extend Tribal Forest Protection Act authority throughout Forest Service lands where tribes have proven connections. Tribes must be empowered to do more complementary work throughout Federal lands to better protect our homelands. The Federal agencies have refused to conduct real wildland urban interface work, and, as a result, our nation will never address the wildfire crisis. Too often, the agencies shy away from treating these areas because of the environmental complexities. We have seen this over and over with the Lincoln.

I now want to turn to the critical public safety needs facing Indian Country. Mescalero views the Federal Government's treaty ob-

ligation to provide for public safety as non-negotiable. For that reason, our community relies on the BIA's Mescalero agency to provide direct law enforcement services. I regret to report that the Agency is failing our people. Violence is escalating, and many are losing faith in the justice system. While I have a long list of failures at the Mescalero agency, we acknowledge that many of our concerns stem from a lack of funding. This outdated system is broken and lacks any measures to hold Federal officials accountable. We urge Congress to take action to fix this system and, more importantly, to fund it. For years you have heard about the staggering rates of domestic and sexual violence, the crisis of missing and murdered, and so much more. These horrific statistics are the result of the broken justice system and a lack of funding.

The BIA's most recent report to Congress confirms the funding disparity. Current funding meets only 13 percent of need. It would take an additional 11,500 police officers to adequately serve Indian Country. To address these shortfalls, we urge you to support the TIBC request to increase BIA public safety and justice funding to \$2.9 billion. To improve accountability to direct service tribes, we urge you to include report language to require the BIA to share crime data and staffing information with the tribe that that agency serves. We shouldn't have to FOIA vital information about our community.

Finally, we urge you to coordinate with the CJS Subcommittee to address these shortfalls. DOJ has an equal obligation to protect Indian Country. CJS should establish a 10-percent set aside for DOJ programs and increase agents serving on the FBI's Indian Country Crime Unit. Thank you for this opportunity to come before you.

[The statement of Ms. Padilla follows:]

**Testimony of Thora Padilla, President, Mescalero Apache Tribe
Before the House Interior Appropriations Subcommittee**

Good afternoon Chairman Simpson, Ranking Member Pingree, and Members of the Subcommittee. My name is Thora Padilla, and I am honored to serve as the President of the Mescalero Apache Tribe (“Tribe”). Thank you for this opportunity to testify about critical funding needs for BIA law enforcement, and BIA Forestry and Wildland Fire Management funding.

Background: the Mescalero Apache Tribe. The Mescalero, Lipan and Chiricahua Apache, make up the Mescalero Apache Tribe. Long before the first European settlers came to this land, our ancestors roamed the Southwest, from Texas to Arizona and from as far south as Mexico to the Colorado peaks. We were protected by our four sacred mountains: White Mountain/Sierra Blanca, Guadalupe Mountains, Tres Hermanas/Three Sisters Mountains, and Oscura Peak. We traveled the rough Apacheria mountains and deserts but always returned to our sacred White Mountain.

As Europeans began to encroach on our lands, the Apaches entered into a treaty with the United States on July 1, 1852, which promised the Tribe a permanent homeland. The Mescalero Apache Reservation, located in the White and Sacramento Mountains of rural south-central New Mexico, was established through a succession of Executive Orders in the 1870's and 1880's. The Reservation spans approximately 720 square miles (460,405 acres). Our Reservation is home to 5,500 tribal citizens and approximately 200 non-Indian residents.

The original Reservation boundaries includes lands that are currently held in federal ownership, such as Lincoln National Forest (“LNF”) and nearby Bureau of Land Management (“BLM”) lands. These federal lands were carved out of our ancestral homelands. However, the Mescalero Apache people have maintained strong cultural ties to these lands. To this day, we continue to gather plants important to our traditions and conduct ceremonies on these federal lands.

OVERVIEW: BIA Public Safety and Justice Programs

The Mescalero Apache Tribe views the federal government’s most fundamental treaty and trust obligation to provide for public safety on Indian lands as non-negotiable. For that reason, we have not contracted with the Bureau of Indian Affairs – Office of Justice Services (“BIA” or BIA-OJS”) for policing services. Our community relies on the BIA’s Mescalero Agency (the “Agency”) to provide direct law enforcement services on our Reservation.

I regret to report that the Agency has failed to meet this obligation for much of the past decade. Because of delays in responding to calls for service, and failure to follow up on investigations, an increasing number of victims are reluctant to report crimes. As a result, violence is escalating on our Reservation, and many are losing faith in the justice system.

While I have a long list of management failures at the Mescalero Agency OJS, we acknowledge that many of our concerns stem from a lack of funding.

The United States created the criminal justice system that exists in Indian Country. The system is the result of a series of federal laws and court decisions that date back to the Major Crimes Act of 1885 and includes the misguided Supreme Court decisions in *Oliphant v. Suquamish Indian Tribe* (1978) decision and the recent decision in *Oklahoma v. Castro-Huerta* (2022). The system handcuffs Tribal law enforcement agencies, forces Tribes to rely on federal and in some cases state law enforcement to investigate and prosecute Reservation-based crimes and lacks any accountability on the part of those officials to provide public safety and justice on Indian lands. The United States created this system, and Congress must take action to fix it and fund it.

Year after year, this Subcommittee has heard about the staggering rates of violent crime and victimization in Indian Country, the crisis of missing and murdered Native women, physical and sexual violence, and so much more. These horrific statistics are the result of the broken system of justice described above and the failure to adequately fund BIA and tribal police forces.

Tribal leaders have repeatedly testified before this Subcommittee about the significant shortfalls in Tribal Public Safety and Justice (“PSJ”) funding. The BIA recently submitted its annual report to Congress on “Costs for Public Safety and Justice Programs in Indian Country, 2021” that the agency is required to share pursuant to the Tribal Law and Order Act of 2010. The February 2024 Report confirmed what everyone in Indian Country has known for many decades: there is a huge disparity between federal funding and the unmet public safety and justice needs of Indian Country. PSJ is funded at less than 13% of total need. It would take an additional 25,655 personnel to adequately serve Indian country, including 11,635 police officers. These funding shortfalls are the root of the public safety and justice crisis facing Indian Country.

REQUESTS: BIA Public Safety and Justice Funding and Report Language

We support the TBIC request to increase overall BIA Public Safety and Justice funding to \$2.9 billion in FY’25. This request aligns with the BIA’s TLOA Report and would help address the drastic shortfalls in funding for police, courts, and corrections.

We urge the Subcommittee to include report language directing the Biden Administration to revisit the BIA’s High Priority Performance Goal (HPPG) Initiative. From 2010-2012, BIA-OJS increased staffing levels on four Indian reservations, including Mescalero. The Initiative enhanced coordination between BIA, FBI and DEA agents and brought in federal law enforcement from land management agencies to serve Indian Country. Violent crime rates across the four reservations fell 35 percent over 2 years—by 68 percent at Mescalero alone. In each case, crime rates initially went up, as local citizens, responding to a more visible and active law enforcement presence, gained the confidence to report more crimes, and then crime rates declined nearly across the board. The findings of the HPPG Initiative are real, the results validated, and the lesson is clear: Parity in funding for tribal law enforcement services reduces violent crime rates.

To improve accountability from direct service BIA-OJS Agencies, we urge the Subcommittee to include report language that requires direct service OJS Agencies to share vital crime data and agency budget and staffing information with the governing body of the Tribe that the Agency serves. When the BIA performs direct law enforcement services to an Indian Reservation, BIA-OJS should share all basic public safety information and data relating to that Reservation to the governing Tribal Council. This information should include police and admin. staffing levels; vacancies and related details; BIA actions to detail police officers away from the Reservation, length of details and other rationale; total monthly calls for service and responses to calls for service; crime rates and types of crimes reported and investigated; and any other information relating to public safety activities on the Reservation. This data will help inform Tribal Government leaders in working with OJS to address public safety concerns.

Finally, we urge the Subcommittee to coordinate with the Commerce, Justice, Science Subcommittee to enhance coordination between DOJ and Interior to combat violence in Indian Country. We realize that the Interior Department’s budget is limited. Enhancing DOJ personnel and funding to combat violence in Indian Country is a viable alternative to help meet the federal government’s legal obligation. CJS should establish a 10% OJP tribal set-aside to enhance resources for COPS, tribal courts, detention facilities, juvenile delinquency prevention,

and provide substance abuse prevention. In addition, CJS should increase the number of FBI agents dedicated to addressing Indian Country violent crime. Despite the increase in violence on Indian lands, the FBI's Indian Country crime unit has decreased in personnel over the past two decades.

OVERVIEW: Tribal Forestry and Wildland Fire Prevention Programs

The Mescalero Apache Tribe has managed our forests in a manner that promotes the growth of food and medicinal plants, protects places of religious importance as well as our wildlife and watershed. Our forests have sustained our people, our economy, and our resources for millennia.

For more than a century, Mescalero shared our forest management practices with BIA's Mescalero Agency Branch of Forestry when it was established in 1910. For much of this time, a small staff of three professional foresters and 2 forestry technicians completed planning, environmental compliance, and administration for nearly 17 million board feet of timber sales annually. The crew also conducted fire management and fuels management projects throughout our Forest. In 2022, due to significant budget cuts, the Tribal Council passed a Resolution to contract for the BIA Forestry and Natural Resources activities, which allowed the Tribe to set priorities and objectives for managing our forest.

With the advent of the National Fire Plan in the late 1990's, the BIA Branch of Forestry worked with the Tribe to develop strategic ridgeline fuel breaks and implement wildland urban interface treatments around residential and recreational areas across the Reservation. Through this program, the Tribe treated 63,968 acres through hazardous fuels reduction projects. These projects were coordinated with harvest operations, recognizing that understory thinning alone would not reduce the potential for destructive crown fires.

While our forest management practices attempt to armor our Reservation, fire knows no boundaries. The Mescalero Reservation is sandwiched between the northern and southern sections of the LNF. To protect our Tribal Forest from damage caused by the mismanagement of adjacent federal forests, Mescalero helped develop and advocate for enactment of the Tribal Forest Protection Act of 2004 ("TFPA"). In 2006, Mescalero worked with LNF to develop the 16 Springs Stewardship contract, which completed approximately \$6,000,000 of fuels treatments in the LNF along the Tribe's southern boundary. For more than two decades now, the Tribe and LNF have worked to blend established management methods with traditional knowledge and science. The TFPA continues to be a useful tool to help the Tribe expand the implementation of our healthy forest management practices to nearby lands. However, the Act needs to be expanded and updated.

Prior to this relationship with LNF and the authorities extended by the TFPA, Tribal leadership had longstanding concerns about the very dense forest conditions in LNF. Due to unhealthy condition of the LNF, we saw the escalation of insect populations, including bark beetles and other defoliators on the Reservation, and large swaths of USFS forest lands die around us.

The need for federal-tribal collaboration and the implementation of positive Tribal Forest management practices into federal forests was highlighted by the Little Bear Fire. The fire started modestly on June 4, 2012, caused by lightning in the White Mountain wilderness in LNF. Over the first five days, LNF deployed few assets to contain what it thought was a non-threatening fire. Firefighters worked only day shifts, air tanker resources were not utilized, and helicopter water drops were minimal. On the fifth day, the fire jumped the fire line and high winds turned the fire into a devastating inferno. By that night, the fire had blazed through the Tribal ski area, Ski Apache Resort, and crossed onto Tribal lands. Within two weeks, the Little Bear Fire burned 35,339 acres

in LNF, 8,522 acres of private land, 112 acres of state land and 357 acres of the Reservation. The fire destroyed more than 255 buildings and homes and burned 44,500 acres of prime watershed. The overall estimated cost of the fire, including suppression and damages, exceeded \$100 million.

The Little Bear Fire's impacts provided a clear contrast between the healthier tribal forests and much less healthy LNF, demonstrating the need for continued funding of smart fuels management projects and increased funding for Tribal Forestry Management.

In 2008, the Tribe completed cost-effective hazardous fuels reduction project on a portion of the Reservation called Eagle Creek. As the Little Bear Fire moved across the landscape, the previously treated Eagle Creek project area was used as a defensible space to turn the Fire away from the densely forested terrain of the North Fork of the Rio Ruidoso and prevented complete devastation of the Village of Ruidoso and its source waters. The Little Bear Fire is proof positive that hazardous fuels reduction projects work.

The work of Tribal Forest managers nationwide has proven effective to protecting lives and property throughout Indian Country while maintaining the healthiest forests in the nation. This work is not sustainable without an adequate consistent funding stream.

Operating on a shoestring budget, the Mescalero Apache Tribe's Division of Resource Management and Protection has provided high quality forestry services on the Reservation. Despite the importance of this mission, federal budget cuts caused a 43% reduction in staffing levels to manage the Mescalero Apache Forest since 2016. Additional cuts, implemented over the past two decades, have further strained our ability to continue our forestry practices.

REQUESTS: BIA Forestry and Wildland Fire Management Funding and Report Language

The 2023 IFMAT IV Report found that BIA Forestry receives one-third of the funds that federal forest managers receive (\$3.89 per acre for Tribal forests vs. \$12.24 / acre for Federal forests).

We support the IFMAT IV recommendations to increase BIA Tribal Forestry funding by \$96 million over FY'24 enacted levels, increase fire preparedness by \$42 million, and establish a separate budget line for tribal forest roads to be funded at \$89 million/year. This funding would bring Indian forest funding closer to parity with federal forests.

Of the approximately 56 million acres of Indian trust land, more than 18 million acres are forest lands. The Forest Service shares approximately 4,000 miles of boundaries with Indian lands, and most of the Forest Service and BLM lands were carved out of Indian Reservations and ancestral Tribal homelands and include lands on which Tribal governments exercise legal treaty rights.

The Little Bear Fire is proof that mismanagement of nearby federal lands can easily destroy thousands of acres of adjacent Indian lands. The TFPA is working to improve Tribal government input in federal forestry decision-making, but it has fallen far short. Few federal land management agencies implement Tribal Forest management practices or incorporate Tribal forestry knowledge. TFPA Tribal work should extend beyond adjacent lands and be authorized throughout certain federal Forest Service and BLM lands with which Tribes have proven connections.

We urge the Subcommittee to include report language that will extend the TFPA authority throughout Forest Service and BLM lands to achieve landscape-scale management where the federal lands encompass land ceded to the United States by Treaty, are located within the boundaries of a current or former Reservation or are adjudicated to be tribal homeland.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Appropriations

Subcommittee: _____

Hearing Date: May 7, 2024

Hearing Title : _____

American Indian and Alaska Native Public Witness Days

Witness Name: Thora Padilla

Position/Title: President

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Mescalero Apache Tribe

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

N/A - appearing in a governmental capacity

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

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- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

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- (i) a curriculum vitae;
- (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and
- (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include—

- (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and
- (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

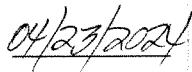
(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

Appropriations

May 7 —American Indian and Alaska Native Public Witness Days

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.


Witness signature
Date

Appropriations
May 7th—American Indian and Alaska Native Public Witness Days

Biographical Sketch

Thora Padilla, President
Mescalero Apache Tribe

A series of four horizontal black bars of varying lengths, used to redact contact information.

Thora Padilla was elected as President of the Mescalero Apache Tribe and sworn into office on January 12th, 2024. Prior to serving as President of the Tribe, Thora worked for the Mescalero Apache Tribe as Director for the Division of Resource Management and Protection. She helped to establish and develop this program, which started out as the Office of Environmental Protection in 1994. She also worked 8 years with the Bureau of Indian Affairs, Mescalero Agency as a Timber Sale Forester. Ms. Padilla has served on the New Mexico State Parks Advisory Board, the U.S. Forest Service Collaborative Forest Restoration Program Technical Advisory Panel, and the Natural Resource Conservation Service Western Regional Tribal Conservation Advisory Council. She graduated from New Mexico State University in 1985 with a Bachelor of Science in Agriculture, with a major in Horticulture, and minors in Botany and Fine Art.

Thora has 2 children, East Thunder and Aspen Leaf, as well as 2 granddaughters, Oceanna Rayn and Heaven Sunrise. In her spare time, she does grandma duty and makes traditional Apache teepees.

Mr. SIMPSON. Thank you. Darnell.

TUESDAY, MAY 7, 2024.

RAMAH NAVAJO CHAPTER

WITNESS

DARNELL MARIA, EXECUTIVE DIRECTOR, RAMAH NAVAJO CHAPTER

Mr. MARIA. Good afternoon. My name is Darnell Maria, and I have with me my detention administrator, Mignoly Uslo. Thank you for providing this opportunity, Chairman, and also the committee here. I am an alumni of NSU, just to let you know.

I have four priority issues with Ramah Navajo. Ramah Navajo is a sub political unit of the Navajo Nation. There are 110 chapters within the nation. However, Ramah Navajo is under the Southwest region out of Albuquerque. We are geographically isolated and semi-autonomous from the Navajo Nation.

We do have four priorities that we have. The number one is the inadequate funding of tribes of 638 programs as compared to BIA programs. Many of the Federal programs, as we all know, have been contracted by the tribes, the BIA, and Indian Health Services. Federal law requires that the programs be funded at the same level if the Secretary had operated these programs directly, and the funding is for facilities, operation and maintenance, replacement of buildings, equipment, and vehicles. However, continue to be woefully underfunded, and we need to have additional funding. For many years, since 2018, the chapter continued to receive program funds at the same level with only minor increases and even some decreases. When increases are funded by Congress, the tribes often do not receive these increases in the years the funds are proportionate to BIA. Perhaps forward funding would be ideal for all tribes. So that is what I have there. And then we request that Chapter 638 programs be increased by 30 percent across the board. This increase is necessary even to begin to provide services within our contracts that we have.

Number two is lack of funding and basic police operations and fair value officer salary, as we have heard throughout this afternoon. According to the CFR 12.34, police officers operating under the 638 contract should be paid the same wages as the BIA Office of Justice Services. However, BIA does not fund this mandate, even though the BIA has received \$23 million in annual funding since 2009. Despite an additional \$22 million in fiscal year 2019 alone, very little of the almost \$50 million in increases BIA has received since 2019 has come to Ramah Navajo, except for congressional inflation adjustments. We receive funds at less than 40 percent of the overall annual operation budget.

[Chart]

Mr. MARIA. There is clearly a disparity, as the chart will show, in terms of how much Ramah Navajo receives compared to the districts in the Southwest region. We have a pueblo of Zuni, which neighbors our Ramah Navajo community there, and it has dissimilar population, dissimilar land base and all of that, and yet Raymond Navajo doesn't receive as much funding as they do. We

are requesting for an additional \$400,000 per year of recurring annual funding for tribal law enforcement. I think the thing that we need to do is to have the funding go directly to tribally-operated program law enforcement because when funding is allocated, central office takes a chunk of it, and then the 12 regions take an additional, and then the tribe is left with what is available. So I would like for you to take that into consideration.

The new public safety facility. Ramah Navajo has been severely impacted socially and economically, resulting in lack of infrastructure. We have a 47-year-old facility that has been determined deficient and requires replacement. The Ramah Navajo Chapter has been planning a new public safety building for 30 years. The chapter has taken the initiative in 2010 to complete the land withdrawal of 15 acres, the roadway and utility easement survey, the boundary survey, the archaeological survey, the biological survey, environmental assessment. You name it, that has been all completed. We just need funding to plan and design the new public safety, and it is basically shovel ready. So we are requesting an amount of \$500,000 for the architectural and engineering design for the police department.

Unmet needs for road maintenance. The Road Maintenance Program operates road maintenance under the 638 contract. Our annual funding recurring budget is for staff, material, fuel, and maintenance. In 2023, we received \$323,891. However, we have received no funding for 2021. Our road maintenance general road maintenance functions require to maintain a safe and sustainable roadway without a capacity to increase. We barely have six staff members, and there is a need for additional staff. And one of the important matters regarding this is that our current inventory of equipment needs show that they are in constant repairs, are dilapidated and beyond its useful life. We are requesting an increase of \$700,000 to meet these identified needs.

Then the rest of it also entails information on Tribal Transportation Program and how we have to utilize those funds to cover the road maintenance. Thank you.

[The statement of Mr. Maria follows:]

Written Testimony of the Ramah Navajo Chapter-Ramah Band of the Navajos

**F.Y. 2025 FEDERAL BUDGET REQUEST SUPPORT AND CONCERNS FOR DEPARTMENT OF
INTERIOR (DOI)-BUREAU OF INDIAN AFFAIRS (BIA) SUBMITTED TO U.S. HOUSE
APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL AND RELATED AGENCIES**
May 07, 2024

HONORABLE CHAIRMAN AND COMMITTEE MEMBERS:

I, Darnell J. Maria, Executive Director for the Ramah Navajo Chapter, hereby submit this written testimony regarding the DOI-BIA FY 2025 Budget.

The Chapter thanks you for holding these hearings on an annual basis. We sincerely appreciate the **U.S. House Appropriations Subcommittee on Interior, Environmental and Related Agencies**. More work, however, remains to be done. We have identified four (4) priority issues for this year, and respectfully request your sincere consideration and advocacy with appropriate Agencies to address the following issues:

1) Inadequate Funding of Tribes' 638 Contract Programs as Compared to BIA Programs

Under P.L. 93-638, tribes directly operate many of the Federal programs that were formally operated by either BIA or Indian Health Services. Tribes decide which programs to operate, not the BIA. Federal law requires that these programs be funded at the same level they would have been funded had the Secretary operated these programs directly. This includes funding for facilities operations and maintenance and replacement of buildings, equipment, and vehicles. These programs, however, continue to be woefully underfunded. Yet, every year, the BIA puts tribes through an "exercise" to prioritize unmet needs and budget requests. Our priorities reach national recognition, but we rarely receive an increase in program funds.

For many years, and at least since 2018, the Chapter has continued to receive its program funds at the same level with only minor increases and even some decreases. When increases are funded by Congress, the tribes often do not receive those increases in the year the funds are apportioned to BIA. BIA withholds those increases and pays them out in subsequent years despite its duty to comply with the Prompt Payment Act. For example, Ramah received FY 2022 Congressionally appropriated increases in FY 2023 for Real Estate and Road Maintenance programs. As another example, although Congress increased appropriations to BIA in FY 2023, we have experienced a decrease in the funding we received from BIA. This funding is important to us as we have been operating at a 25% deficiency for years in operating costs for our contracted programs.

The table below shows over the past six (6) years what funds the Chapter has received:

Contracts	2018	2019	2020	2021	2022	2023
CTGP	786,031	785,378	788,386	800,951	800,951	841,284
Fac. O&M	37,125	82,562	61,136	66,322	38,402	20,291
Detention O&M	62,056	60,445	61,401	64,206	64,206	12,754
Law Enforcement	703,848	706,562	708,991	715,976	748,689	763,414
Detention	1,042,927	1,047,654	1,063,131	1,120,117	1,128,575	1,176,857

Roads	287,680	294,285	312,787	318,209	323,891	350,209.26
Total	2,933,996	2,985,390	3,041,979	3,110,725	3,157,189	3,155,385
Increase Amounts	\$51,394	\$56,589	\$68,746	\$46,464	-\$1,804	
% Increase	1.75%	1.89%	2.25%	1.49%	-0.05%	

We request that the Chapter's P.L. 93-638 funds be increased by 30% across the board. This increase is necessary to even to begin to meet the needs of the Chapter's existing contract programs.

2. Lack of Funding for Basic Police Operations and Fair Market Value Officer Salaries

Under 25 CFR §12.34, police officers operating under a 638 contract should be paid the same wages as a BIA OJS police officer. However, BIA does not fund this mandate even though the BIA OJS has received twenty-three (23) million more in annual funding since 2009. Despite an additional \$22.5 million dollar in FY 2019 alone, and very little of the almost \$50 million in increases BIA has received since 2019 has come to Ramah Navajo Police, except for congressional inflation adjustments. We receive funds at less than 40% of our overall annual operational needs.

Our Officers should be salaried at the same rate as Federal/Bureau Police Officers. The chart below reflects annual funding award from 2019 and 2022, specifically, the award disparity between our agency and local BIA OJS police districts and Zuni Tribal Police. The Zuni Tribal Police is our neighboring tribal police and has a similar population, similar UCR crime data, and the same landmass. As you see, Ramah Navajo funds are drastically inadequate, and the DOI/BIA OJS funding matrix is deficient in identifying adequate annual funding to provide full public safety and dispatch services.

Police Agency Name	Annual Funding Award 2022	% Of share	Annual Funding Award 2019	Increase Amount 2019-2022	% Of increase
Ramah Navajo Police	715,976	9%	703,848	12,128	1%
BIA OJS Police D4	1,809,207	22%	1,074,527	734,680	52%
BIA Northern Agency D-4	1,163,955	14%	1,408,005.00	224,050	16%
BIA Southern Agency D-4	2,113,033	26%	2,454,784.00	341,751	24%
Zuni Tribal Police	2,244,088	28%	2,132,016.00	112,072	8%
Totals	8,046,259	100%	7,773,180	1,424,681	100%

We are requesting an additional \$400,000.00 per year of reoccurring annual funding for our tribal law enforcement program. We also request an increase in funding to go directly to tribally operated program law enforcement programs to increase salaries to a level equivalent to that of BIA OJS law enforcement officers, as required by law. This increase is also necessary to enable the program to comply with applicable regulations, to have operation funds to purchase and repair police fleet vehicles, to provide needed training to police officers and to keep the program sufficiently staffed so that our hard-working officers DO NOT have to work by themselves and have proper support for office safety.

BIA OJS leadership reports that all extra money goes to identified priorities, or additional funding goes to districts with high crime. BIA OJS, however, fails to consult with tribal police agencies on what our needs are, and they fail to assess data provided to them that show violent crime against citizens and officers alike

are rising. Notwithstanding this rising violence, we have not received any additional funding to hire more officers or offer our officers better training in officer safety. Eighty-nine percent of our current annual funding award goes to salary and fringe; this leaves little to no funding for the department for an entire calendar year for training and equipment.

The BIA's Annual Funding Award Matrix is antiquated and fails to address the needs of tribes that have no other funds coming in to assist. Adequate funding is desperately needed to provide essential services currently, and the cost of delivering services is going up each year. The Chapter has lost many officers to other districts that offer better wages and a safe working environment, which creates an additional burden for the Chapter. The Chapter spends approximately \$75,000 to train and certify each new officer. We lose that every time an officer leaves because of poor pay, lack of updated equipment, and lack of back up due to unmet staffing needs. There has been, and currently still is, a "feeding frenzy" from larger agencies, specifically Albuquerque Police Department, Bernalillo County Sheriffs, and the New Mexico State Police. These agencies can offer generous compensation packages and benefits to personnel from similar agencies, like the Ramah Navajo Police Department, after those officers have been certified and trained.

3. New Public Safety Facility

The Ramah Navajo Public safety has been severely impacted socially and economically, resulting in a lack of infrastructure development in meeting the needs of the increased population of the community of over 3500 tribal members, including an increase in traffic. In 2009 the U.S. Dept. of Health & Human Services determined the current 47-year-old facility constructed in 1975 is deficient and requires replacement. The Ramah Navajo Chapter has been planning a new Public Safety Building for approximately 30 years. In anticipation of a new Public Safety complex, the Chapter in 2010 successfully completed the following: 1. Land Withdrawal of 15 acres; 2. Proposed Roadway and Utility Easement Survey; 3. Ramah Navajo Police Department Boundary Survey; Aerial Photography Flow on Digital Terrain Model (DTM) Mapped; 4. Archeological Survey; 5. Biological Survey; 6. Listed and Sensitive Species; and the Environmental Assessment. Funds are needed for the Planning and Design of the new Public Safety Facility to be shovel ready for construction.

We are requesting an amount of \$500,000.00 for the architectural and engineering design and construction of the Ramah Navajo Police Department. This facility would house the Police Officers, Dispatch staff, Criminal Investigator; Records Technician and the Office Manager for a total of 20 personnel and will allow Ramah to provide a safe and adequate building.

4. Unmet Needs for Roads Maintenance

Roads Maintenance: The Roads Maintenance Program operates a road maintenance Pub. Law 93-638 contract through the BIA. Our annual recurring budget for staff, materials, fuel, and maintenance for CY 2023 was \$323,891. We have received no funding for CY 2024. Our road maintenance agreement identifies general road maintenance functions required to maintain a safe and sustainable roadway without a capacity increase. The funding barely supports six staff members. Currently, we have three staff members in Roads Maintenance. We need an additional staff of one Road Maintenance Supervisor, one Heavy Equipment Operator and one Laborer. Current inventory of equipment needs show that they need constant repairs, are dilapidated, and beyond its useful life.

We are requesting an increase to \$700,000 to meet these identified needs.

Tribal Transportation Program (TTP): The Tribal Transportation funds are program-based and fiscally constrained for five years. The 2023 TTP allocations are \$1.9 million dollars. Our federal partners expect that we operate and function as a small Department of Transportation (DOT). Essential functions to work as a small DOT are Programming, Planning, Design, Construction, Construction Management, and Fleet Management Services. We utilize a significant portion of our TTP funds to address the lack of funding for essential maintenance needs identified above. This limits our ability to function in the Planning, Design, and Construction TTP program responsibility areas. Our general responsibility for this effort includes the following road network breakdown:

Surface Type or need	Miles	Reconstruction	Rejuvenation	New Surface (improved)	Unmet funding need
Paved	47.5	18		9	\$80,500.00
Base Course/Gravel	60.5		60.5		\$121,500.00
Earth	388			200	\$62,000.00
Trails	9			9	\$3,000.00
Equipment					\$935,000.00
Summary	505	18	60.5	218	\$1,202,000.00

We are lacking sufficient funding for salaries to support the staff positions required to operate as a DOT. Indeed, our salaries are underfunded by 35% as follows:

Position	Classification	Codes/grades	Underfunded (Based on BIA Equivalent)
Road Maintenance Supervisor/Roads Foreman	5716	11	27%
Heavy Equipment Operator	5716	10, 9, 8	22%
Lead Heavy Equipment Operator	5716	10, 9, 8	22%
Shop Mechanic		4	22%
Laborer/Highway Maintenance Worker	5716	4	22%

We are requesting an annual increase in our TTP Program allocation to equal \$6.5 million a year to work toward improvement of our community roads program as set forth in the LRTP.

In closing, the Chapter has been a successful and diligent steward in operating programs under P.L. 93-638 for many decades and has had unmodified audits from the outset. The historical appropriations by Congress for the Chapter have made a positive difference in the lives of our people when we receive them. The Chapter appreciates the continued support of Congress as it strives to make funding available for Indian Nations and their organizations to provide services to their people. We would be happy to provide you with further information on any of the foregoing projects. Thank you.

Darnell J. Maria
 Darnell J. Maria, Executive Director, Ramah Navajo Chapter-Ramah Band of the Navajo Tribe
 (505) 400-2509
djmaria@ramahnajavo.org

Truth in Testimony Disclosure Form

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Committee:	Appropriations	<input checked="" type="checkbox"/>
Subcommittee:	Interior, Environmental & Related Agencies	<input checked="" type="checkbox"/>
Hearing Date:	05/07/2024	
Hearing Title :	Fiscal Year 2025 Budget Request for Department of the Interior	

Witness Name:	Mr. Darnell J. Maria
Position/Title:	Executive Director - Ramah Navajo Chapter P.L. 93-638 Office of Grants & Contracts
Witness Type:	<input checked="" type="radio"/> Governmental <input type="radio"/> Non-governmental
Are you representing yourself or an organization? <input type="radio"/> Self <input type="radio"/> Organization	
If you are representing an organization, please list what entity or entities you are representing:	
<p>Representing the Ramah Navajo Chapter, Ramah Band of the Navajo Tribe - Office of Grants & Contracts, P.L. 93-638 contracts with the Department of the Interior, Bureau of Indian Affairs: 1. Consolidated Tribal Government Contract (CTGP); Community Planning & Development, Real Estate Services, Natural Resources/Agriculture/Forestry; Roads Maintenance, and Facilities Management. 2. Law Enforcement Services 3. Detention</p>	

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Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

CTGP CY 2022 \$800,951; CY 2023 \$841,284; CY 2024 \$ 841,284. (DOI/BIA)
Facilities O & M: CY 2022 \$90,877; CY 2023 \$10,867; CY 2024 \$6,928 (DOI/BIA)
Law Enforcement CY 2022 \$748,689; CY 2023 \$763,414; CY 2024 \$774,769. (DOI/BIA)
Detention: CY 2022 \$ 1,28,575; CY 2023 \$ 1,176,857; CY 2024 \$ 1,176,857 (DOI/BIA)
Detention O & M: CY 2022 \$64,206; CY 2023 \$12,754; CY 2024 \$ 20,842. (DOI-DOI)
Roads Maintenance: CY 2022 \$323,891; CY 2023 350,209; CY 2024 \$ 0 (DOI-BIA)

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**Bio of Darnell J. Maria
138 BIA 138, PO Box 05
Pinehill, New Mexico 87357**

Darnell J. Maria has over thirty years of experience working with the Ramah Navajo Chapter and the Ramah Navajo School Board, Inc., specializing in administrative and community leadership at the local government and the Board of Trustees level with a focus on Indian Self-Determination efforts. He was born on October 04, 1959, and is a lifelong resident of the Ramah Navajo Community, Ramah Band of the Navajo Tribe and inspired daily by his two grandsons who are 14 and 15 years old.

Mr. Maria also does research on the Ramah Band of the Navajo Tribe on the preservation of Navajo history, culture, tradition, and language, and has conducted case studies in multiple depositories across the country. His passion for historical research comes from his grandmother who lived to be 116 years old.

Education

Pine Hill School	Diploma/General Studies	June 1979
Fort Lewis College	BA/Public Administration	August 1989

Employment History

Ramah Navajo School Board, Inc. – Archives & Records	1980-1993
Ramah Navajo Chapter, Office of Grants & Contracts, Development Officer	2004-2009
Department of the Interior, Bureau of Indian Affairs, Indian Self-Determination Specialist	2009-2011
Ramah Navajo Chapter, Office of Grants & Contracts, Exec. Director	2012 – Current

Personal Interest

Public Service through the local government to the Ramah Navajo community
 Historical Research of Ramah Band of the Navajo Tribe
 Oral history of the Ramah Navajo community

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee:	<u>Appropriations</u>	<input checked="" type="checkbox"/>
Subcommittee:	<u>Interior, Environmental & Related Agencies</u>	<input type="checkbox"/>
Hearing Date:	<u>05/07/2024</u>	
Hearing Title :	<u>Fiscal Year 2025 Budget Request for Department of the Interior</u> <div style="border: 1px solid black; height: 40px; margin-top: 10px;"></div>	

Witness Name:	<u>Mr. Darnell J. Maria</u>	
Position/Title:	<u>Executive Director - Ramah Navajo Chapter P.L. 93-638 Office of Grants & Contracts</u>	
Witness Type:	<input checked="" type="radio"/> Governmental <input type="radio"/> Non-governmental	
Are you representing yourself or an organization?	<input type="radio"/> Self	<input type="radio"/> Organization
If you are representing an organization, please list what entity or entities you are representing:		
<u>Representing the Ramah Navajo Chapter, Ramah Band of the Navajo Tribe - Office of Grants & Contracts, P.L. 93-638 contracts with the Department of the Interior, Bureau of Indian Affairs: 1. Consolidated Tribal Government Contract (CTGP); Community Planning & Development, Real Estate Services, Natural Resources/Agriculture/Forestry; Roads Maintenance, and Facilities Management. 2. Law Enforcement Services 3. Detention</u> <div style="border: 1px solid black; height: 40px; margin-top: 10px;"></div>		

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY
 Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

CTGP CY 2022 \$800,951; CY 2023 \$841,284; CY 2024 \$ 841,284. (DOI/BIA)
Facilities O & M: CY 2022 \$90,877; CY 2023 \$10,867; CY 2024 \$6,928 (DOI/BIA)
Law Enforcement CY 2022 \$748,689; CY 2023 \$763,414; CY 2024 \$774,769. (DOI/BIA)
Detention: CY 2022 \$ 1,28,575; CY 2023 \$ 1,176,857; CY 2024 \$ 1,176,857 (DOI/BIA)
Detention O & M: CY 2022 \$64,206; CY 2023 \$12,754; CY 2024 \$ 20,642. (DOI-DOI)
Roads Maintenance: CY 2022 \$323,891; CY 2023 350,209; CY 2024 \$ 0 (DOI-BIA)

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

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Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(S)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
 (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

[REDACTED]
Witness signature

04/23/2024

Date

Mr. SIMPSON. Thank you. Ms. Pingree?

Ms. PINGREE. Thank you very much, Mr. Chair. Thank you, everybody, for your testimony, and, in particular, thank you, Ambassador Bryant, for being with us today. We are so happy to have two people from Maine with us today. And so much of what you brought up was things that we have been hearing about today, but the Maine tribes have particular challenges because of the land claim settlement, so it makes it even more important that we have the funding there. I was glad you brought up the hunting and fishing, the game wardens part. I mean, hunting and fishing is a huge part of the tradition in Maine and critically important that you are able to have the personnel that you need. And I was glad you brought up the fact that it is not only important to what people eat and the cost of food, but also to just overall health and well-being, and so we want to do everything we can to support that.

And also on the law enforcement and court side that we have heard so much about today, it is, Mr. Chair, a bizarre challenge that we have in Maine right now is these weird Chinese drug cartels who have been buying up small rural homes in communities all over rural Maine and doing big marijuana growing operations. It has attracted the FBI's attention and it is become a big law enforcement issue, and it like sort of like little mushrooms springing up everywhere. So they have a unique crime problem going on that you wouldn't have sort of pictured in the outreach of Northern Maine.

And thank you as well, certainly the forest issues you brought up are important. We have heard a little bit about that today, making sure that the tribes are funded on parity with the Forest Service, and I have no doubt that the management that is going on in the forest lands that you manage is very good, but you need the funding to be able to do it, and so many of the things that you brought up are things we are hearing throughout the day. So thank you all for your time with us today. We always learn so much. I yield back.

Mr. SIMPSON. Mr. Kilmer.

Mr. KILMER. Nothing to add. Thank you.

Mr. SIMPSON. Thank you all for being here today. We appreciate it very much. Interesting testimony and we will take it into consideration when we try to put this bill together. And it will be inadequate, I am certain of that, but we will certainly look at your priorities of what we can do.

Ms. PADILLA. Put one foot in front of the other. That is all we can do.

Mr. SIMPSON. That is right. That is all you can do. Thank you.

Ms. PADILLA. Thank you.

Mr. SIMPSON. Panel No. 11: Victoria, Greg Hitchcock, Jeremy Takala, and Ron Allen.

TUESDAY, MAY 7, 2024.

WINNEBAGO TRIBE

WITNESS

VICTORIA KITCHYAN, CHAIRWOMAN, WINNEBAGO TRIBE

Ms. KITCHYAN. Wonderful. Good afternoon. My name is Victoria Kitchyan. I have the honor of serving as the chairwoman for the Winnebago Tribe. Thank you for allowing us to share our priorities.

First, I encourage the committee to increase funding for BIA public safety and justice programs. The BIA and law enforcement staffing shortages and overall insufficient level of police services is a longstanding issue in Winnebago. In just the last year, we have had multiple instances where BIA police department in Winnebago was severely short staffed. Last September, in fact, our chief of police was detailed to another area for 120 days without notice to the tribal council or rationale from District 1. There was no communication, and an existing officer was appointed as the acting chief of police. That situation was on the heels of the tribe having to ask the acting chief of police to deputize our wildlife and parks officers to supplement the severely understaffed law enforcement.

BIA law enforcement has become heavily reliant on these tribal resources and tribal officers to be patrolling when others are detailed elsewhere. These are paid entirely from tribal resources. The tribal council is doing all we can to keep our community safe, but it is really hard to not think these criminals aren't feeling emboldened, and our reservation is left vulnerable. However, the Federal Government, we urge them in this committee to increase funding for criminal investigations and police services. The lack of adult and juvenile detention services is also an issue. The closest detention center is on the Omaha Reservation, 11 miles away, Thurston County, 20 miles away, but BIA law enforcement often has no contract with these facilities or there is no availability. As a result, BIA uses the Yankton Sioux Agency, which is 2 hours away, and you can imagine taking that one police officer off the patrol to transport.

Turning to juvenile services, BIA law enforcement recently informed the tribe that we had to have several juvenile detainees at our youth crisis intervention center, and that center wasn't meant to house or detain or provide housing for juveniles who require extended periods of detention. We are forced to resort to things like this because there are no facilities close. The closest one is 450 miles away in Standing Rock, which is a 7-hour drive where law enforcement would take a youth. The tribe needs BIA to do a better job of having these active contracts in place, and it just puts our community at risk, so we urge the subcommittee to increase funding for detention and correction programs.

Next, the tribe urges the subcommittee to increase funding for mental health programs within the Indian Health Service. Tribal members in Indian Country are struggling with serious mental

health issues, often facing additional and unnecessary burdens to receive lifesaving treatment outside the reservation. The tribe's hospital is not capable and equipped to handle these necessary treatments for those experiencing mental health crisis, so treatment is sought outside of the facility where these emergencies can be handled. The tribe recently worked on legislation in the State of Nebraska that provides for the recognition of tribal mental health commitment orders and for the transportation and commitment of persons civilly committed under tribal law. Now that the State acknowledges these orders, our Federal partners can no longer skirt their responsibility and bear the financial costs for healthcare of the tribal individuals.

In fact, the Eighth Circuit of Appeals clearly laid this out in *White v. Califano*. As a result of that case, the Great Plains area administers an involuntary civil commitment program to pay hospital charges for American Indians who require involuntary psychiatric hospitalization. Although the Califano case applies to the entire Eighth Circuit, the Winnebago Tribe and other tribes within Nebraska have had no access to this fund appropriated by Congress. The tribe urges the subcommittee to increase funding for mental health and clarify that all tribes in the Eighth Circuit are eligible for the Califano fund.

Next, the tribe urges the subcommittee to increase funding for tribal colleges and universities. We are very proud of Little Priest Tribal College and their capacity. They have doubled their student enrollment, they have doubled their programs, and they have a master plan to expand the campus. Our buildings are 20 to 70 years old, ranging from our library, our museum, student services, and it is just an old campus. You know, it was a former boarding school, to be honest. In addition, funding is needed to address our overcrowded classrooms and, just generally, a limited lack of space. There is an adjacent 10 acres that we would like to develop and really help grow our campus and provide opportunity for our students. Allowing for that growth, we urge the subcommittee to increase funding for tribal colleges and universities and tribal college facilities and improvement repair. The Winnebago Tribe appreciates the opportunity to share these points.

[The statement of Ms. Kitcheyan follows:]

**WRITTEN TESTIMONY OF
CHAIRWOMAN VICTORIA KITCHEYAN
WINNEBAGO TRIBE OF NEBRASKA
BEFORE THE
U.S. HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
AMERICAN INDIAN/ALASKA NATIVE PUBLIC WITNESS HEARING
MAY 7, 2024**

Summary of Budget Requests:

- **Bureau of Indian Affairs – Public Safety & Justice – Criminal Investigations and Police Services**
- **Bureau of Indian Affairs – Public Safety & Justice – Detention/Corrections**
- **Indian Health Service – Mental Health**
- **Bureau of Indian Education – Tribal Colleges & Universities**
- **Bureau of Indian Education – Tribal Colleges Facilities Improvement & Repair**

Good afternoon, Chair Simpson, Ranking Member Pingree, and Members of the Subcommittee on Interior, Environment, and Related Agencies (“Subcommittee”). My name is Victoria Kitcheyan and I have the honor of serving as Chairwoman of the Winnebago Tribe of Nebraska (“Tribe”). Thank you for the opportunity to provide testimony on the Tribe’s funding priorities, within the Subcommittee’s jurisdiction, for Fiscal Year 2025 (“FY25”). My testimony will focus on the need to increase funding for the following programs/accounts: Bureau of Indian Affairs (“BIA”), Public Safety and Justice (“PS&J”); Indian Health Service (“IHS”), Mental Health; and Bureau of Indian Education (“BIE”), Tribal Colleges and Universities (“TCUs”).

I. Increase Funding for BIA Public Safety & Justice – Criminal Investigations and Police Services

Everyone deserves to feel safe in their community, but that is not the case on our Reservation. To counter the steady decline in policing services, the Tribe has been forced to expend limited tribal resources to perform the BIA’s law enforcement functions. The Winnebago Tribal Council is doing all we can to avoid having a community where criminals feel emboldened and Reservation residents feel vulnerable. However, the federal government must fulfill its responsibilities to the Tribe.

The BIA law enforcement staffing shortages and the overall insufficient level of police services are longstanding issues on the Winnebago Reservation. In just the last year, there have been multiple times when the BIA Police Department in Winnebago was severely short-staffed for various reasons, such as positions being left unfilled for extended periods, officers detailed to other reservations, and officers on administrative or other leave. In September 2023, BIA District I detailed the current BIA Chief of Police to another jurisdiction for 120 days, leaving the Winnebago Reservation vulnerable. There was no notice to the Winnebago Tribal Council regarding this decision and there was no communication from District I about the rationale. This action resulted in one of the existing officers being appointed as the Acting Chief of Police, and

no action to backfill this position. This situation was on the heels of the Tribe having to request that the Acting BIA Chief of Police deputize the Tribe's conservation officers due to dangerously low law enforcement coverage on the Reservation. As a result of the BIA's failure to provide sufficient law enforcement staffing, the Winnebago Police Department has become overly reliant on tribal police officers and tribal conservation officers. These officers, as well as law enforcement support staff, are paid entirely from tribal resources.

The Tribe supports the Interior Department's request of \$651.2 million for Public Safety and Justice (PS&J) operations, which includes an increase of \$33.5 million for Criminal Investigations and Police Services.

II. Increase Funding for BIA Public Safety & Justice - Detention/Corrections

The lack of adult and juvenile detention facilities at Winnebago is further contributing to our serious public safety concerns. The closest adult detention facilities are located at the Omaha Tribe's Reservation, which is 11 miles away, and Thurston County, which is 20 miles away. However, the BIA often does not have an active contract with those facilities, or those facilities do not have availability. As a result, detainees are sent to the closest BIA facility with availability. The closest one is the BIA Corrections Yankton Sioux Agency in Wagner, SD, which is 122 miles away, and takes over 2 hours to travel one way.

Turning to juvenile detention, the BIA Chief of Police recently informed the Tribe that several juvenile detainees would have to be housed at the Tribe's Youth Crisis Intervention Center ("Center"). The Center is not equipped to provide housing for juveniles who require secure detention for extended periods. We are forced to resort to these measures because the closest BIA juvenile facility is 450 miles away in Standing Rock, North Dakota which is a 7-hour drive from Winnebago.

The Tribe needs the BIA to do a better job of ensuring that there are active contracts with detention facilities near the reservation. Therefore, we support the Interior Department's request for a \$20 million increase for Detention and Corrections programs.

III. Increase Funding for Indian Health Service - Mental Health

There is a mental health crisis across the nation, and it is no different in Indian Country. However, tribal members in Indian Country who are in crisis often face an additional burden in receiving necessary and life-saving treatment outside of the reservation. The Tribe's Twelve Clans Unity Hospital is not able to provide the necessary treatment for these mental health crises. Therefore, like many other rural hospitals and emergency departments, treatment is sought elsewhere at locations that are equipped to handle these emergency situations.

The Tribe recently worked to enact legislation in the State of Nebraska ("State") that provides for the recognition of tribal mental health commitment orders and for the transportation of and commitment of persons civilly committed under tribal law. This newly enacted Nebraska law will help facilitate critical, timely evaluation and care of behavioral health patients; eliminate inefficient jurisdictional bottlenecks when attempting to find placement and effectuate timely

transportation to treatment facilities; and provide for cooperation between tribal and non-tribal medical facilities and law enforcement agencies.

Now that the State acknowledges tribal commitment orders, our federal partners can no longer skirt their responsibility to provide and bear the financial cost for the healthcare of tribal individuals as the Eighth Circuit Court of Appeals (“Eighth Circuit”) has clearly laid out in *White v. Califano* (“*Califano*”). As a result of that case, the Great Plains Area administers an involuntary civil commitment program (“*Califano* Program”) to pay hospital charges for American Indians who require involuntary psychiatric hospitalization, usually for short stays of one week or less.

The IHS has stated that the *Califano* ruling is an exception to the IHS policy regarding payment of involuntary commitments and that upon a state’s request, it will pay for services provided by the state to involuntarily committed Indians who reside on reservations, over which the state has not assumed civil jurisdiction, but only in those midwestern states covered by the *Califano* decision. Although the *Califano* case applies to the entire 8th circuit, the Winnebago and other Tribes in Nebraska have never had access to the funding appropriated by Congress in response to this case.

The Tribe urges the Subcommittee to increase funding for Mental Health and clarify that all tribes in the Eighth Circuit are eligible for the *Califano* Program.

IV. Increase Funding for Bureau of Indian Education – Tribal Colleges & Universities

Little Priest Tribal College (“LPTC”) was established as an educational institution by the Winnebago Tribe to fulfill the goal of its namesake, Chief Little Priest, “Be Strong and Educate My Children.” Its major focus is to provide a two-year associate degree and certification and prepare students to transfer and successfully complete a major at a four-year institution. Another equally important part of the college’s mission is to provide Ho-Chunk language and culture classes as well as provide training opportunities for upgrading job skills and improving employment opportunities.

In the last 4 years the college’s enrollment has almost doubled. The current spring enrollment is 209, which is the highest enrollment ever in a spring semester. The college also has doubled the number of programs from 6 to 12 in the last 4 years. Also, last year, the college celebrated the highest graduating group. To allow for LPTC’s continued growth and positive impact on the community, the Tribe urges the Subcommittee to increase funding for Tribal Colleges and Universities.

V. Increase Funding for Bureau of Indian Education – Tribal Colleges Facilities Improvement & Repair

Many LPTC buildings are 20 to 70 years old and in need of improvements and/or repair. Funding for large, deferred maintenance projects is needed for the Library and Museum/Student Services Building, Food Service Building, and Administration Building, which was built in 1954. In addition, funding is needed to address overcrowded classrooms, limited housing, and lack of office space. Funding is also needed for LPTC to implement its Master Plan that would expand the

campus onto an adjacent 10-acre site. Five new buildings are planned at an estimated total cost of \$60 million. Planned buildings include Career & Technology Education Building, Cultural & Student Center, Dormitory, Wellness Center, and Day Care Center.

LPTC is thankful for recent Facilities Improvement & Repair funds that have enabled the College to respond quickly to routine repairs and maintenance. LPTC has also been able to use federal COVID funds to begin the construction of a new Science building that will provide modern lab facilities for the new Biology and Chemistry programs. The Tribe urges the Subcommittee to increase funding for Tribal Colleges Facilities Improvement & Repair.

The Winnebago Tribe appreciates the opportunity to share its Fiscal Year 2025 funding priorities with the Subcommittee.

**Bio of Chairwoman Victoria Kitcheyan
Winnebago Tribe of Nebraska**

First elected to the Winnebago Tribal Council in 2015, Victoria “Tori” Kitcheyan has been serving as the Chairwoman of the Winnebago Tribe of Nebraska since 2020. Kitcheyan is the former Chairwoman of the National Indian Health Board, the Secretary’s Tribal Advisory Committee (STAC) at the U.S. Department of Health and Human Services, and the Medicare, Medicaid and Health Reform Policy Committee (MMPC). She has testified numerous times before the U.S. House of Representatives and the U.S. Senate on issues including health care disparities in Indian Country, tribal land consolidation, advance appropriations for Indian programs, and tribal infrastructure needs. In addition, Kitcheyan has served on various agency tribal technical advisory committees for the Great Plains area. She holds a Bachelor of Science degree in Business Administration from Haskell University.

Mr. SIMPSON. Thank you. Greg.

TUESDAY, MAY 7, 2024.

COWLITZ INDIAN TRIBE

WITNESS

GREG HITCHCOCK, VICE CHAIRMAN, COWLITZ INDIAN TRIBE

Mr. HITCHCOCK. [Speaking native language.] Thank you, Chairman Simpson, Ranking Member Pingree, for the opportunity to address this subcommittee today and for this distinguished panel's attention to the unique appropriations needs of Indian Country. [Speaking native language.] Greg Hitchcock. My name is Greg Hitchcock, and I serve as the vice chairman of the Cowlitz Indian Tribe. My testimony today will address Federal funding that is crucial for the Cowlitz Indian Tribe's efforts to support tribal government and infrastructure, preserve our culture and natural resources, and promote economic development. This includes funding to, one, improve desperately needed public safety and physical law enforcement infrastructure; expand healthcare access and services; co-steward Federal lands and resources; and facilitate tribal economic development through innovative green energy projects.

The Cowlitz Public Safety Department is overburdened and acutely under resourced. In addition to the department's duties to its tribal members and lands, it extends law enforcement services into multiple neighboring non-native jurisdiction, including one local community that lacks its own police officers. Despite its expansive and essential functions, the Cowlitz Public Safety Department operates from the confines of two modular buildings that house 15 tribal officers and the tribal court. Space limitations don't allow for detention processing area, holding cells, or evidence and records storage, and limit the matters that the tribal court, legal department, and child welfare department can handle. Federal funding is needed to defray the cost of constructing a public safety facility that can address the needs of nearly 5000 tribal members, visitors, and neighboring communities.

According to a 2021 BIA analysis, the total estimated public safety and justice needs for Indian Country topped \$3.5 billion, but the Agency spent less than \$500 million that same year. The enormous delta between available funding and Indian Country's unmet needs is reflected in the lived experience of tribes as they respond to the opioid epidemic and other complex public safety challenges. Without a substantial increase in the funding for tribal law enforcement, the Cowlitz Public Safety Department will be unable to fulfill its highest obligation to protect the tribe, its members, and its sovereignty.

Like many other federally-recognized tribes, the Cowlitz membership is geographically dispersed, but the tribe is deeply committed to meeting the healthcare needs of its enrolled members, no matter their proximity to our healthcare clinics. The tribe successfully clarified with the Indian Health Service that it may use third party revenues to provide access to healthcare for enrolled members who reside outside the tribe's defined service area, and we are deeply

appreciative of IHS' flexibility and commitment to tribal self-determination. Cowlitz clinics serve thousands of patients annually, both native and non-native. Funding for IHS makes this lifesaving work possible. This includes continued funding for the Special Diabetes programs for Indians, which is critical to further reduce the prevalence of diabetes in Indian Country. We strongly support its long-term or permanent reauthorization.

The Cowlitz Indian Tribe strongly supports the U.S. Government's engagement of tribes in the stewardship of Federal lands. Co-stewardship agreements leverage tribes' unique historical and cultural knowledge to better inform the use, management, and conservation of the United States' most precious physical resources. Cowlitz recently submitted a co-stewardship request to the Fort Vancouver National Historic Site, located within the tribe's historical territory, which was long used as a place of inter-tribal commerce before European contact. The tribe looks forward to working with the National Park Service as well as other tribes that traveled and traded in the area to provide the public with a better understanding of indigenous populations and their historical and cultural contributions.

Tribes can access some funds appropriated for the Federal management and operation of national parks and other Federal lands, but Congress should strengthen these partnerships by making additional funds available specifically to support tribal co-stewardship agreements of Federal lands. While the benefits to tribes and Federal land managers are apparent, the general public benefits most through better management and conservation of Federal lands. Finally, I ask that you prioritize funding for the Department of Interior programs that facilitate tribal energy development. Through innovative and sustainable energy production methods, tribes can harness their sovereignty, lands, resources, and members to promote truly impactful green energy projects that will boost tribal economic activity while lessening our dependence on gaming while materially benefiting our environment.

[Speaking native language.] Thank you, Mr. Chairman and members of the subcommittee, for permitting me to address you today. I am happy to answer any questions.

[The statement of Mr. Hitchcock follows:]



THE COWLITZ INDIAN TRIBE
TESTIMONY OF THE HONORABLE GREG HITCHCOCK, VICE CHAIRMAN
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

May 7, 2024

Summary of Agency/Program and Funding Requests

1. *Funding for Tribal Public Safety*
2. *Funding for IHS and Tribal Healthcare*
3. *Funding for Co-Stewardship of Federal Lands*
4. *Funding for Green Energy and Other Economic Development Opportunities*

INTRODUCTION AND BACKGROUND

Thank you Chairman Simpson, Ranking Member Pingree, and distinguished Members of the Subcommittee for the opportunity to provide testimony on behalf of the Cowlitz Indian Tribe. The Cowlitz have lived in southwest Washington since time immemorial. After unsuccessful treaty negotiations in the 1850's, the federal government opened Cowlitz lands to non-Indian settlement without congressional authorization. Our lands were lost and our people were scattered. Despite repeated requests, the federal government failed to set aside land for the Tribe, and the Tribe ultimately was forced to go through the Department of the Interior's administrative recognition process. After twenty five years, in 2002 the federal government finally confirmed our federal recognition, and in 2015, established our Reservation in Clark County, Washington.

Today, the Cowlitz Indian Tribe has nearly 5,000 enrolled members. Since the restoration of our federal recognition and creation of our reservation, the Tribe has worked to establish and expand our governmental capacity to protect our sovereignty, engage in self-determination and economic development, preserve our cultural traditions, and provide for our members. Funding from the federal government has been key to these efforts. The Tribe greatly appreciates the Subcommittee's commitment to providing Indian Country with this critically-needed funding. The Tribe requests that the Subcommittee prioritize funding for public safety, healthcare, co-stewardship of federal lands, and green energy opportunities to support tribal economic development.

I. TRIBAL PUBLIC SAFETY

The Cowlitz Tribe's Public Safety Department is central to the Tribe's efforts to develop the necessary public safety infrastructure to support its members and the Tribe's continued economic

The Forever People

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growth. Cowlitz Tribal Police must patrol a large service area covering the Reservation, as well as tribal properties outside of the Reservation (stretching north to Toledo, about 50 miles away). The Tribal casino has approximately 36 events each year, with some events bringing in 800 to 12,000 patrons. The Cowlitz Public Safety Department struggles to adequately staff these events, which involves patrolling the Tribe's property and assisting with calls for service along the I-5 corridor from milepost 11 to milepost 21. Cowlitz has a mutual aid agreement with Clark County, and provides law enforcement services to the neighboring cities of Ridgefield, La Center, and Woodland. Cowlitz Tribal Police are often the first on the scene, particularly when responding to calls from the City of La Center, which does not have its own police force. The Tribe would like to hire more officers to meet the growing need for law enforcement presence on the Reservation and in neighboring communities, but there is no space to house additional personnel.

The Cowlitz Public Safety Department currently operates out of two 17x44 foot modular trailers, which house fifteen tribal officers and the Tribal Court. The trailers are not equipped to handle basic law enforcement responsibilities – Tribal Police do not have office space, a detention processing area, or holding cells. Public access is limited to a 5x5 foot entry area, and there is nowhere to securely store evidence and records, or to store supplies and equipment. The Tribal Court is has very limited space and personnel, which in turn limits the number and type of cases it can hear. The Tribe's Legal Department has similar limitations.

The Tribe has requested federal funding to help defray the cost of planning and design for a new Tribal Public Safety Building, and will seek additional federal funding for construction of the facility. But existing federal funding is wholly inadequate to meet the public safety and justice needs of Indian Country and support tribal law enforcement. According to a 2018 BIA analysis, the amount needed to fund the most basic law enforcement and detention services in Indian Country is \$1.54 billion.¹ That number continues to increase, and annual appropriations are nowhere near this estimated need. A substantial increase in funding for BIA and tribal law enforcement and facilities is desperately needed to begin to address the public safety and law enforcement needs facing Indian Country. Without that funding, the Cowlitz Public Safety Department will be unable to fulfill its basic mission: to protect the Tribe and its sovereignty while proactively integrating community policing and community outreach to reduce crime and solve problems, provide enhanced legal and justice services, and improve coordination of emergency response and collaboration with other public safety departments.

II. INDIAN HEALTH SERVICE (IHS) AND TRIBAL HEALTHCARE

Like many tribes, because of its historical circumstances, the Cowlitz membership base is dispersed and not anchored to a concentrated reservation population. Today, the Tribe has members not only in southwest Washington and northern Oregon, but in many other areas across the country. The Cowlitz Indian Tribe compacts with IHS under the Indian Self-Determination and Education Assistance Act (ISDEAA) to provide healthcare services to its members and others from its four clinics in Vancouver, Longview, DuPont, and Tukwila. The Tribe also wants to

¹ National Congress of American Indians (NCAI) FY 2022 Budget Request at 43, available at https://www.ncai.org/resources/ncai-publications/NCAI_IndianCountry_FY2022_BudgetRequest.pdf.

provide healthcare for all of its members across the country, regardless of their proximity to the Tribe's medical clinics. The Tribe was able to work with IHS to clarify that the Tribe may use third-party revenues to provide access to healthcare for members of the Tribe who reside outside of the Tribe's purchased/referred care delivery area. The Cowlitz Tribe greatly appreciates the willingness of IHS to accommodate the Tribe's desire to serve all its members and to respect the Tribe's sovereignty and self-determination.

The Cowlitz Tribe also wants to emphasize the importance of continued and increased funding for IHS. The Tribe provides basic healthcare services, mental health and state-of-the-art drug treatment services including medication-assisted treatment (MAT) and day treatment. Cowlitz clinics serve thousands of patients every year, both Native and non-Native. Substance abuse and addiction treatment provided by licensed, caring professionals is one of the Tribe's (and the larger community's) most important resources to mitigate the impacts of the current opioid epidemic, and treat the disproportionate number of Native Americans suffering from substance abuse and mental health problems. Funding for IHS and tribal healthcare must continue to keep pace. Funding for the Special Diabetes Program for Indians (SDPI) is also critical to support healthcare for Native Americans. Congress must fully fund and reauthorize SDPI on a long-term or permanent basis, and should allocate SDPI funding under tribal ISDEAA compacts and contracts with IHS, rather than through grants. This would ensure that tribes receive regular increases in funding and contract support cost reimbursement to continue this valuable work in Indian Country.

Providing reliable and efficient health care also is highly dependent on an efficient and modern health information system that will replace the IHS's forty-year old Resource and Patient Management System (RPMS). The Cowlitz Indian Tribe supports full funding for the transition to the new enterprise program that will better support both tribes and IHS.

III. INCREASED FUNDING TO SUPPORT CO-STEWARDSHIP OF FEDERAL LANDS

The Cowlitz Indian Tribe supports the active engagement of tribes in the stewardship and management of federal lands. Tribes have unique traditional and historical knowledge about these lands and natural resources that they can bring to bear, working together with federal land managers, to better manage, conserve, and use these federal resources. Since 2022, the Departments of the Interior, Agriculture and Commerce have been working together to enhance the role of tribal governments in the stewardship of federal lands. Joint Secretarial Order 3403 directs agencies of these Departments to collaborate with tribal governments and consider tribal expertise and Indigenous knowledge when making decisions about federal land management.² Through co-stewardship agreements, tribal governments can partner with the federal government to manage and steward federal lands and resources.

² See Joint Secretarial Order 3403, Amendment No. 1, Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters (Nov. 21, 2022) (directing agencies to “[m]ake agreements with Indian Tribes to collaborate in the co-stewardship of Federal lands and waters under the Departments' jurisdiction”).

The Cowlitz Tribe recently submitted a co-stewardship request to the Superintendent of the Fort Vancouver National Historical Site, which is within the Tribe's historical territory, about fifteen miles from the Cowlitz Reservation and just blocks from the Tribe's Foundation Office. The Fort is located at the confluence of the Columbia and Willamette Rivers, and the location was a place of inter-tribal trade long before the Fort was established. The Tribe looks forward to working with the Park Service as well as other tribes that traveled and traded in the area of the Fort to provide the public with a better understanding of the Indigenous populations and their historical and cultural contributions to the Site. For generations, the Cowlitz have lived and cared for the natural resources that are part of the Tribe's homelands – many of which are now owned by the federal government. Co-stewardship provides Cowlitz with the opportunity to incorporate Indigenous traditions and expertise into federal land management decisions.

While tribes are able to access funds appropriated for the federal management and operation of various National Parks, National Forests, and other federal lands, Congress should strengthen these partnerships between tribes and federal land managers by making additional funds available specifically to support tribal co-stewardship agreements for federal lands. These agreements benefit tribes, federal land managers and the federal lands and resources they manage, but more importantly, they benefit the general public that uses and enjoys these federal lands.

IV. INCREASED FUNDING FOR GREEN ENERGY OPPORTUNITIES TO SUPPORT TRIBAL ECONOMIC DEVELOPMENT

Efforts to reduce carbon emissions will require substantial investment in green energy production capacity, and tribes stand ready to help meet this goal. Through innovative and sustainable energy production methods, tribes can harness their sovereignty, lands, resources, and members to help bring green energy projects to completion across the country – wind, solar, hydrogen, and others. Green energy presents a mutually beneficial opportunity for tribes and the federal government to deliver clean energy while supporting tribal economic development and self-sufficiency.

While the Office of Indian Energy within the Department of Energy has provided support for many tribes seeking to develop green energy projects, the Department of the Interior also plays an important role in supporting tribal energy development – through approval of energy leases, and through its Indian Energy Service Center, which supports both renewable and conventional energy development on Indian lands. Providing funding for Interior programs that support tribal energy and mineral development is important to support and encourage tribal participation in renewable energy development and related economic development.

Greg Hitchcock

Skills & Abilities

Providing governance, business, and cultural support for Native Americans.

Leading highly skilled teams of engineers, scientists, and artists to perform high impact leading edge research and development.

Experience

Vice-Chair, Cowlitz Indian Tribe	May 2022–present
Longview, WA	

As the Cowlitz Indian Tribe General Council Vice-Chair, I am an elected officer of the Cowlitz Tribe and a member of the 22-person Cowlitz Tribal Council. As Vice-Chair, I support the Tribal Chairwoman and perform other duties as assigned by the Tribal Council in areas of tribal governance and tribal business.

Executive Council Member, Cowlitz Indian Tribe	November 2020–May 2022
Longview, WA	

As a Cowlitz Tribal Executive Council Member, I am an elected official of the Cowlitz Tribe. Being a part of both the 22-person Cowlitz Tribal Council and 9-person Executive Council, I represent our General Council conducting the business and governance of the Tribe.

Principle Software Engineering Manager, Microsoft Corp.	June 1986–present
Redmond, WA	

Lead Microsoft's Advanced Reading Technologies team, a part of the OfficeAI Team, where I am responsible for developing technologies around fonts, reading, and improving the experience for dyslexic readers. My work focuses on brain research and reading sciences, the arts, and engineering practices. Fonts that I have developed include *Times New Roman*, *Arial*, *Tahoma*, *Verdana*, *Georgia*, *Comic Sans MS*, *Calibri*, *Gabriola*, & *Sitka*, amongst many others. I am currently working on projects to add support for Native American languages to fonts. Some of my technological developments include *TrueType* and *OpenType* and I am the primary inventor of the Microsoft *ClearType* technology. I hold over 30 patents in software and font technology, and I am a co-winner of a 2022 Technology & Engineering Emmy Award for *Standardization of Font Technology for Custom Downloadable Fonts and Typography for Web and TV Devices*.

Education

University of Washington, Bachelor of Arts in Geography	September 1981–June 1986
Seattle, WA	

I majored in Geography with an emphasis on Computer Science, including computer cartography, operating systems and computer architecture.

Mr. SIMPSON. Thank you. Jeremy.

TUESDAY, MAY 7, 2024.

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION

WITNESS

JEREMY TAKALA, COUNCILMAN, CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION

Mr. TAKALA. Thank you, Chair Simpson, Ranking Member Pin-gree, and distinguished members. My name is Jeremy Takala. I am one of the 14 elected members of the Yakama Nation Tribal Council. I serve as the chair for the law and order, the fish and wildlife, and our legislative committee. I am also the vice chair for the Columbia River Inter-Tribal Fish Commission.

The Acclamation acts, pursuant to its inherent sovereign status in the 1855 treaty, reserved authority to protect its natural and cultural resources for the health, safety, and welfare of more than 11,000 enrolled members. It is an urgent time on the Yakama Reservation for the subcommittee to honor Federal duties and obligations under treaty, statute, and trust responsibility. Federal treaty promises of public safety within the Yakama Reservation are not being met. The department relies on one-third of the officers needed to protect and serve the communities across the 1.4-million-acre reservation. I also want to note the Yakama Nation also has trust land outside its reservations, so their expansion is very large when it comes to serving our tribal communities.

Federal funding for our 638 contracted law enforcement responsibilities has been flat over the past 2 decades. The resources have been going in the wrong direction to provide an adequate Federal response to the drug-related violence and the missing murdered indigenous people crisis of human trafficking. An unaddressed element of the public safety discussion is untreated substance abuse. The misuse of opioids have led to increased rates of addiction, mental health issues, and social instability within the reservation communities. In response, our staff are working with all available entities, including the local and State levels, to push for greater Federal engagement through Indian health Services to create an inpatient treatment center on our reservation.

Under another 638 contract, we have been working for years to support the Appraisal and Valuation Services Office to catch up on the backlog of appraisals of trust and allotted lands. There are currently around 500 individual probates pending in the tribal court, and those probates will likely require between 1,500 to 2,000 appraisals. Current funding levels only provide for a single appraiser for the Yakama Nation needs. We created a solution with the AVSO to batch mass appraisals for efficiency, but funding for training and staffing under this new approach is necessary for our members to be able to use their land for new economic purposes.

The Yakama Nation's treaty reserved right to fish is more than a right to put our nets in empty water, but a healthy and abundant harvest is critical to protecting and perpetuating our way of life.

Historically, the Federal hydroelectric systems devastated the 17-plus million salmon adults that would return annually. My ancestors negotiated to preserve our rights to that robust fishery in the Treaty of 1855. Today, the hydro system kills between 5 to 11 million salmon per year, and the 14 of the 16 salmon species in the Columbia River Fishery are threatened or endangered by extinction. We cannot fish for the few abundant stocks of fish due to harvest limitations that protect the endangered stocks.

For decades, the recovery funding has failed to keep pace with the required mitigation for salmon loss each year to the hydroelectric systems. This subsidy to the regional economy, paid on the backs of subsistence fish and families and the sacrifices of having enough fish in our homes, fund the hydro systems backlog of fish mitigation measures for habitat hatcheries and cold wind water flows in the Columbia River because our trading fishers have never seen harvest benefit of true mitigation, and for more than a generation, the annual salmon runs have been far below the number of salmon that get killed by the hydro system.

The Yakama Nation has a 650,000-acre forest that has been mismanaged by the BIA for more than a decade. Congressional inaction here threatens the loss of more than 200 jobs on our reservation. The BIA completes less than a handful of timber sales in any given year, and a dozen of vacant forestry positions remain unfilled. Meanwhile, the Yakama member-owned logging companies have gone out of business, and the Yakama Nation's own commercial mill can no longer sustain itself from the lack of reservation timber harvest. We have requested funding for alternative harvest equipment to preserve its own timber resources from being wasted through forest decay and wildfire. This specialized equipment will assist in harvesting steep slope logs and expand the area where Yakama Nation can implement its own forest management practices despite the extreme dysfunction at the BIA for years of gridlock in the Forestry Program.

Moving on to our water resources, the Wapato Irrigation Project has been underfunded to the point of system failure. The BIA has systematically decreased its support for water measurement and crop reporting. Water conservation on the Yakama Reservation is nearly impossible without significant capital investments. Our modernization and conservation plan needs funding for the next phase of work with BIA and other partners.

This Congress needs to prioritize capital investments for education. Our tribal school is nearly 70 years old. We ask that BIA Facility Condition Index be evaluated because it will take us nearly at least up to 2050 until our school meets number one on the list. So the BIA school replacement funding needs a significant increase to address the more than 80 tribal schools ranked in poor condition.

So I just want to thank Chair Simpson, Ranking Member Pingree, distinguished members of this committee here, and thank you for allowing me to make my testimony.

[The statement of Mr. Takala follows:]



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

YAKAMA NATION TESTIMONY
TO THE U.S. HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEE
FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

May 7, 2024

Provided by:

Councilman Jeremy Takala
Legislative Committee Chair
Yakama Nation Tribal Council

Addressing The Following Agencies and Programs:
Bureau of Indian Affairs; Bureau of Indian
Education; U.S. Dept. of Agriculture; Cncl. of
Environmental Quality; Indian Health Services

Chairman Simpson, Ranking Member Pingree and distinguished members of the House Appropriations Subcommittee on the Interior, Environment and Related Agencies, I submit this testimony on behalf of the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation"). The Yakama Nation is an inherently sovereign Native Nation with reserved rights and privileges pursuant the 1855 Treaty between the United States and the Yakamas ("Treaty").¹ A federal treaty is considered the supreme Law of the Land under the U.S. Constitution.² Pursuant to its status as a sovereign Native Nation and its Treaty-reserved authority, Yakama Nation protects all of the natural and cultural resources in Yakama Nation's Treaty-territory and provides for the health, safety, and welfare of the more than 11,000 enrolled Yakama Members. The United States has a duty to provide for the services set forth below.

I. Appraisal Backlog – ‘Cobell’ Part Two For Probate & Leasing (BIA).

The Yakama Nation Appraisals Program lacks sufficient resources to effectively manage an unwieldy appraisal workload. The Yakama Nation Appraisals Program is a federal trust function administered through federal contracts pursuant to Public Law 93-638, Indian Self-Determination and Education Assistance Act ("ISDEAA"). The federal Appraisal and Valuation Services Office ("AVSO"), like many ISDEAA contracts carried out by the Yakama Nation, is "638ed" for the tribal government to carry-out necessary federal functions. The 638 contracts typically establish an organizational framework and performance standards, and are *supposed* to provide the enough funding for the contracted tribal department to perform the contracted federal function. Today, funding levels only provide for a **single full-time appraiser** whose workload is driven by requests made through offices operating under the Bureau of Indian Affairs ("BIA").

Appraisals are critical to many federal functions, including probate, leasing, and trust transactions. In probate, without timely appraisals, heirs are left to wait for years until an appraisal is prepared and approved for use by the court. The Yakama Nation has engaged with AVSO in government-to-government consultation and initiated the process of developing the model for standardized mass appraisals. Mass appraisals will accelerate the completion and approval of appraisals, but only to the extent there is sufficient staffing; success depends on funding for additional appraiser training, and funding for additional appraisal staff.

¹ See Treaty with the Yakamas, U.S. – Yakama Nation, June 9, 1855, 12 Stat. 951.

² See U.S. Const. art. VI, cl. 2.

YAKAMA NATION TESTIMONY TO APPROP. SUBCOMMITTEE FOR INTERIOR, ENVIRONMENT, & RELATED AGENCIES
MAY 7, 2024

II. In-Patient Treatment Center (Indian Health Services).

On the Yakama Reservation, the opioid epidemic has had a profound impact, exacerbating existing social and health disparities among Yakama and non-Yakama tribal members. The misuse of opioids has led to increased rates of addiction, substance abuse disorders, mental health issues, and social instability within the community. Additionally, barriers to accessing culturally appropriate and comprehensive addiction treatment services have hindered efforts to address the crisis effectively.

There is a dire need for facilities in the Central Washington region that can ensure a safe detoxification process through medical supervision and withdrawal symptom management. County jails are becoming the *de facto* holding facilities to address substance addicted and housing-insecure populations on the Yakama Reservation and nearby trust lands. The Indian Health Services needs to be authorized and funded to implement initiatives dedicated to addressing the opioid epidemic and improving healthcare services on the reservation.

III. Necessary Public Safety & Law Enforcement Funding (BIA-OJS).

The Yakama Nation has roughly a quarter of the officers needed to protect communities that reside within the largest Treaty Reservation in Washington State. The Yakama Nation Police Department ("YNPD") is 638ed under the BIA Office of Justice Services ("OJS"). That 638 contract currently funds 20 patrol officers for the 1.4 million acre Yakama Reservation.

The Yakama Nation has experienced an increase in violent crime and property crimes, and has the highest occurrence of Missing and Murdered Indigenous Women/People in the region. The alarming rise in Latin American based gang and cartel-related drug activities is terrifying and the fentanyl epidemic plagues our Reservation communities. There are simply not enough law enforcement resources to meet our public safety needs. The federal 638 contract has been *flat* for the past two decades, despite requests even for staying consistent with inflation.

The YNPD needs more officers and more equipment. The region needs better public safety infrastructure to execute investigations and provide evidence for criminal prosecution. The OJS has their hands tied by budgetary constraints. The YNPD has had to figure out how to do more with less, year after year for decades. We need more law enforcement funding. We can no longer legitimately ask our People for patience when they reasonably demand public safety.

IV. Treaty Resources: Columbia Basin Restoration Initiative (CEQ/BIA).

The Columbia River salmon fishery, Steelhead, Chinook, Sockeye, and Coho populations, are in jeopardy – for four decades the recovery funding has failed to keep pace with the required mitigation for the salmon lost each year to the hydroelectric system. Fishery returns have never come close to a federal goal of 5 million salmon returning each year, the hydroelectric system continues to kill 5 – 11 million salmon per year, and the United States continues to fail its obligation to the Yakama Nation for 50% of the Treaty-era fishery harvest.

The Yakama Nation's 638 contract funding levels for fish and wildlife programs need to increase inflation rates to ensure Treaty-resource protection. Salmon are experiencing additional climate change pressure, warmer water temperatures, and drought-level water levels in the rivers

YAKAMA NATION TESTIMONY TO APPROP. SUBCOMMITTEE FOR INTERIOR, ENVIRONMENT, & RELATED AGENCIES
MAY 7, 2024

and streams. The Yakama Nation's tireless work cannot reverse the effects of the federal hydroelectric system's annual unmitigated fish kill and its \$1 billion backlog in unfunded fish mitigation infrastructure, including but not limited to: hatchery projects; restoration work; and fish passage on the Columbia River and all of its tributaries.

The Yakama Nation's fish and wildlife programs are also facing human resources challenges as intergovernmental efforts with federal agencies, states, and tribes continue to grow and as regional fish restoration efforts expand in scope to include energy, water, transportation, and recreation. Yakama Nation's 638ed contact is inadequate to recruit additional personnel and expertise to address intergovernmental efforts and regional needs.

The Council on Environmental Quality ("CEQ") and BIA need to exert their authority and funding to meet regional goals including the Columbia Basin Restoration Initiative. The Yakama Nation requests appropriations for the BIA grant and litigation support programs, and the Pacific Salmon Treaty program funding. The Yakama Nation further requests allocations for fish passages at hatcheries, like the critical Cle Elum hatchery. Congress needs a plan to fund the billion-dollar backlog to keep its Treaty-promises.

V. Degraded In-Lieu & Treaty Fishing Access Sites

The federal management of In-Lieu and Treaty Fishing Access Sites ("Sites") (*see PL 116-99 and 25 CFR part 248*) has been historically deplorable. More than \$40 million is needed to address the list of repairs that must be completed across various Sites to maintain public safety, sanitation, and Site access. These Sites host year-round residents, families, and children.

The Yakama Nation has Treaty-reserved rights to fish the banks of the lower Columbia River at all usual and accustomed fishing areas. The U.S. broke this Treaty-promise with the construction of the Bonneville Dam (1938), the Dalles Dam (1957), and the John Day Dam (1971), each inundating traditional villages and countless usual and accustomed fishing places. In response to these Treaty-breaches the Site improvements were made "to provide access to usual and accustomed fishing areas and ancillary fishing facilities" for Yakama People.

Operation and maintenance of the 28 Sites is 638 contracted with the Columbia River Inter-Tribal Fish Commission ("CRITFC") to address infrastructure repairs, sanitation and safety needs, and property improvements. The Sites need improvement funding from Congress to ongoing operation and improvement obligations.

VI. Alternative Forestry Harvest Equipment (Depts. Of Interior & Agriculture).

The Yakama Reservation encompasses the eastern slopes of the Cascade Mountains and a 650,000-acre forest. Federal forest practices and climate change have worsened the risk of insects, disease, and catastrophic fire in the Yakama Forest. Yakama Nation maintains a sustainable approach to forest management that addresses the needs of our resources and people. Steep slope harvesting is backlogged due to the limited availability of logging equipment.

Due to the complexity associated with steep slope logging in the Yakama forest, the Yakama Nation is pursuing the acquisition of logging equipment to address the Yakama Forest

YAKAMA NATION TESTIMONY TO APPROP. SUBCOMMITTEE FOR INTERIOR, ENVIRONMENT, & RELATED AGENCIES
MAY 7, 2024

backlog and reduce potential impacts of extreme wildfire risk. One specialized yarder equipment can treat approximately 1,000 acres a year. Support the Yakama Nation's alternative forestry harvest plan and help put the Yakama forest back to work.

VII. Forest Mismanagement – A Direct Federal Duty (BIA).

Last year the BIA **only completed one (1) timber sale** from the Yakama Forest. Under the National Indian Forest Resource Management Act and implementing regulations, express trust duties were established for federal management of Indian forests. The BIA Forestry Program at the Yakama Agency has failed to hire many dozens of vacant forestry positions for more than a decade. In 2014, the BIA Director identified that BIA Forestry at the Yakama Agency is, in his words, "on the verge of collapse."

The BIA is functionally abrogating its direct services obligation through its gross mismanagement. The Forestry program has nearly stopped functioning altogether, and the U.S. is forcing the Yakama Nation to accept lost revenue through sheer neglect. This is a dramatic breach of the United States' trust obligations established by Treaty, statute, and regulation. Congress needs to fund maintenance and staffing consistent with the federal obligation.

Forest mismanagement has put Yakama Member-owned logging companies out of business. The Yakama Nation's commercial mill can no longer sustain itself on timber harvested from the Yakama Nation's own forest – threatening over 200 Yakama Member-held jobs. Yakama Members are losing the trust revenues that they should be receiving from a viable timber economy. Increase the resources available to the BIA to ensure that federal direct service programs are able to meet federal obligations to the Yakama Nation.

VIII. Water Resources And Irrigation (BIA).

The BIA has systematically decreased its support for natural resource management; core functions such as water measurement, crop reporting, and Wapato Irrigation Project ("WIP") maintenance have been underfunded to the point of system failure. The gross underfunding over the last 100 years has resulted in a shocking breach of the federal Trust responsibility.

The Yakama Nation is committed to water management and restoration of instream flows on the Yakama Reservation, including a conservation effort of 165,000 acre-feet of water through the modernization of WIP. The total price tag for modernization of WIP is between \$165 million and \$200 million dollars. Providing this and other natural resource funding is a step towards fulfilling the United States Government's trust responsibilities.

IX. Tribal School Construction (BIE).

The Yakama Nation Tribal School is a nearly 70-year old dilapidated facility and is evaluated in "poor" condition by the BIE's Facility Condition Index, yet under the available and projected BIE construction funding, the timeline for a new school facility is waitlisted for 25 – 30 years. The Yakama Nation cannot wait decades for a safe educational environment. The BIE school replacement funding needs a significant increase to address the more than 80 tribal schools ranked in 'poor' condition and authority needs to be provided so that the BIE can prioritize construction projects with matching funding, which will save money overall *and* redress this breach of duty faster.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Appropriations

Subcommittee: Interior, Environment, and Related Agencies

Hearing Date: 05/07/2024

Hearing Title :

American Indian and Alaska Native Public Witness Hearings

Witness Name: Jeremy Takala

Position/TITLE: Tribal Councilman for the Confederated Tribes and Bands of the Yakama Nation

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Confederated Tribes and Bands of the Yakama Nation

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
 - (i) a curriculum vitae;
 - (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and
 - (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
- (C) The disclosure referred to in subdivision (B)(ii) shall include—
 - (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and
 - (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
- (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

[REDACTED]
Witness signature

4/29/24
Date

Jeremy Takala, Indian name Pax'una'shut, is a Tribal Councilman of the Yakama Nation and is from the Kahmiltpah Band (Rock Creek) of the Columbia River area. Prior to becoming a member of the Yakama Nation Tribal Council (YNTC) he worked for the Yakama Nation Fisheries Project (YKFP) for 12 years at the Klickitat River Research Monitor Evaluate (RME). He currently serves on the Fish and Wildlife Committee, Legislative Committee, Law and Order Committee, the Veterans Committee, and Executive Assistant Secretary for the YNTC. Jeremy Takala is serving his second term for the Yakama Nation Tribal Council that consists of 14 Council members in total. Jeremy Takala also serves on the following: NCAI (National Congress of American Indians) representative, ATNI (Affiliated Tribes of Northwest Indians), Seattle Indigenous Advisory Council, and Vice-Chair of the Columbia River Inter-tribal Fish Commission.

He has a commitment to remain vigilant in managing fishery resources through the inherent rights that were affirmed through treaties made by the Yakama Nation. These legal contracts with the United States government serve as guiding principles to help protect the natural foods, streams, and animals; as well as maintaining a stewardship role for future generations to understand and protect. Jeremy is honored to have served and represented Yakama Nation on the Columbia Basin River Initiative, a 10-year commitment that the current Administration is striving for Healthy and Abundant levels of Salmon and native species. Jeremy Takala also helped with the award that will help assist the Yakama Nation Tribal Police Department addressing the fentanyl crisis within the community and the areas YN has jurisdiction. Being this is an important branch of the YN; Jeremy continues to work with the Commissioner of the Department and staff.

Jeremy grew up in Goldendale, WA and was brought up as a drummer and provider for the Rock Creek Longhouse. He acknowledges his traditional teachers which include a long list of family members and tribal elders. Jeremy and his children are very much involved in the community, in the longhouse and social activities/events.

Mr. SIMPSON. Thank you, Jeremy. Ron.

TUESDAY, MAY 7, 2024.

JAMESTOWN S'KLALLAM TRIBE

WITNESS

RON ALLEN, CHAIRMAN AND CEO, JAMESTOWN S'KLALLAM TRIBE

Mr. ALLEN. Thank you, Mr. chairman and committee members. I appreciate the opportunity to present some testimony on behalf of the Jamestown S'Klallam Tribe. We are a small tribe in Western Washington, west of Seattle, about 60 miles. You can put our reservation in the Yakama parking lot. [Laughter.]

Mr. ALLEN. But we do a lot to help make a difference for Indian Country and for our tribe specifically. I do want to just apologize. I have been doing this for 40 years, back to the Sid Yates days, and know better to put my phone on silent, so I hope you will think kindly about our ask here.

I do want to do a quick shout-out before I get into the Jamestown ask. I am a commissioner on the U.S.-Canada Pacific Salmon Commission, and so there is a budget in rights protection in BIA that funds the tribes, 24 tribes, including the Yakama Nation and the Metlakatla Tribe up in Alaska. And so it is about \$7 million in that budget to help us be able to be effective in that forum. So there are lots of needs in there in the different departments, but the Department of Interior BIA is important to all of us.

I have been very active over the years with NCAI and NIHB, and I know that they always make strong recommendations to this committee that complement all my colleagues throughout today and tomorrow, and we are fully supportive of them. They are very thorough in terms of the analysis and the needs with regard to the Department of Interior. And so I just want you to be very clear that we are all very supportive of the ask that complement our ask.

Without a doubt, there are a lot of issues. I also chair the Department of Interior TIBAC, the Tribal Interior Budget Advisory Committee, working with the Secretary with regard to the recommendations to the President's budget, and it is challenging. I can tell you that when we look at the budget, we know it is a challenge in terms of finding ways to fully and adequately fund IHS and the BIA programs and all the complex programs that are there, and it is a huge issue for all of us. And so contract support costs and 105(l) is a big issue. We all support trying to move it into mandatory and advanced funding. We got it for IHS. We definitely need it for BIA for the same fundamental reasons. So we continue to urge and encourage you to seriously consider those asks as we move this agenda forward.

My tribe is a small tribe, and we try to do everything we can to be effective for our people as well. One of the things that is in our ask is consistent with the President's co-management, co-stewardship agenda, we want to take over this year—in fact, we are going to do as of late this summer—a refuge from Fish and Wildlife. And so inside of our ask is that we have had to negotiate with the Fish and Wildlife with regard to what do they use to manage this ref-

uge. This refuge happens to be right in front of our village, right literally in front of us, and it has many of our burial sites on it. And so it is important to us not just for the conservation reasons that refuges are established, but also for cultural and traditional reasons that are important to the tribe. We have all become very good managers. Stewardship is a big deal to all tribes, and it certainly is a big deal to us in the Northwest.

I am wearing my salmon necklace here. We fully support removing four dams up the Snake River as long as I can get some of the fish before the Yakama gets it. [Laughter.]

VOICE. [Inaudible].

Mr. ALLEN. But we have to do what we can, and, of course, the U.S.-Canada is harvest management. Meanwhile, we have to deal with the other three with regard to protecting salmon and restoring it to sustainable levels. So that is a big deal.

So in our national refuge that we want to take over—well, we are going to take over—Fish and Wildlife budget is not the same as BIA. It is very complicated, and you have to break it down in terms of how they cover the various costs. And it was not a good negotiation for us for moving it into our self-governance. We believe that the appropriate number is around \$1 million actually to manage just two of these refuges. There are six of them, and we are taking over two of them. It is the most popular ones. That is where all the people go to and visit, and so it is a huge deal for us, so we hope that you would look favorably at that particular ask.

I want to do another shout-out, Tiwahe. You probably have heard numerous advocations for the Tiwahe Program and the \$36 million that they have been asking for. It is a success. It takes many, many programs, brings them together to help our people become safer, healthier, and more vibrant for the youth and for the families themselves, and so that is a program that is critically important.

So I will leave it at that. There are lots of asks. You are going to hear about it today and tomorrow, and we know it is a huge challenge, but we do appreciate the fact that these budgets are helping us building our nations so that we can become self-reliant, so it is a huge deal for us. So thank you. I appreciate the opportunity to testify.

[The statement of Mr. Allen follows:]



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Written Testimony of
THE HONORABLE W. RON ALLEN, TRIBAL CHAIRMAN/CEO
JAMESTOWN S'KLALLAM TRIBE submitted to the
 House Appropriations Subcommittee on Interior, Environment, and Related Agencies
"2025 Appropriations Testimony for U.S. Fish and Wildlife Service, BIA/BIE, and IHS"
 May 7, 2024

On behalf of the Jamestown S'Klallam Tribe, I am pleased to submit this written testimony on our funding priorities and requests for the Fiscal Year 2025 Department of the Interior (DOI) U.S. Fish and Wildlife Service (FWS), Bureau of Indian Affairs (BIA), and Indian Health Service (IHS) budgets.

The following investments will strengthen Tribal nation-building and support our goal of self-sufficiency:

Tribal Funding Priority - U.S. Fish and Wildlife Service (FWS)

1. \$1 Million for the Jamestown S'Klallam Tribe's Co-Management/Co-Stewardship of the Dungeness National Wildlife Refuge

Tribal Funding Priorities – Bureau of Indian Affairs (BIA)

1. \$36.6 Million to Fully Fund and Expand the TIWAHE Initiative
2. \$177.018 Million Increase Funding for Top Ten Tribal Priority Allocations (TPA) and Recurring Base Funding

Tribal Funding Priorities – Indian Health Service (IHS)

1. \$383.64 Million increase over FY2024 enacted to Support Current Services
2. \$10.26 Billion for Purchased & Referred Care

Tribal and National Funding Priorities - Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), and the Indian Health Service (IHS)

1. Advanced Appropriations for Tribal Programs and Services
2. Mandatory Funding for Contract Support Costs (CSC) and Section 105(l) Leases
3. Ensure Agencies are Sufficiently Staffed to Carryout Trust and Treaty Obligations

Funding for Tribal Nations accounts for approximately 1.16% of the entire Federal budget despite mandatory Federal trust and treaty obligations. Since Tribal programs and services are funded with non-defense discretionary appropriations, the funding levels are severely deficient and unable to address our Tribal communities' unmet needs; and these unfulfilled Federal obligations continue to grow exponentially on an annual basis. As a result, American Indians and Alaska Natives (AI/AN) continue to rank near the bottom of all Americans in terms of health, education, and employment status. These harrowing statistics and funding inequities demand a shift in the current governmental appropriations paradigm not only because it is the right thing to

do but because it fails to align with the legally enforceable fiduciary obligation on the part of the United States to protect Tribal treaty rights, lands, resources, and assets.

Congress can take proactive steps to empower Tribal governments, and strengthen Tribal economies, and Indian communities by enacting measures that respect Tribal sovereignty and are truly reflective of the Government-to-Government relationship. First and foremost, expand Tribal Self-Governance and Self-Determination across the Federal system. Self-Governance generates a larger return on the Federal investment and allows for maximum flexibility and better programmatic outcomes at the local level. It is the most effective policy for the economic vitality of Tribal Nations and has proven successful in helping Tribal Nations rebuild, grow, and thrive.

Other measures Congress can adopt to aid in the promotion of Tribal Nation Building and self-sufficiency include, providing mandatory funding for all Tribal programs and services, requiring the Administration to submit on an annual basis the total cost to fully fund trust and treaty obligations, provide direct funding to Tribes, demolish funding silos and create a legal mechanism to allow funding from all sources to be combined and allocated through Self-Governance compacts, increase funding for Tribal priority allocations and other recurring base programs, and ensure there are Tribal set asides for every funding opportunity.

\$1 Million Dollars – U.S. Fish and Wildlife Service – Jamestown S’Klallam Tribe’s Co-Management/Co-Stewardship of the Dungeness National Wildlife Refuge

Our Tribe has a strong interest in ensuring the health and vitality of the Dungeness National Wildlife Refuge (DNWR) ecosystems and request a Federal investment of one million dollars for Jamestown to properly assume and administer our shared mission and goals and to begin to address a range of critical services. The Tribe’s ability to undertake this co-management role is unquestioned and is evidenced by the primary role the Tribe has and continues to play in habitat preservation, conservation, and environmental stewardship of our ancestral homelands, traditional waterways and resources.

The DNWR is part of the Jamestown S’Klallam Tribe’s ancestral homelands. Our Tribal villages were located along the shoreline, and we continue to use and inhabit the Dungeness as we have done since time immemorial. Jamestown has significant historical, cultural, and spiritual connections to these lands and waters and this area is critical to the preservation of our oral history, creation stories, language, ceremonies, spirituality, medicine, and culture. We have an obligation to protect these lands and waters for our future generations, which is why we are partnering with the U.S. FWS by entering into a Co-Management/Co-Stewardship Agreement.

\$36.6 Million to Fully Fund and Expand the TIWAHE Initiative

The TIWAHE Initiative, established in 2015, fosters a dynamic approach to the delivery of services by embracing the Self-Governance/Self-Determination service delivery model that has proven successful in enhancing the health and well-being of Tribal families and communities. Current funding levels support ten (10) demonstration sites, representing sixty-five (65) Tribes. BIA’s one time funding opportunity this past year allowed for planning grants for an additional

twelve (12) TIWAHE Incubator Tribes seeking to become demonstration sites. The TIWAHE budget comprises recurring funding for the demonstration project and various Bureau of Indian Affairs (BIA) programs, including Social Services, Indian Child Welfare, Tribal Courts, Housing Program, Job Placement & Training, and Public Safety. We urge Congress to provide \$36.6 million to allow for the onboarding of the incubator Tribes and increase funding across several social service/public safety line items to strengthen the initiatives impact and support more Tribal communities in achieving positive outcomes.

Jamestown is one of the incubator Tribes that was awarded \$200,000 in a planning grant that has allowed us to create a synergistic model for the delivery of programs and services that better align with our community customs, values and traditions. Adopting a coordinated approach that is grounded in Tribal values and principles leads to better outcomes at the local level. TIWAHE provides Tribes greater flexibility to build social service infrastructure that functions as all-inclusive and is responsive to addressing a broad range of issues such as poverty, substance abuse, domestic violence, youth suicide and other related issues. The original six demonstration Tribes have achieved significant successes by persevering to improve family well-being and community resilience. We are confident an additional investment of \$36.6 million in the TIWAHE program will prove successful in promoting the development of prosperous, resilient, and self-sufficient Tribal communities.

\$177.018 Million Increase Funding for Top Ten Tribal Priority Allocations (TPA) and Recurring Base Funding

Tribal Priority Allocations (TPA) and Recurring Programs are consistently identified as funding priorities by the Tribal Interior Budget Council (TIBC) because they provide core funding that supports critical government programs and services. Flexibility in the use of funds to support local needs is an important aspect of this funding. TPA and Recurring Program funding provides security and certainty for Tribes rather than funding provided through grant dollars. There has been a growing trend among agencies to fund Tribal programs and services with grant dollars rather than providing base and recurring funding. Grant funding is incongruent with the trust and treaty obligations and Tribal Self-Governance.

\$383.64 Million increase over FY2024 enacted to Increase Support for Current Services

The Federal trust obligation requires significant investment in Tribal healthcare systems. To maintain current services, factors such as the inflationary rate, pay costs, contract support costs, population growth and staffing needs for recently constructed facilities all need to be fully funded. When these mandatory factors are not funded, Tribes must supplement programs with their own limited revenue, or choose between limiting services or shutting down services completely.

\$10.26 Billion Purchased and Referred Care (PRC) –

PRC funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, transportation, and medical support services, such as diagnostic imaging, physical therapy, laboratory, nutrition, and pharmacy services. PRC funds are extremely important to the Portland Area Tribes because the Portland Area lacks hospitals

and specialty care centers, so Tribes in the Northwest are forced to turn to the private sector to fulfill this need.

\$8.74 billion Behavioral Health Mental and Alcohol and Substance Abuse –The Jamestown Healing Clinic provides a holistic approach to treatment for those who suffer from opioid use disorder through the provision of wrap-around services, to include, primary care, dental services, transportation to and from the clinic, employment, housing, and other associated needs.

Advance Appropriations for Tribal Programs and Services

Providing appropriations one year in advance for the BIA, BIE and IHS will mitigate the adverse financial effects of Federal budgetary uncertainties and allow Tribes to engage in more effective strategic planning, spend funds more efficiently, grow our Tribal economies and businesses and increase the quality of care and well-being of our Tribal citizens and community. Tribal Nations are resilient but the continuous delays and/or lapse in Federal appropriations continues to disrupt the execution of Tribal government operations. The Federal government has a legal and moral obligation to make sure that funding for trust and treaty obligations is not delayed. Time is of the essence when it comes to the survival of our people, our language, our culture, our homelands and resources and our sovereignty. Advance appropriation is a budgetary solution that does not impact spending caps and allows Tribes to continue to provide critical services.

Reclassify Discretionary Spending for Section 105(l) Leases and Contract Support Costs to Mandatory

The agencies are legally required to compensate Tribes for Section 105(l) lease obligations and contract support costs (CSC) in accordance with the ISDEAA, but these obligations have grown tremendously since their inception. As far back as 2014, Congress acknowledged that obligations of this nature are typically addressed under mandatory appropriations because they have the potential to impact other programs. Separate, indefinite accounts were established to support Section 105(l) leases and CSC but have resulted in the unintended reduction of funding for critical Tribal programs. Reclassifying mandatory funding for CSC and 105(l) leases is needed to prevent programmatic decreases.

Ensure Agencies are Sufficiently Staffed to Carryout Trust and Treaty Obligations

Retention and recruitment of staff continues to be a challenge for our Federal Agency partners. The Federal government must have competitive hiring packages and effective and efficient recruitment practices in place. The impacts of an understaffed workforce trickle down to the Tribal level with severe consequences – funding distribution is delayed, and the processing of paperwork and other essential transactions impede Tribal programs and services. In addition, many of the Agencies, such as the BIA have taken on additional responsibilities associated with the number of new initiatives to include 477, Missing and Murdered, TIWAHE, 105(l) Leases, Federal Indian Boarding School, and others requiring additional staff and funding.

The Jamestown S'Klallam Tribe continues to support the requests and recommendations of our Regional and National Indian Organizations. Thank you.



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PROFILE

**W. "RON" ALLEN, TRIBAL CHAIRMAN/CEO
JAMESTOWN S'KLALLAM TRIBE**

As the Tribal Chairman, (serving 1977-present), Ron Allen is an elected leader whose responsibilities include protecting and advancing Tribal sovereignty and governmental authority and securing Tribal Self-Governance and self-reliance through active political engagement at the international, national, state and local levels of government. In these respective forums, Chairman Allen is a key advisor in helping to shape and address the Administration's policy/regulatory decisions and Congressional legislation that supports Tribal Governmental authority and Treaty rights.

As the Chief Executive Officer (CEO) (serving 1982-present), he is responsible for the executive administration of all the Tribe's programs and services, including, cultural and educational programs, career development and employment, social and community services, housing, health and wellness, economic development, natural resource management, and the Protection of Tribal Treaty Rights through cultural preservation and traditional affairs.

As Tribal Chairman/CEO, he is responsible for leading the Tribe from a zero-resource base in 1982 to a current annual budget level of over \$150 million; and from a landless reservation base in 1982 to a land base of over 2,000 acres without Federal assistance. Additionally, he has grown the Tribal business portfolio through the establishment of several Tribal Enterprises, to include, Seven Cedars Hotel and Casino, The Cedars at Dungeness Golf Course, Northwest Native Expressions Art Gallery, Jamestown Family Health Clinic, Jamestown Family Dental Clinic, Jamestown Seafood, Inc., JKT Development Inc., Jamestown Excavating, Jamestown Networks, Longhouse Market and Deli, Cedar Greens Cannabis, and Carlsborg Self Storage.

Mr. SIMPSON. Thank you. You all don't want me to start talking about salmon. We could be here for several days. Anyway, thank you for your testimony. I appreciate it very much.

Ms. PINGREE. I apologize for missing some of your testimony, but thank you for those of you who did, and I do appreciate that you brought up salmon. We have had some dam removal and a lot of mitigation on the rivers in Maine dealing with Atlantic salmon, some of the same concerns, and I appreciate the chair's interest in this topic, so thank you for that, and thank you for so many of the other things that you brought up. I appreciate having you here today. I yield back.

Mr. SIMPSON. Mr. Kilmer.

Mr. KILMER. Thanks, Chairman. Thanks to each of you for being here. Chairman Allen, you mentioned the co-management arrangement with Fish and Wildlife for the co-management of the two refuges and the importance of contract support costs. I am just hoping you can pull that thread a little bit more for the subcommittee in terms of the importance of expanding indefinite appropriations for other accounts for which that is not currently allowed under the Department of Interior. What would that mean to your tribe? What does that mean just in terms of dollar and cents and the provision of resources?

Mr. ALLEN. Well, thanks, Congressman. Everybody knows what contract support covers. It covers the programs that are inside the Federal Government in terms of how the Federal Government manages its affairs, and it has been quite a success. And this committee and the full committee has been fully supportive of it covering the full cost, and we deeply appreciate it. As tribes now are becoming more assertive with all agencies within the Department of Interior and HHS. The way that your language is in the appropriation, it doesn't cover CSEC, Fish and Wildlife, Bureau of Reclamations, and Bureau of Land Management, et cetera, they don't have a line item in there for contract support cost. So as we take over those programs, there is no money there.

So when the President says, okay, how do you, the departments and agencies, remove these impediments and barriers, that is one of the impediments and the barriers. So if we can modify that language just for the Department of Interior, and, personally, I think should be for HHS because we are venturing into the other agencies in HHS as well, so that you only need one line item for contract support. You don't need multiple line items. And so we would urge that you modify the language because it is essential to be successful at managing any Federal program.

Mr. KILMER. Right. I think you make a great case. Chairman, we would sure love to work with you on that. I yield back.

Mr. SIMPSON. Thank you. I look forward to working on that. Thank you all for being here today and for your testimony. We will talk some more about salmon.

Mr. ALLEN. We can. We want to get you in a good mood right away, you know. [Laughter.]

Mr. SIMPSON. If nothing else, we have started a debate that needed to happen.

Mr. ALLEN. Yes, you did.

VOICE. We might save you some money. [Laughter.]

Mr. SIMPSON. Mr. Brian Harris and Gloria O'Neil.
Mr. SIMPSON. Brian, you would be first.
Mr. HARRIS. Yes, sir.

TUESDAY, MAY 7, 2024.

CATAWBA NATION

WITNESS

BRIAN HARRIS, CHIEF, CATAWBA NATION

Mr. HARRIS. Good afternoon, Mr. Chairman and members of the subcommittee. My name is Brian Harris, and I am the chief of the Catawba Nation. The Catawba Nation is the only federally-recognized tribe in the State of South Carolina, and on behalf of the Catawba Nation and my people, it is an honor for me to be here to testify for you today.

So with that being said, I am here today to shed light on a deeply troubling chapter in our nation's history, one that demands acknowledgement, accountability, and, above all, justice. The tragic saga of the Carlisle Indian Industrial School represents a dark stain on the fabric of our collective past, a reminder of the profound injustice inflicted upon indigenous people in the name of assimilation and cultural erasure. The request I am making today would impact the National Park Service and the Bureau of Indian Affairs.

This issue holds a significant personal meaning for both the Catawba Nation in South Carolina and the family of Wade Ayres. Wade, a 13-year-old little fellow from the Catawba Nation, enrolled at the Carlisle in 1903. Tragically, just 4-and-a-half months later, he passed away due to complications arising from a vaccine administered during his time at school. Wade's remains are among those that appear to have been an improperly designated consequence of apparent mismanagement of the cemetery over the years.

Between 1880 and 1910, nearly 200 Native-American children lost their lives while attending the Carlisle facility. Founded in 1879 at the Army's Carlisle barracks, this institution operated under the chilling of "Kill the Indian, Save the Man"—I will repeat that: "Kill the Indian, Save the Man"—seeking to forcibly assimilate over 7,800 Native-American children from more than 140 tribal nations throughout a coercive blend of Western-style education and harsh labor. The toll of this cruel experiment was measured in lives lost and dreams shattered. At least 194 indigenous children were laid to rest in the school cemetery. Their final resting place is marked by simple graves with 14 bearing the heartbreakingly inscribed "unknown."

The story of Wade Ayers and 193 other children who remain lost in history illustrates the level of disrespect that Federal institutions have historically shown to native peoples and native values. Here are several programs this committee should support that represent important opportunities to support efforts to protect our culture and our heritage. Number one, I urge at least \$40 million for the National Park Service Tribal Historic Preservation Program. Pursuant to the National Historic Preservation Act, tribal nations established their own tribal historic preservation offices to protect

tribal lands and sacred sites. These offices receive funding from the National Park Service, but that funding has been flatlined for years even as the number of tribal historic preservation offices has grown. THPOs are the front line of our efforts to preserve tribal, sacred, and cultural sites, as well as our representatives in many inter-government discussions that impact tribal cultural heritage, including repatriation, as in the case of Wade Ayres, AS well as working with museums and research centers.

Number two, I urge at least \$1.5 million for Native-American Grants Protection and Repatriation Act, NAGPRA enforcement. This committee's support for dedicated NAGPRA enforcement funding in recent years has directly contributed to more effective law enforcement to protect this important tribal cultural patrimony. Number three, I urge at least \$1 million for funding implementation of the Safeguard Tribal Objects of Patrimony, which is also known as the STOP Act. This law, passed in the last Congress, will ensure the protection of many sensitive tribal items from illegal export. It is important to put in place the necessary resources in the Federal Government to enable this law to be implemented effectively and quickly.

I further ask that you work with your colleagues to direct the Army Corps of Engineering—this is very important—to allow tribes, in addition to families, to petition for the return of remains. Historically, only living relatives of those buried in the cemetery have been allowed to pursue the returns of the remains. Relatives may not be aware of the remains that are there, that there is a possibility to request those remains through repatriation, or have the technical expertise to pursue such options. As the Army persists in its endeavors to identify and repatriate the remaining children in Pennsylvania, it is imperative that tribal nations are treated with respect, dignity, and sovereignty they rightly deserve. Throughout this undertaking, it is essential to ensure that the Department of the Interior is actively involved, especially concerning the implementation of NAGPRA. The funding I have just outlined will contribute to achieving this objective.

And lastly, I would like to address one additional matter. The Catawba Indian Nation has recently submitted a request for congressional direct spending through the office of Senator Graham in the amount of \$750,000. This funding is intended to support a clean water project aimed at facilitating the construction of a new school on our reservation and much-needed housing on our reservation. We believe that this project will also have positive implications for our municipal neighbor, the City of Rock Hill in South Carolina. Therefore, I respectfully urge the members of the subcommittee to consider accepting this request from the Senate should it be presented to you during your fiscal year 2025 appropriation process, and I thank you for this testimony that I gave you today.

[The statement of Mr. Harris follows:]

Testimony of Chief Brian Harris on Behalf of the Catawba Nation
House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies
Public Witness Day – May 7, 2024

I am here today to shed light on a deeply troubling chapter in our nation's history, one that demands acknowledgment, accountability, and, above all, justice. The tragic saga of the Carlisle Indian Industrial School represents a dark stain on the fabric of our collective past, a reminder of the profound injustices inflicted upon Indigenous peoples in the name of assimilation and cultural erasure. The requests I am making today would impact the National Park Service and the Bureau of Indian Affairs.

This issue holds significant personal meaning for both the Catawba Nation in South Carolina and the family of Wade Ayres. Wade, a 13-year-old from the Catawba Nation, was enrolled at Carlisle in 1903. Tragically, just four and a half months later, he passed away due to complications arising from a vaccine administered during his time at the school. Wade's remains are among those that appear to have been improperly designated, a consequence of apparent mismanagement of the cemetery over the years. This mismanagement notably occurred in 1927 when the U.S. Army relocated the graves of Native American children at Carlisle to accommodate development near the barracks entrance.

Between 1880 and 1910, nearly 200 Native American children lost their lives while under the care of the government's flagship Indian boarding school, the Carlisle Indian Industrial School in Carlisle, Pennsylvania. Founded in 1879 at the Army's Carlisle Barracks, this institution operated under the chilling motto of "kill the Indian, save the man," seeking to forcibly assimilate over 7,800 Native American children from more than 140 tribal nations through a coercive blend of Western-style education and harsh labor.

The toll of this cruel experiment was measured in lives lost and dreams shattered. At least 194 Indigenous children were laid to rest in the school cemetery, their final resting places marked by simple graves, with 14 bearing the heartbreaking inscription of "unknown." Many of these young souls succumbed to illness, their deaths documented in local newspapers of the time, citing causes such as tuberculosis or unknown sickness.

The story of Wade Ayers and the 193 other children who remain lost to history illustrates the level of disrespect that federal institutions have historically shown to Native peoples and Native values. Here are several programs this Committee should support that represent important opportunities to support our efforts to protect our culture and heritage:

- I urge at least \$40 Million for the National Park Service's Tribal Historic Preservation Program. Pursuant to the National Historic Preservation Act, Tribal Nations establish their own tribal historic preservation offices to protect tribal lands and sacred sites. These offices receive funding from the NPS, but that funding has been flatlined for years, even as the number of THPO's has grown. THPOs are the frontline of our efforts to preserve tribal sacred and cultural sites, as well as our representatives in many inter-governmental discussions that impact tribal cultural heritage, including repatriation as in the case of Wade Ayers, as well as working with museums and research centers.

- I urge at least \$1.5 Million for Native American Graves Protection and Repatriation Act (NAGPRA) Enforcement. This committee's support for dedicated NAGPRA enforcement funding in recent years has directly contributed to more effective law enforcement to protect this important tribal cultural patrimony.
- I urge at least \$1 Million for Funding Implementation of the Safeguard Tribal Objects of Patrimony (STOP) Act. This law, passed in the last Congress, will assure the protection of many sensitive tribal items from illegal export. It is important to put in place the necessary resources in the federal government to enable this law to be implemented effectively and quickly.
- I also urge you to work with your colleagues to direct the Army Corps of Engineers to allow tribes, in addition to families, to petition for the return of remains. Historically only living relatives of those buried in the cemetery have been allowed to pursue the return of remains. This policy is flawed for many reasons in that relatives may not be aware of the remains, that there is a possibility to request repatriation, or have the technical expertise to pursue such options. Further, tribes as political bodies and governments should be able to petition the return of their citizens' remains.

As the Army persists in its endeavors to identify and repatriate the remaining children in Pennsylvania, it is imperative that tribal nations are treated with the respect, dignity, and sovereignty they rightly deserve. Throughout this undertaking, it is essential to ensure that the Department of the Interior is actively involved, especially concerning the implementation of NAGPRA. The funding I have just outlined will contribute to achieving this objective.

Clean Water Project

Mr. Chairman and esteemed members of the subcommittee, I would like to address one additional matter. The Catawba Nation has recently submitted a request for Congressionally Directed Spending through the office of Senator Graham. This funding is intended to support a clean water project aimed at facilitating the construction of a new school and much-needed housing on our reservation. We believe that this project will also have positive implications for our municipal neighbor, the City of Rock Hill. Therefore, I respectfully urge the members of this subcommittee to consider accepting this request from the Senate should it be presented to you during the FY 2025 appropriations process.

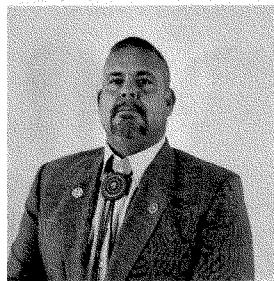
Hawu, thank you.

Brian Harris

Chief of Catawba Nation

Contact

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Biography

In July 2023, Brian Harris was nominated as Chief of the Catawba Nation. He has dedicated over twenty years of his life as a passionate advocate to the Catawba community. He has served as Chairman of the Iswa Housing Board, Administrative Officer of Indian Health Catawba Service Unit, and as a member on the Judicial Committee, Economic Development Committee, USET, Housing and Veterans Committees; and the Cultural Preservation Board. He was recently voted as Chairman of the Council of the Chiefs in South Carolina by his peers.

Chief Harris has been married to his wife, Candi, for thirty years. They have five beautiful children and four grandchildren. He is most proud of becoming a father to his children and becoming Chief of Catawba Nation. He loves to have lunch with the Catawba seniors at the Senior Center and interact with the youth in the childcare programs.

Chief Harris is compassionate about supporting tribal services such as healthcare programs, education, elder care, economic development, and the housing needs of tribal citizens. He works relentlessly to improve the welfare of Catawba citizens by developing relationships and services for the community. He strives to revitalize the Catawba culture by sharing the rich traditions of the Catawba citizens. He enthusiastically supports Catawba drummers, dancers, potters, and craft artisans. His determination to build up the Nation and create opportunities guides his decisions and initiatives.



Mr. SIMPSON. Thank you, Chief. Gloria.

TUESDAY, MAY 7, 2024.

**COOK INLET TRIBAL COUNCIL/ALYCE SPOTTED BEAR
AND WALTER SOBOLEFF COMMISSION ON NATIVE
CHILDREN**

WITNESS

**GLORIA O'NEILL, COOK INLET TRIBAL COUNCIL/ALYCE SPOTTED
BEAR AND WALTER SOBOLEFF COMMISSION ON NATIVE CHILDREN**

Ms. O'NEILL. Thank you, Chairman Simpson, Ranking Member Pingree, and members of the committee, thank you for the opportunity to speak today. My name is Gloria O'Neill, and I serve as president and CEO of Cooking Inlet Tribal Council, or CITC, which serves 12,000 Alaska Native and American Indians annually.

As the primary tribal social services, workforce development, and education provider in Anchorage, Alaska, we have seen firsthand how to transform lives and create real population-level change. My testimony addresses three areas: expansion of Public Law 102477, Tiwahe, and recommendations of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children.

First, 477. For over 30 years, 477 has been a critical tool for tribal innovation and workforce development to serve our people most effectively by combining our employment, training, and related grant programs into a single, comprehensive, tribally-customized workforce development plan with a single budget and report, allowing us to maximize participant progress towards self-sufficiency, work seamlessly across programs to address the needs of each unique individual and family, and increase efficiency, decreasing administrative burden, and ensuring community impact, all while maintaining program guidelines and increasing self-determination. This is why it is so important to Indian Country and meeting the Federal trust responsibility.

CITC has operated a 477 plan since 1994. A key component is the improved coordination offered by our one-stop-shop, addressing the entirety of the individual and family to create a holistic approach that results in individuals moving from cash assistance to work and finding real career pathways. For example, in 2023, CITC participants realized an average hourly wage gain of more than \$12 per hour. That is real poverty reduction. However, despite the program's effectiveness, challenges remain. We offer these urgent requests.

First, the Department of Interior's Division of Workforce Development is doing a great job in supporting 477 tribes and tribal organizations, but they are stretched too thin and need additional resources to handle the growing number of tribal providers. Second, the current simple annual report format is set to expire soon. The current form does not require reporting by individual funding source. It works well and reinforces the 477 legislation. CITC supports the Federal Tribal Work Group's collaboration in producing an updated, simplified form that furthers our focus on serving people. Third, roadblocks and delays and fund transfers from other

agencies to DOI are impeding the full implementation of 477, including reluctance by DOJ and delays from Commerce and BIE. Finally, we strongly encourage this committee to insist that other agencies uphold the spirit of the 477 law, especially with regard to new OMB requirements that restrict flexibility in how we manage investment funds.

Secondly, I want to highlight the recommendations of the Federal Commission on Native Children, which I had the honor of chairing. In addition to highlighting the success of 477, the Commission identified critical appropriation priorities for improving the lives of native children and youth, among them: funding for training of State child welfare agencies on the ICWA Act delivered by native experts; reforms in BIA juvenile justice allowing and expanding funds to be used for preventative measures like counselors; and funding specific programs to be delivered in public tribal and BIE schools about trauma, suicide, and substance abuse; finally, funding short-term demonstration projects to support native health entities' capacity for third party billing.

Lastly, I encourage expanded funding for the Tiwahe initiative within BIA, which provides tribes and tribal organizations the flexibility to combine Bureau funds related to child welfare, including social services, ICWA housing, anti-recidivism, law enforcement, and courts, into a consolidated multiyear plan. Like 477, Tiwahe has shown great success in outcomes. With a current budget of \$44 million, BIA has asked for an additional 36 million in fiscal year 2024 and 2025 that would fund all the current incubator tribes.

Through strong support of 477, investments in native children, and expanded funding for Tiwahe, we can provide greater impact in tribal communities across our country, and I just want to thank you for this opportunity.

[The statement of Ms. O'Neill follows:]



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CITCI.org

House Interior Appropriations Subcommittee on Interior, Environment, and Related Agencies

Public Witness Hearing - American Indian & Alaska Native Day I

May 7, 2024

Testimony of Gloria O'Neill

President and CEO of Cook Inlet Tribal Council, Anchorage Alaska

Chairman Simpson, Ranking Member Pingree, and Members of the Committee, thank you for the opportunity to provide testimony regarding the Department of Interior budget. I have had the privilege to serve as President and CEO of Cook Inlet Tribal Council (CITC) for 30 years, during the entirety of which CITC has utilized the benefits of Public Law 102-477 to integrate our employment and training and supportive services with holistic, wraparound services that connect individuals and families to life-changing self-determination. I have also seen the benefits that the Bureau of Indian Affairs' Tiwahe program can bring in a similar wrap-around style for child welfare. Lastly, in my capacity as Chair of the Alyeska Spotted Bear and Walter Soboleff Commission on Native Children, I have worked to identify key appropriations changes that will significantly impact outcomes for Native children and youth.

CITC BACKGROUND:

CITC serves as the primary education and workforce development center for Alaska Native and American Indian (AN/AI) people in the Anchorage area. Approximately 70,000 AN/AI people – more than 40% of Alaska's total AN/AI population – live in the Cook Inlet region. CITC serves any AN/AI person seeking services, regardless of their Tribal affiliation or original home areas, totaling approximately 12,000 AN/AI people yearly. A vital component of those services is CITC's role as the sole Tribal TANF provider in Anchorage and the Mat-Su Valley, which has seen tremendous success in moving people from cash assistance to work largely through its Employment and Training Services Department and 477 Plan.

1. ADDRESS 477 IMPLEMENTATION:

Designed to reduce administrative burdens and support Tribal Self-Determination, the 477 Program is a federal initiative that allows Tribes and Tribal Organizations to integrate multiple federally-supported Tribal programs under a single 477 Plan, approved by the Department of the Interior (DOI). In turn, the Tribe or Tribal Organization reports back on an annual basis using a single consolidated reporting form. When allowed to function as Congress intended, the 477 Program is a model of success that we hope will be emulated and expanded across federal programs. However, there are still a few issues in implementation that must be noted for the Committee:

Expansion of Self Determination and Administrative Flexibility: DOI, and its Division of Workforce Development (DWD), has over the last year or so stepped fully into its role as Lead Agency under the 477 statute, as amended, and the more recently finalized 2023 MOA. DWD has supported Tribes and

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Tribal Organizations through the Plan approval and amendment processes as more Tribes join the Program and more programs are integrated appropriately with the other federal agencies. Unfortunately, DWD's workload now outstrips their current resources and available personnel. *CITC urges the Committee to work to provide additional resources to be used toward these goals.*

Reduction in Reporting Burdens: Another positive development has been the overall simplification in reporting burden imposed on Tribes and Tribal organizations operating 477 Plans. If a Tribe were to operate independently each of the 44 federal programs currently integrated under a 477 Plan, for example, that Tribe would be required to provide at least 153 different individual reports. Under 477, that burden is simplified to a single three-component annual report, and the resources that would have otherwise gone to developing each of those individual reports can instead be used to provide services to the community. However, the current 477 annual report form will expire in November, 2024. CITC supports a Federal/Tribal work group working to produce an updated and simplified form.

Simplified Grant Renewal Processes: Several federal agencies, including the Department of Labor (WIOA Program) and the Department of Health and Human Services (CSBG Program), have provided specific instructions or simplified pathways for Tribes and Tribal Organizations seeking to renew their grants while incorporating them into a 477 Plan. *CITC supports these efforts and requests that this Committee direct DOI to work with the other agencies to achieve consistency and flexibility across agencies.*

Unlawful Holding of Funds by DOJ: Through the 477 statute, BIA recently approved a Tribe's 477 Plan amendment to integrate DOJ's Tribal Victim Services Set-Aside program. During the plan review process, DOJ rejected integration of these programs, purporting that Tribes may only integrate programs that are authorized specifically for employment and training. This assertion was unfounded, as the Tribe proposed to implement those programs "for the purpose of job training, [job] skill development, assisting Indian youth and adults to succeed in the workforce, and encouraging self-sufficiency," as well as "services related to th[ose] activities" under 25 U.S.C. § 3404(a)(1). Furthermore, Congress explicitly rejected the DOJ's viewpoint when developing the 2017 amendments to the 477 statute (in fact, that was one of the main purposes of the 2017 amendments), and the affected federal agencies did as well in the 2023 MOA. DOJ then took the position (happily reversed prior to a legislative oversight hearing) that it can refuse to transfer the funds even though the Plan amendment has been approved. This is flatly contrary to the 477 statute's funds-transfer requirements, and if allowed to stand, would undermine those funds transfer requirements. *We request that this Committee include language to discourage actions such as those taken by DOJ.*

Delayed Funds Transfers: Problems persist with certain agencies and programs regarding transfer of funds to BIA to be passed on to Tribes and Tribal Organizations operating 477 Programs. For example, one Tribal Organization has waited for funds from the Department of Commerce's Minority Business Development Agency for more than a year. Similarly, Tribes and Tribal Organizations waiting for Bureau of Indian Education funds have been delayed by nearly two years. *We request that the Committee include language to address these delays.*

Frequency of TANF reporting: The Office of Family Assistance (OFA) has insisted on a quarterly reporting requirement for Tribes and Tribal organizations receiving TANF funds through their 477 Plans, though it is clear that 477 statute requires only one consolidated annual report for all programs. OFA should mandate only one annual report, as required by the legislation. *We strongly urge the Committee to ensure that the TANF program continues to receive reports in the integrated statistical report developed by the federal agencies in conjunction with the 477 Tribal Workgroup.* That report contains all necessary information and keeps TANF in alignment with the requirements of the 477 statute. As OFA is aware, that statute provides that “Notwithstanding any other provision of law” – only one report is required, and separate accounting of individual programs within a 477 Plan is not consistent with that Congressional direction.

Misunderstanding of the Waiver Process and Opportunity: Requests for waiver under the 477 statute allow the federal departments to waive both *regulatory and statutory* provisions as long as they are not in opposition to the underlying program requirements. Merely stating that a law requires quarterly reporting does not fulfill the required 477 waiver analysis. Unless in opposition to the underlying program goals and purpose, agency interpretation of allowable waivers must be flexible in order to fulfill the statutory requirement to grant waivers.

Unlawful Meddling in Tribal Hires: Citing to the 2 CFR Part 200 Uniform Guidance regulations, some federal agencies, such as the Department of Education, have required federal approval for personnel decisions made by Tribes and Tribal organizations operating pursuant to a 477 Plan. This is contrary to both the letter and spirit of the 477 statute, and nothing in the Part 200 regulations allows or requires this action.

Inconsistent Compliance Supplement: The May 2023 OMB Compliance Supplement has detailed requirements regarding the investment of 477 funds. However, 25 U.S.C. § 3413(g)(2) requires only that those funds are “managed in accordance with the prudent investment standard.” *We request that this Committee include language so that OMB updates the compliance report to be consistent with the statute and remove any additional requirements.*

Lessons from Commission on Native Children: Finally, CITC calls the Committee’s attention to “The Way Forward: Report of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children,” for which I served as Chair. Recommendations throughout the report reference the importance and success of braiding and consolidating funding and programs to benefit Native children and youth and improve their outcomes. In particular, Recommendation 25 specifically addresses the benefits of 477 and the importance of expanding its reach, and calls for increased funding to accomplish these goals. Other recommended priorities for this Committee in that report are noted later.

2. EXPAND TIWAHE FUNDING:

Tribes and tribal organizations have achieved success when they have secured adequate funding to transform their child welfare systems with thorough integration of cultural values and traditions. The Tiwahe Initiative within the BIA provides Tribes the opportunity to accomplish this change. The Commission also recommended full funding for this crucial program. Through Tiwahe, Tribes and

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Tribal organizations have the flexibility to combine Bureau funds related to child welfare – including social services, ICWA, Housing Improvement, anti-recidivism, law enforcement, and courts – into a consolidated, multiyear program to effectuate meaningful change for Native children and families.

Red Lake Nation, Pascua Yaqui Tribe, Association of Village Council Presidents, and Ute Mountain Ute Tribe, among 65 others, have all shown significant improvements in their comprehensive Tribal child welfare and justice systems utilizing this innovative initiative. To wit, Pascua Yaqui effectively expanded its presence in Arizona state courts and built its tribal court system to address child wellbeing. Similarly, Red Lake Nation created a new system for child welfare, Ombimindwaa Gidinawemaaganinaadog (Uplifting all of our Relatives), a culturally aligned and whole-family approach to support and sustain adult recovery. From 2017 to the present, this new system led to a 63% reduction in the number of children in out-of-home placement.

3. COMMISSION ON NATIVE CHILDREN RECOMMENDATIONS

The Commission specifically recommended expansion of 477 and Tiwahe. In addition, the Commission identified the following initial expansion of appropriations (among others) that would have significant effects on transforming outcomes for Native children and youth:

- Fund a comprehensive Indian Child Welfare Act training program for state child welfare agencies and courts developed and delivered by Native professionals.
- Direct in appropriations that “all funds allocated for juvenile corrections/detention/probation officers can be used for counselors, coaches, and community-based juvenile prevention and supervision activities so that secure detention is not a requirement of personnel funds,” and reverse the direction that all treatment must be funded through IHS and SAMHSA, not the BIA.
- Fund specific programs to be delivered in public, tribal and BIE schools about trauma, suicide and substance abuse.
- Fund short-term investments to support Native entities’ capacity for third-party billing.
- Increase funding for salaries and benefits to attract higher quantity and quality workforces in social services, healthcare, juvenile justice, courts, and education, such that salaries and benefits meet local standards and match other federal employees.
- Fund and remove barriers to Native and non-Native professionals serving Native communities such as described in S.3022.

CONCLUSION

1. If its full potential is realized, PL102-477 provides an unparalleled opportunity to streamline funding and programs for the maximum benefit to American Indian and Alaska Native people.
2. Fully funding Tiwahe, in order to make this integrated funding available in the child welfare context, will have outsized impacts on Native child and youth wellbeing.
3. Attention to implementing the Commission on Native Children’s appropriations recommendations will bring the long-needed changes that will transform the future for Native children and youth.

GLORIA O'NEILL

SUMMARY OF PROFESSIONAL ACCOMPLISHMENTS

Serving as President and CEO of Cook Inlet Tribal Council (CITC) since 1998, Gloria O'Neill has led the organization's growth in becoming one of the major social service providers in Alaska, currently offering more than 50 essential programs that serve more than 12,000 Alaska Native and American Indian people each year. Through rigorous attention to community-based results, Ms. O'Neill has established CITC's national reputation as a leading innovator of effective and replicable approaches to overcoming disparities in education, employment, family preservation, and substance dependency. She oversaw the development and implementation of *Vision 2034*, a strategic framework model for optimizing long-term program effectiveness and sustainability; it is a plan that establishes CITC as an organization of side-by-side leaders, operating as teams to solve problems, improve performance, and measure progress toward a common vision.

Selected program accomplishments:

- During the past five years, CITC has helped more than **4,600** low-income job seekers obtain unsubsidized employment, transitioned nearly **2,000 participants** from welfare to employment, and increased wages by more than **\$12 per hour** through workforce development programs
- Achieved a **66% completion rate** for residential detox programs in the last five years (national average is about 46%)
- Achieved a **92% graduation rate** among CITC in-school programs within the Anchorage School District (ASD), as compared to the ASD rate of 57% for Alaska Native/American Indian students
- Reunified nearly **400 families** during and prevented foster care placement for another 100-plus families
- Served nearly **2,200 individuals** through detox services and more than **700 individuals** in additional treatment services
- Since 2007, through the innovative *Chanlyut* program—which provides a re-entry/incarceration alternative for adult male offenders—taxpayers have saved **more than \$2,000,000** in comparable prison costs

Throughout her tenure, Ms. O'Neill has led the successful integration of for-profit business practices into the non-profit setting, and expanded public-private partnerships involving businesses, government agencies, and other non-profits. Her emphasis on rigorous financial management has resulted in a consistent record of unqualified audits.

Selected fiscal accomplishments, 1998 – present:

- Increased staff from fewer than 70 employees to more than 450; raised more than **\$502 million** for operations, including **\$496 million** in state and federal grants/contracts and **\$14 million** in private sector donations and grants; increased fixed assets by nearly **\$30 million**, and net assets from approximately \$150,000 to approximately **\$35.8 million**.
- Expanded annual budget from \$8 million to **\$63 million**; through increased competitive grants, private sector fundraising, social enterprise income, and innovative collaborations.
- Spearheaded major capital projects totaling nearly **\$37 million**, including construction of a non-profit services center, two dormitories, a youth center, an **Early Head Start Center**, and through tripling the capacity of youth transitional housing in Anchorage.
- Inaugurated a **Social Enterprise** division, with a total current income of more than **\$11.5 million** annually.
- Created a for-profit subsidiary, CEI, to sustain CITC's mission. Through CITC, invested in and launched the critically acclaimed **Never Alone video game** and turned that investment in to ownership in E-Line Media. CITC now owns 31 percent of E-Line and has realized a **35 percent appreciation** in value.
- From 1998 to 2017, CITC has distributed nearly **\$51 million** in grants and contracts to more than 150 tribal and social service affiliates throughout the Cook Inlet region and statewide.
- Oversaw operational efficiencies in CITC-administered TANF program, which resulted in a 11-year savings of **\$16.2 million** which were re-invested in Supportive Services and programs.
- Oversaw operational efficiencies in CITC-administered TANF program, which resulted in a 5-year savings of **\$8.4 million** that were re-invested in supportive services and programs.
- Assumed responsibility for the **Alaska Native Justice Center** (ANJC), currently serving as CEO; increased ANJC operating budget from \$525,000 to more than **\$8 million today**.

Ms. O'Neill has offered regular testimony before the Alaska State Legislature and the U.S. Congress, where she has been a persuasive advocate for policy reform at both state and national levels.

EMPLOYMENT

Cook Inlet Tribal Council, 3600 San Jeronimo Dr., Anchorage, AK 99508

1998 – present	President and CEO
1992 – 1998	Various positions

Ms. O'Neill joined CITC in 1992 as a program caseworker, and over the ensuing six years, was promoted to positions of increasing responsibility, culminating in oversight of major programmatic divisions of the organization. During this time, she developed a set of skills and experience, including negotiating and implementing federal funding to expand key service areas; budget oversight of multi-million dollar projects and programs; staff expansion and development to promote upward mobility and competencies; coordination of service delivery among Cook Inlet regional agencies; and strengthening relationships with key state and community leaders to promote collaboration and expand resources.

EDUCATION

2000	Master of Business Administration, <i>Alaska Pacific University</i>
1996	Bachelor of Arts in Sociology; minor in Business Administration, <i>University of Alaska Anchorage</i>

CURRENT BOARDS AND COMMITTEES

2021 - present	GSIS AK
2021 - present	Tuyan, LLC
2020 - present	Get Out The Native Vote (GOTNV)
2018 - present	Clare Swan Early Learning Center (CSEL)C
2018 - present	Alyce Spotted Bear and Walter Soboleff Commission on Native Children (Chair)
2016 - present	Alaska Native Justice Center (ANJC)
2013 - present	Alaska Federation of Natives Board of Directors (<i>first term: 1998-2012</i>)
2012 - present	E-Line Ventures, LLC Board of Directors (<i>Executive Chair 2013</i>)
2010 - present	CITC Enterprises, Inc. (CEI)/President & CEO and Board member
2023 - present	Nudlaghi Leadership Institute (Chair)

Past board service includes: University of Alaska Board of Regents (2013-2021) (Board Chair between 2016-2018), Alaskan Command Civilian Advisory Board (2005 – 2020), National Court Appointed Special Advocates Association (CASA) Board; U.S. Census Bureau Advisory Committee on Race and Ethnicity; Secretary's Tribal Advisory Committee (*appointed by U.S. Secretary of Health and Human Services*); Governor Sean Parnell's Educational Transition Team; Bureau of Indian Affairs Tribal Interior Budget Council; Anchorage Museum Board (*Board Chair, 2010-'12*); University of Alaska Anchorage Advisory Board; Anchorage Community Land Trust Board; Cook Inlet Housing Authority Commissioner; ENSTAR Community Advisory Board; Mayor's Business Development Council; BP Exploration Inc. Community Advisory Board; The CIRI Foundation; Alaska Workers' Compensation Board; The Ronald McDonald House Charities of Western Washington; Alaska Native Concerns Municipal Committee

AWARDS AND RECOGNITION

2021	Alaska Humanities Forum, Leadership Anchorage Alumni Award
2018	<i>ATHENA Leadership Award</i> , Anchorage ATHENA Society
2014	<i>Shirley Demientieff Award</i> , Governor of Alaska (presented at AFN October Convention)
2011	<i>Children and Family Fellowship</i> , Annie E. Casey Foundation
2010	<i>Humanitarian Award</i> , University of Alaska Anchorage Alumni Association
2010	<i>Keynote Speaker</i> , Alaska Federation of Natives Convention, Fairbanks
2008	<i>Sabbatical Award</i> , Rasmuson Foundation (climbed Mt. Kilimanjaro in January, 2009)
2004	<i>Woman of Achievement Award</i> , British Petroleum and YWCA of Anchorage
2003	<i>Light of Hope Award</i> , Court Appointed Special Advocate Association (CASA)
2001	<i>Athena Society</i> , Anchorage Chamber of Commerce
2000	<i>President's Environmental Award</i> , U.S. Environmental Protection Agency
1998	<i>Top Forty Under 40 Award</i> , <i>Alaska Journal of Commerce</i>
1998	<i>Leadership Anchorage Fellowship</i>

Member of Alpha Kappa Delta International Sociology Honor Society (1993); Golden Key National Honor Society Award (1993); National Dean's List (1993-1995)

Mr. SIMPSON. Thank you, and thank you for your testimony. Repatriation of both Native Americans and the artifacts that are in museums all over the world, frankly, should be a high priority, and I think we tried to make that in the last bill. In fact, I have the staff here call museums to tell them they need to give those back. Anyway, thank you for your testimony. I appreciate it.

Ms. PINGREE. Yeah, and thank you for bringing up the real crime of the boarding schools and the importance of placing more emphasis on that, and making sure everyone is aware of that history and also the suggestions that you had of the National Park Service. Each one of those funding lines would be very important, I think. I appreciate it.

Mr. HARRIS. We appreciate it.

Ms. PINGREE. Yeah, and thank you. All your suggestions were great. I had a chance to go to Alaska last year during the Arctic encounter in April and tour around the Cook Inlet a little bit with Senator Murkowski. You live in a beautiful place. I mean, it is not Maine, but it was really quite beautiful. [Laughter.]

I mean, it is kind of Alaska-like. You know, we just got little tiny mountains. You guys are spectacular, but also really very significant issues, and each one of your suggestions was very good. Thank you.

Ms. O'NEILL. Thank you. Thank you.

Mr. SIMPSON. I am glad that Maine and Alaska are nice, but you flew right over God's country. That would be Idaho.

Ms. PINGREE. Yeah. Where is that again? [Laughter.]

Mr. SIMPSON. Thank you for your testimony. I appreciate it.

Mr. HARRIS. Thank you.

Mr. SIMPSON. Last panel of the morning or the afternoon, of the day. Jill Sherman-Warne, Catalina Villa Montes, Russell Attebery, and Carmine McDarment.

Jill, you are up first.

TUESDAY, MAY 7, 2024.

HOOPA VALLEY TRIBE

WITNESS

JILL SHERMAN-WARNE, COUNCILMEMBER, HOOPA VALLEY TRIBE

Ms. SHERMAN-WARNE. Wow. I have the hard act of following Ron Allen. I want to say [Speaking native language.] I am very thankful for being here and being able to testify before you today. Nobody warned me that my heart was going to break as I listened to the testimony of my fellow tribes. I am just here to say on behalf of Hoopa that we would like to increase the request that we submitted last year, which was \$10.4 million to \$20.8 million, and this is just the bare minimum, and that is the sad thing that I heard today as people were talking, my fellow tribes were talking, is that they are asking for a million dollars when, in fact, the programs probably need significantly higher levels of funding.

And we are talking about law enforcement. As you know, I come from California. Hoopa is located in Northern California. We are the largest land-based tribe in California. Luckily, we have been

able to fund the return of 10,000 acres to the reservation that will allow us to access a sacred mountain, and we are going to be celebrating that on May 14, so you are invited to come and attend that celebration. And Hoopa has a long history of trying to correct the wrongs of our ancestral lands being taken away and for us to work to return them.

When we talk about fish and salmon, I think I am one of the few fortunate youngsters, if I could call myself a youngster, that had the BIA surround our house with AK-14s and arrest my grandfather and my 8-year-old brother for engaging in traditional fishing. And those are really raw memories for me because I remember the fear that I had when they came because we were just trying to assert our fishing rights, and now we have fishing rights and we don't have any fish. Last year, we were able to harvest 364 salmon to feed 3,600 people. You are talking about needing to have Jesus come along and perform a miracle to ensure that we have that.

We need funding for law enforcement. In Northeastern Humboldt County, it is Hoopa that provides a majority of the law enforcement within the Northeastern county. We are also the ones who provide the emergency services, ambulances. Many of the local towns wouldn't have access to ambulance if it wasn't for the work that we have done. The Tiwahe initiative, everything they have said, and all I can say is I refer you back to the U.S. Civil Commission's report that they did in 2003 called "A Quiet Crisis," and then their updated report that was in 2018 called "Broken Promises." All you have to do is look at those things and know that we need to be funded at a much higher level.

We have talked about law enforcement and healthcare, and healthcare, you know ago, there was a study done by a private Indian health committee, and they found that if we could just get the same amount of funding that prisons do for healthcare, we would be on an equal basis. So can we just get the same amount of funding as U.S. prisons? Like, that is the level of where we are at in terms of healthcare services. Have there been increases? Absolutely. Have those increases been monumental to us? Absolutely, but the need is very well documented, and I hope that at some point, we can fund that.

Besides being on my tribal council, I am also the executive director of the Native American Environmental Protection Coalition, which is a coalition of 28 tribes. I work with EPA, predominantly with EPA. I also serve on the California Air Resources Board Environmental Justice Committee. I also sit on the CalEPA Tribal Advisory Committee. So environmental issues are near and dear to my heart, and I see the struggle that tribes have. If there is something that I would love to see, is that the general assistance funds under the GAP Program, I would like to see action taken to fund that program for tribes into perpetuity because GAP acts as aid to tribal government in terms of environmental protection, and we have to do those things ourselves. In terms of wildland fire, as you know, with climate change—maybe I am not supposed to say that here—but we are experiencing wildfires almost all year long. October was our last wildfire, and yet the tribe is almost broke by that because we are still waiting for over \$3 million worth of reimburse-

ments for assisting in those fires, and it is a huge strain on our government funding.

So I am kind of veering off of my actual prepared speech, but I felt like this might be my one opportunity to bend your ear and say there are all these things that need to be done.

Because we talked about IHS, I want to talk about the Rehabilitation Services Administration Section 121 programs, which is the program that funds tribal vocational rehabilitation programs, which is much like a State program. We need to make sure that tribes are getting those funds. Under that particular program, we are allowed to get up to 1 percent of the total amount funded, and we have never met that barrier, and we need to be making sure that have these programs. Hoopa, we have a program along with Yurok. We need to make sure that those programs are funded sufficiently because the need is great. We are losing so many young ones, whether it is to be murdered and missing or have mental health issues, and we are all struggling with those things. You have heard from a majority of my colleagues here about the need that exists within Indian Country, and I don't know how we are going to get those things really impressed upon not just you here at the table, but your colleagues as well because I know that most of the times, our school systems do a disservice with teaching Native-American history, and there is a lack of understanding that we are not an ethnicity. I mean, we are an ethnicity, but here before you as enrolled tribal members of our tribes, we are citizens of our governments. And so we are asking you guys to uphold the treaties and the promises that have been made and broken.

[The statement of Ms. Sherman-Warne follows:]



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Everett Colegrove
 Vice-Chairman

TESTIMONY OF
JILL SHERMAN-WARNE, COUNCILMEMBER
HOOPA VALLEY TRIBE
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
AMERICAN INDIAN/ALASKA NATIVE PROGRAMS
ON THE FY 2025 BUDGET FOR THE BUREAU OF INDIAN AFFAIRS
MAY 7, 2024

Honorable Subcommittee Chairman Simpson, Ranking Member Chellie Pingree, and Members of the Subcommittee, thank you for the opportunity to offer this testimony. On behalf of the Hoopa Valley Tribal Council and our recognized citizens, I submit this request for funding in the FY25 Department of the Interior Bureau of Indian Affairs (BIA) budget and the need for increased funding beyond our FY24 submitted testimony of \$10.4 Million for a total Tribal request. This year we request to increase the amount to \$20.8 Million for the Hoopa Tribe and request the Committee to initiate a plan for advanced appropriations for the BIA.

The Hoopa Valley Tribe is located in the mountainous region of Northern California within Humboldt County, California. The Hoopa Indian Reservation is the largest reservation within California and encompasses over 144 square miles with close to 90,000 acres held in trust. Congressional Acts in 1988 Hoopa-Yurok Settlement Act and 1997 Hoopa South Boundary Correction affirmed the Hoopa Tribe's jurisdiction over its lands and corrected long-standing wrongs to the Hoopa Tribe. Since the formation of the reservation the Hoopa Tribe sought to regain ancestral territory to its stewardship and protection. Recently with the help of numerous private donors and the State of California, the Hoopa Tribe purchased 10,395 acres of ancestral territory returning a sacred mountain back into our stewardship and protection. This \$14.1 Million dollar purchase is a momentous occasion, and we are hosting a celebration on May 14, 2024, and I invite you to attend.

The Hoopa Tribe is one of the largest employers within Humboldt County contributing nearly \$500,000 of payroll into the Humboldt County economy every two weeks. Hoopa provides the only ambulatory service for Northeastern Humboldt County. Additionally, several of our Tribal law enforcement officers are cross deputized with the Humboldt County Sheriff thereby providing additional policing to this area.

Page 2 of 3
Testimony of Jill Sherman, Councilwoman
Hoopa Valley Tribe

The Hoopa Tribe recognizes 3606 enrolled members as citizens of the Hoopa Tribe. As you know, Tribal citizenship is a political status not a racial identity. The Federal Trust relationship is supported in the US Constitution, Congressional Acts and in Supreme Court Decisions.

Last year the Hoopa Tribe submitted specific requests for increases in the following areas: Law Enforcement, Emergency Services, Social Services Indian Child Welfare, Forestry, Wildland Fire, Fisheries, Irrigation, PUD O & M, IHS Clinic Staffing and Recruitment and Emergency Medical Services. While that request remains, it must be said the Tribe requested the minimum needed to just get the Tribe by until the next annual appropriation. It is well past time we asked for more than a minimum. For example, last year we asked for \$750,000 for irrigation which increases the base funding from \$47,000 but the actual need is closer to \$10.5 million dollars if we are going to repair and replace failing portions of the system to ensure it is usable. Doubling our FY24 budget requests will ensure we can accomplish more than band-aiding the need.

As you know in 2003 the U.S. Commission on Civil Rights published, *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country*. This report thoroughly evaluated budget and spending of federal agencies to American Indians and Alaskan Natives and the report simply confirmed what we as Tribes already know—we are severely underfunded and underserved. This report was updated in 2018 and given a new title, *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*. These reports well documented the failure of the federal government (Congress) to meet its treaty obligations and trust responsibilities as well as identifying the stagnated funding levels for the past 15 years. The Hoopa Tribe can well document that federal funding levels received from the BIA has remained stagnated at 1989 levels (35 years). For example, our base funding to support Wildland Fire remains at \$750,000 yet each year the cost of wildland fires has grown exponentially due to longer fire seasons and costly response. The base BIA funding should be closer to \$4 million.

There is a great need to develop a system for advanced appropriations for the BIA. Unfortunately like most other federal agencies this past September we were making plans for a Tribal Government Shut-down due to Congressional Budget delays. It seems to have become business as usual with Congress enacting Continuing Resolutions (CRs) which causes uncertainty and instability in Tribal Government operations. Never have Tribes received advanced funding and even as a leading Self-Governance Tribe timely and assured funding is necessary. Even then, with assured funding it may not be received by the Tribe for over 5 months which means as a Tribe we limp along until we receive the funding.

**Page 3 of 3
Testimony of Jill Sherman, Councilwoman
Hoopa Valley Tribe**

Hoopa is not the first to bring forward a request for advanced appropriations in the BIA for Tribes. This message has been delivered over and over as far back as 2012 by my research. Thankfully, such appropriations have been authorized for Indian Health Services. We thank you for that wise decision. Advanced appropriations for the BIA would prevent Tribal Government destabilization of water service, law enforcement, wildfire, emergency services, housing, social services, Indian child welfare and most importantly tribal government services.

In closing, I thank you for allowing the Hoopa Valley Tribe to present oral testimony and I am willing to answer any questions you may have.

Jill Sherman-Warne is an elected Tribal Councilmember of the Hoopa Valley Tribe. She also served as a Tribal Councilmember 1995-1997. Ms. Sherman-Warne is also the Executive Director of the Native American Environmental Protection Coalition (NAEPC). She regularly works with 28 tribes throughout California, Arizona, Nevada and New Mexico. She graduated from Humboldt State and built her respected professional reputation serving tribes in a variety of capacities from language learning, vocational rehabilitation, grant writing, environmental planning and emergency response. Jill immerses her energy into building scalable tribal programs to increase and strength the tribal sovereignty. Jill's cadre of skills allowed her to enjoy working directly as a tribal staff member, on congressional campaigns, state commissions and on local and regional tribal boards and committees. Jill's work specialty is increasing the professional capacity of tribal environmental staff and engaging tribes on critical environmental issues. Jill enjoys providing tribes the necessary tools to improving their capacity and capability to meet and exceed federal standards without increasing management burdens. Jill also serves as a Senior Consultant to the Environmental Finance Center. Jill serves as a member of the San Diego American Indian Health Clinic Board of Directors and on the UC San Diego Chancellor's Community Advisory Board, the State of California's Clean Vehicle Assistance (CVA) Advisory Board and the Technical Advisory Board for Mobile Renewable Power. In 2022 Ms. Sherman-Warne received an appointment to serve on the California Air Resources Board's Environmental Justice Advisory Committee. This past year she began secondary appointment to the California EPA Tribal Advisory Committee. Jill also serves on the College of the Redwoods Foundation Board. Ms. Sherman-Warne is proud of her previous 15 year tenure on the California Native American Heritage Commission. In her spare time Jill enjoys traditional fishing and hunting. Jill is also a highly successful grant writer in her off hours.

Mr. SIMPSON. Thank you, Jill. Catalina.

TUESDAY, MAY 7, 2024.

**RIVERSIDE-SAN BERNARDINO COUNTY INDIAN
HEALTH, INC.**

WITNESS

**CATALINA VILLA MONTES, TREASURER, RIVERSIDE-SAN BERNARDINO
COUNTY INDIAN HEALTH, INC.**

Ms. VILLA MONTES. Thank you. Thank you. Good afternoon, Chairman Simpson and Ranking Member Pingree. I am Catalina Villa Montes, Pechanga Band of Indians member, Riverside San Bernardino County Indian Health director, and board treasurer, and I sit on the California Rural Indian Health Board as a director. My tribe is 1 of 9 in the consortium of Riverside San Bernardino County Indian health, and I want to thank you for the opportunity to speak to you today.

Year after year, you hear from tribal entities requesting more Indian health funding. While these needs are important, so is the need to protect the recurring funding for Indian health programs that we already rely on to provide services. Unfortunately, delays in the Federal budgeting process exemplify why the entire Indian Health Service budget needs to be moved to mandatory appropriations. We are extremely appreciative that in fiscal year 2023, Congress first provided for advance appropriations for the IHS. However, certain accounts were excluded from those advanced appropriations, including contract support costs, lease funds, and certain facility funds. The threat and disruption of potential shutdowns, sequestrations, and continuing resolutions continue to loom over our operations despite advanced appropriations. And the only way to ensure that Indian health programs are held harmless like other Federal health programs is to move the IHS budget to the mandatory side. This is necessary to uphold the Federal obligation for Indian healthcare to provide funding stability for tribal health programs.

Inflation, especially in the medical sector, has decreased our buying power and means the funds we have do not go as far as they historically have. Post-pandemic provider salaries, medication costs, and nearly every component of our programs have increased. While in fiscal year 2023, the administration's program to fully fund the IHS required \$36.7 billion, only one year later, that number rose to \$54 billion, yet the total agency appropriation remains less than \$10 billion. Oh, did I say "million?" I meant "billion." We continue to support the budget's push towards full funding for the IHS.

The California IHS area does not receive equitable funding. Our State is one of four IHS areas that are designated PRC dependent, meaning we have little or no access to an IHS or tribally-operated hospital and, therefore, must purchase all or a large portion of in-patient and specialty care from non-tribal providers at a significantly higher cost. Every year, our PRC funding is nearly or completely depleted before the end of the fiscal year. As a result, our

patients often must forego access to certain specialty care that they need unless they have non-IHS resources to cover the cost.

On behalf of the 68 federally recognized tribes and the tribal organizations that I represent, we respectfully request this committee support Congressman Kevin Kiley's PRC budget request of \$82.9 million for the California IHS area in fiscal year 2025. This request was endorsed in writing by several members of Congress. We also ask the committee to support funding for the development of two regional specialty care centers in California. When these facilities are operational, we could refer our patients to them to receive the care that is available. It would also alleviate some pressures on our PRC budget. Given that there are twelve IHS areas across the country and the California area is one of four formally designated as PRC dependent, California is often overlooked and chronically under resourced by IHS. As a result, we have little recourse to correct these inequities without congressional support, and we need you now more than ever. Please support my PRC requests.

We know that the IHS has continued to ask for large budget outlays for its Health Information Modernization Project that the Agency intends to move to replace its antiquated system with a new Oracle system. Unfortunately, our programs could no longer wait for IHS to decide to modernize, so over 6 years ago, we purchased our own modern electronic healthcare record system that was necessary for us to meet our patient needs. However, using this different EHR technology impacts our ability to submit data to the Federal data warehouse, and the incompatibility between our system and IHS' system impacts patient data that may feed into funding formulas. We ask that Congress provide funding to improve systems integration with new IHS EHR technology and ongoing maintenance costs required to enhance data accuracy.

Lastly, but not least, contract support costs, which cover our necessary overhead and administrative costs, are critical to sustain our operations and ensure that our program funds can be dedicated to services. However, ever since Congress mandated full funding of contract support costs in 2014, IHS has devised different ways to attempt to limit or reduce these reimbursements. Therefore, we ask the committee to direct IHS to eliminate its reconciliation process, which permits IHS to come back years after our books are closed to request funds back for a prior fiscal year, many of which have already been spent. Our indirect cost rate setting process already accounts for over or under recoveries in any given fiscal year, and this repetitive agency reconciliation process only distorts this process further.

I thank you for your time and consideration of our requests.

[The statement of Ms. Villa Montes follows:]



RIVERSIDE - SAN BERNARDINO COUNTY
INDIAN HEALTH, INC.

11980 Mt. Vernon Ave, Grand Terrace, CA 92313 • (909) 864-1097

I am Catalina VillaMontes and I am the Treasurer of the Board of Directors for the Riverside-San Bernardino County Indian Health, Inc. (RSBCIHI), located in Southern California. I am also a member of the Pechanga Band of Indians, one of nine consortium Tribes of RSBCIHI and I also serve on the California Rural Indian Health Board. I serve in all these roles because the health and welfare of my people is my highest priority. I am honored to be here and have the opportunity to testify today.

Protecting Vital Health Care Funds

Year after year, you hear from Tribes and tribal organizations asking for more Indian health funding. While we support those pleas, we also recognize the need to protect the recurring funding for Indian health programs we already rely on to provide services. Unfortunately, the many delays of the fiscal year (FY) 2024 appropriations process exemplified why the entire IHS budget needs to be moved to mandatory appropriations.

To be clear, we are extremely appreciative that in FY 2023, Congress first provided for advance appropriations for the Indian Health Service. However, certain accounts were excluded from those advanced appropriations, including contract support costs, lease funds, and certain facilities funds. The threat and disruption of potential shutdowns, sequestrations and continuing resolutions continue to loom over our operations despite advanced appropriations. The only way to ensure that Indian health programs are held harmless, like other Federal health programs, is to move the IHS budget to the mandatory side. This is necessary to uphold the Federal obligation for Indian health care and to provide funding stability for Tribal health programs.

We also ask that Congress realize that inflation, especially in the medical sector, has decreased our buying power and means these continuing funds do not go as far as they historically have. Post pandemic provider salaries, medication costs, and nearly every component of our programs have increased. While in fiscal year 2023, the Administration's projection to fully fund the Indian Health Service required only \$36.7 billion, only one year later, that number rose to \$54 billion. Yet, the total agency appropriation remains less than \$10 billion. We continue to support the Budget's push towards full funding for the IHS and at the least meaningful increases to allow our programs to keep up with historically high inflation.

Purchased/Referred Care (PRC) Funding

The California Area does not receive equitable funding. Our State is one of four Indian Health Service Areas that are designated "PRC dependent," meaning we have little or no access to an IHS or tribally-operated hospital and therefore must purchase all or a large portion of inpatient and specialty care from non-tribal providers at a significantly higher cost. As we've shared previously, our current PRC funding is insufficient to meet the need for specialty and advanced care. Every year our PRC funding is depleted before the end of the fiscal year. Due to the large carryover in PRC funds from federally-operated service units, however, we have not seen a meaningful increase in PRC funds since 2018. As a result, our patients must forego the higher level care they need unless they have non-IHS resources to cover the costs. We ask this Committee to provide additional PRC funding for Tribal programs or to require redistribution of the large agency carryover balances so that funds can go where they are actually needed. We also ask the Committee to support funding for Regional Specialty Care Centers, especially in California, that will provide a Tribal facility we can refer patients to and alleviate pressure on our PRC budget.

We note that when new funding comes in or a change in distribution formula is discussed, the California Area is routinely out voted by other Areas. As a result, we have little recourse to correct these inequities without Congressional funds directing them to the areas that need them most.

Funding for Tribal EHR Modernization

We know that IHS has continued to ask for large budget outlays for its health information modernization project and that the agency intends to move to replace its antiquated system with a new Oracle system. However, our programs could no longer wait for IHS to decide to modernize; over six years ago, we purchased our own modern electronic health record (EHR) system that was necessary for us to meet our patient needs. However, using this different EHR technology impacts our ability to submit data to the Federal data warehouse and the incompatibility between our system and IHS's system impacts patient data that may feed into funding formulas. We ask that Congress provide funding to improve systems integration with new IHS EHR technology, and ongoing maintenance costs required to enhance data accuracy.

Fully Funding Contract Support Costs

Contract support costs, which cover our necessary overhead and administrative costs, are necessary to sustain our operations and ensure that our program funds can be dedicated to services. However, ever since Congress mandated full funding of contract support costs in 2014, IHS has devised different ways to attempt to limit or reduce these reimbursements. Therefore, we support the enactment of H.R. 409 sponsored by Representative Tom Cole, which will maintain the status quo on these calculations, and protect against IHS reducing them by over 90% as it tried to do to a Tribal contractor on the Navajo Nation in 2022 and 2023. We also ask the Committee to order IHS to eliminate its "reconciliation process," which permits IHS to come back years after our books are closed to request funds back for a prior fiscal year, many of which

have already been spent. Our indirect cost rate-setting process already accounts for over or under recoveries in any given fiscal year and this repetitive agency reconciliation process only distorts this process further.

We thank you for your time and consideration of our requests.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Appropriations

Subcommittee: _____

Hearing Date: May 7th, 2024

Hearing Title :

House of Representatives American Indian and Alaska Native Public Witness Days

Witness Name: Catalina VillaMontes

Position/Title: Riverside San Bernardino County Indian Health Inc. Board of Director

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Riverside San Bernardino County Indian Health Inc. (RSBCIHI)

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

No

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

I.H.S. Funding:
2021: \$ 70,330,889.00 (COVID Funding year)
2022: \$37,208,263.00
2023: \$40,551,158.00
2024: 39,513,823.00 (YTD)

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

N/A

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

- (5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.
- (B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—
 - (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.
 - (C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.
 - (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

Appropriations

May 7th—House of Representatives American Indian and Alaska Native Public Witness Days

False Statements Certification	
Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.	
	<u>4/22/2024</u>
Witness signature	Date

Appropriations
May 7th—House of Representatives American Indian and Alaska Native Public Witness Days

**Catalina VillaMontes
Pechanga Band of Indians**



My personal objective as being a proud member of the Pechanga Band of Indians is the health and welfare of my tribe and being able to make impactful decisions that not only benefit my reservation but all Native Americans across California. I began that journey volunteering at the private elementary school on the reservation in various capacities, and now I serve my tribe by being an advocate for Indian Health Services. I welcome more opportunities to serve my tribal community to the best of my ability.

<u>Education:</u>	Graduated:
<u>North High School, Torrance CA</u>	6/2004
<u>California School of Culinary Arts, Pasadena, CA</u> Le Cordon Bleu Culinary Arts Program Associate of Occupational Studies	11/2005
	Duration:
<u>National University Luiseño Language Classes</u>	2007-2008
Curriculum:	
· Learning to speak, read, and write basic Luiseño language	
<u>Luiseño language classes</u>	2007-Present
· Continuing my education in the Luiseño language and culture	
<u>Work and Volunteer Experience:</u>	
<u>California Rural Indian Health Board</u>	2019-Present
· Delegate for Riverside San Bernardino County Indian Health	
· Attend Quarterly meetings, approve financial statements, discuss policies, and advocacy work	
· March on Washington advocating for better funding to California Indian Health Programs	
<u>Riverside San Bernardino County Indian Health Inc. Board of Director's</u>	
· Pechanga Board Delegate	2017-Present
· Opened a new health clinic on the Pechanga Indian Reservation	

- Organized several large Covid-19 vaccine clinics
- Personnel Committee
 - Conduct interviews and oversee the hiring of new employees for 7 clinics
- Executive Committee, Treasurer
 - Attend monthly meetings, Evaluate CEO
- Finance Committee, Chairwoman
 - Chair monthly finance meetings, set new policies, approve financial statements, and Annual Audits

Chammakilawish Pechanga School

- | | |
|--|--------------------------------------|
| · Teacher's Aide | Feb-June 2010, Sept-Dec. 2017 |
| Assisted in the preschool class during calendar, centers, recess,
snack and lunch | |
| · Setup and cleanup for major school events | 2011-2020 |
| · Parents of Pechanga Students(POPS) Member | |
| · Certified in First Aid Basics | |

Animal Friends of the Valleys**2007-2019**

- | | |
|--|--|
| Working fundraising events | |
| · Camp counselor for Furry Friends Kids Camp | |
| · Foster animals in my home until they are eligible for adoption | |

Mr. SIMPSON. Thank you. Russell.

TUESDAY, MAY 7, 2024.

KARUK TRIBE

WITNESS

RUSSELL ATTEBERY, CHAIRMAN, KARUK TRIBE

Mr. ATTEBERY. [Speaking native language.] Hello. Chairman Simpson, Ranking Member Pingree, thank you for the opportunity to testify. My name is Buster Attebery. I don't know if I would turn around if you called me Russell, so—[Laughter.]

Mr. ATTEBERY. And I am currently serving my 13th year as chairman of the Karuk Tribe. We are located in Northern California just below the Oregon border.

A quick overview, including fee-to-trust process, Karuk Tribe is one of California's largest tribes by population, but our trust lands are relatively small, rural, and subject to natural disasters, both in the decline of the Klamath River salmon, on which our tribe has depended since time immemorial, and wildfires and flooding that have destroyed homes of hundreds of our members. We have worked to overcome these obstacles, but we have much more to do. Karuk's involvement in removing obsolete dams on the Klamath is a major step toward restoring the river's fishery, but it will be many years before we see a return to its former abundance.

To reduce the threat of wildfires and resulting flooding that have so devastated our community, we have invested in an aggressive program of wildfire prevention through traditional burning and other forestry activities, all which rely upon a well-resourced tribal government.

Fee-to-trust process. As Karuk tribe's trustee, Interior should be our ally in these efforts. Instead, Interior sometimes spends its limited resources creating obstacles, in this case using a unique legal interpretation to advance a gaming application that harms tribes in California and Oregon, exceeds the authority delegated by Congress, and which the Department previously found fails to meet its criteria. If approved, this project would damage our tribal government's ability to manage our lands and assist our members for decades. By approving a project in Medford, Oregon, 170 miles from the applicant's existing lands and in an area in which the Department found that the applicant lacks historical connection, the Department would set a new national precedent without consulting tribes, conducting a regulatory process, or congressional authorization. The sponsors of the relevant law have written Interior to express that it violates their legislative intent. Despite all this, Interior is using an expedited process which fails to include consultation with tribes actually located in the area.

A bipartisan group of members representing our region have requested appropriations language prohibiting Interior from approving projects like this one. A more rigorous process, which includes tribal consultation and considers the views of State and local governments, would remain available to the applicant tribe. Interior has a trust response to all tribes and should never interpret the

law to benefit one at the expense of others. That is why this application is opposed by 26 members of the House and Senate and over 65 tribal governments. These decisions must be made fairly and transparently, for when land is taken into trust for one tribe in an area to which others have a connection, those tribes can be harmed forever. Fee-to-trust decisions for cultural and core government functions should be expedited, but those intended for purely economic purposes, such as gaming, require thorough review. I respectfully request that the committee exercise its oversight role, include this language in your 2025 bill, and restrict Interior from advancing projects which do not comply with the law.

Forest and management wildfire. Tribes have always used fire for cultural and land management purposes, and I urge the committee to clarify with report language that tribes develop fire programs on trust lands without the need for BIA approval. We need to be able to act quickly when we identify a hazard situation, not when we are finally given permission to do so. The committee should also recognize the importance of BIA, Fish and Wildlife, and parks funding the tribes receive. While there is not a great deal of funding for tribes, this is one of the most flexible tools we have for resource management on our land and natural forest lands. Just a side note: we encourage co-management. We have worked diligently with the Forest Service. They are on board. We will continue to ask for equitable funding for the tribes so we can work together and create what we know is a sustainable economy on our forest lands.

Real quick. I ask to consider baseline law enforcement funding to tribes in PL 280 States for education on PL 280 law. Thank you for your consideration and your time. I appreciate it.

[The statement of Mr. Attebery follows:]

Russell (Buster) Atteberry

Chairman, Karuk Tribe

Written Testimony to the House Appropriation Interior, Environment, and Related Agencies

May 7, 2024

Overview

Chairman Simpson, Ranking Member Pingree, thank you for the opportunity to testify today. My name is Buster Atteberry, and I serve as the elected Chairman of the Karuk Tribe, located in Humboldt and Siskiyou Counties in Northern California.

With 4,000 members, the Karuk Tribe is one of California's largest Tribes by population, but our trust land base is relatively small, extremely rural, and subject to repeated natural disasters, both in the form of the decline of the Klamath River's salmon resources on which our Tribe has depended since time immemorial, and disastrous wildfires and flooding that has destroyed the homes of hundreds of our members.

We have worked hard to overcome these obstacles to our resilience and self-sufficiency, but we have much more work to do. Karuk's involvement in removing several obsolete dams on the Klamath River is a great first step toward restoring the River's fishery, but it will be many years before we see a return to its former abundance.

Forest Management & Wildfire

We are also heavily engaged in managing our lands, and those National Forest lands surrounding us, for fuel reduction and fire prevention. Karuk has sought to implement an aggressive program of wildfire prevention through traditional burning and other forestry activities in order to avoid a repeat of the 2020 Slater Fire, in which the small community of Happy Camp lost 200 homes.

We are proud of our Natural Resources Department and while we have found great success in using the 638 contracting process to conduct a variety of fuel reduction and forest management, these are limited-term projects. Congress should enable Tribes to compact for forest management activities, which would enable us to train and retain the workforce our communities need over the long term.

The Committee should also recognize the importance of the BIA's Fish, Wildlife, and Parks program funding Tribes receive. While it is not a great deal of funding per tribe, this is one of the most flexible means we have to address resource management on our land and National Forest lands. Any increase in this account will have an exponential impact on our ability to manage forest health.

I would also ask that the Committee clarify with report language that federally recognized Tribes may develop fire programs on trust lands without the need for BIA approval. Under the status quo we cannot conduct a burn for fuel reduction without BIA approval. The BIA has never explained where its authority to regulate Tribal fuel management is derived from, and our community needs to be able to act quickly when we identify a hazardous situation - not when we are finally given permission to do so.

Public Safety

Chairman, Ranking Member, as you know, California, along with Idaho and a number of other states, operate under PL-280, in which state law enforcement is given jurisdiction over Tribal lands. While we have a positive relationship with our local law enforcement, our population centers are far enough from the county seat that emergency response can take hours. Even when local law enforcement is able to patrol our area, it means just one officer is responsible for thousands of square miles.

We also face confusion and uncertainty when reporting issues to local and state law enforcement; for example, our Tribe has faced a persistent trespass issue in which BIA has actually issued a cease and desist order, but state and local law enforcement, uncertain of their role and authority, have not enforced this order. Without any public safety resources of our own, we are left with few options to address this problem.

As you develop the Fiscal Year 2025 bill, please consider providing some level of baseline law enforcement funding to Tribes in PL-280 states. Even a limited amount of funding, enough to support training for local law enforcement or an additional officer to patrol our area, would have a major impact. We know the challenges we face are not unique to our Tribe, or to our state, and hope Congress recognizes the importance of this issue.

Fee to Trust Process

While we are pleased to work with Interior on many issues, we are frustrated that the Department is using its finite resources to advance a fee to trust application that will harm Tribes in California and Oregon, exceeds the authority delegated by Congress, and which is opposed by 26 Republican and Democratic members of the House and Senate.

In advancing an application in Medford, Oregon, 170 miles from the applicant's existing trust lands, the Department would set a new national precedent without consulting Tribes, conducting a regulatory process and comment period, or seeking congressional authorization. Notably, the application was already denied by the Department once, and the sponsors of the relevant legislation have written Interior to express that it violates their legislative intent. Despite all this, and adding insult to injury, the Department is using an expedited process which fails to include consultation with Tribes already located in the area.

As I noted, this application is opposed by a large, bipartisan coalition, and I understand that members representing the region have submitted for your consideration language which would prohibit the Department from approving projects like this one. A more rigorous process which includes Tribal consultation, considers the views of local governments, and requires a governor's concurrence would remain available to the applicant tribe.

The Interior Department has a trust responsibility to all tribal governments, and should never interpret the law for the benefit of one at the expense of others. These decisions must be made fairly and transparently, for when land is taken into trust for one tribe in an area to which other Tribes have a connection, those Tribes are deprived of that land forever. I respectfully request that the Committee exercise its oversight of the Department and restrict it from advancing applications which do not comply with the law.

Biography

Russell (Buster) Attebery has served as the elected Tribal Chairman of the Karuk Tribe since 2011. He graduated from Sacramento State University with a Bachelor of Arts degree, received a lifetime Clear Teaching Credential from Humboldt State University through the Indian Teacher Education Program, and has taught in a number of schools, including the Redding School District and the Siskiyou County School District. Chairman Attebery serves on the Tribal-Interior Budget Committee, the California Tribal Chairman's Association, and various other tribal organizations.

Mr. SIMPSON. Thank you. Carmine.

TUESDAY, MAY 7, 2024.

TULE RIVER INDIAN TRIBE

WITNESS

CHARMAINE McDARMENT, CHAIRPERSON, TULE RIVER INDIAN TRIBE

Ms. McDARMENT. Greetings, Chairman Simpson and committee Ranking Member Pingree. My name is Charmaine McDarment, and it is an honor to appear before you today. I serve as chairwoman of the Tule River Indian Tribe of the Tule River Indian Reservation in California. I formerly served as the tribe's general counsel for over 20 years. We are Yokuts Indians and we have occupied the entire San Joaquin Valley in California for thousands of years. On behalf of our 1,999 tribal members, I come before you today to share with you our most critically underfunded needs in order to guide the United States on how it can best fulfill its treaty and trust obligations to the Tule River Tribe and properly fund Indian programs and services that we rely upon most. Our funding priorities are water settlement, funding for wildfire prevention and fighting, and also law enforcement.

Tule River, like other tribal nations, are no strangers to land loss, fraud, broken promises, unratified treaties, and theft of our homelands and our water. Our ancestors signed the Treaty of Paint Creek in 1851, shortly after California became a State, but Congress never ratified that treaty. Instead, we were driven from our homelands, relocated to two reservations, only to be forced a third time to our current reservation into the foothills of the Sierra and Nevada mountains. We work hard to make our inadequate reservation a viable, safe, and nurturing homeland.

The Tule River Indian Reservation is located in Central California, south of the town of Porterville. It ranges in elevation from 900 feet to 7,500. The reservation's eastern boundary abuts the Forest Service's giant Sequoia National Monument. In 1922, the United States violated their trust duties to us when they appropriated our water rights to downstream users, leaving us in a battle for over 100 years to regain those rights back. As the former general counsel and as the current chairwoman, I know that without water and adequate infrastructure, our members and the tribe as a whole suffer.

We are actually forced to limit the number of enrolled tribal members because our constitution includes a residency requirement to enroll with the tribe. To become enrolled, you have to have a tribal member parent and they have to live on the reservation for a year before you are born. The only other way is to reside on the reservation for 5 consecutive years. And right now we have a moratorium on the establishment of any more land assignments for homes because we don't have enough water to serve those homes, so as you can see, it is hard to get people enrolled. And imagine being forced to limit the number of citizens of your nation due to lack of water and infrastructure. Imagine the impact that has on our tribal elders and our youth. The lack of water hinders our abil-

ity to sustain our food lifeways, maintain economic development and schools for our children.

You may recall hearing about the wildfires ravaging the Great Sequoias and killing those ancient beings. Those same fires burned and encroached on our reservation, threatening our lands. We have Giant Sequoias also on our reservation, and they burned several of those. Without water, we had no choice but to pitch in to fight those fires with little to no resources and rely on Federal assistance to bring in water to control the fires. This is why we adamantly advocated and continued to support the Save our Sequoias Act to fast track support for future wildfires because they are coming. The Save our Sequoias Act can never replace real long-term infrastructural solutions. That is why I am here to make sure you understand why mandatory and immediate funding for Indian water rights settlements must happen.

We are thankful to Senator Padilla and the late Senator Feinstein for their support of championing our water bill, S. 306, the Tule River Tribe Reserved Water Rights Settlement Act of 2023. The proposed settlement will settle and declare our rights to thousands of acres of feet of water, return the land containing the headwaters of the South Fork of the Tule river, which is about 9000 acres of the Sequoia National Park and monument that will go back to the tribe. And it would also fund a reservoir and water delivery system that will safeguard the Tule River Tribe with managed water for generations to come. While we await introduction of the House version of our water rights settlement legislation, we believe moving this legislation forward into law will achieve success towards meeting the United States' trust responsibility to the Tule River Tribe by safeguarding our rights to access clean drinking water. However, there is no justice without funding this settlement.

I am running out of time, so I defer to my submitted written testimony that outlines our other most critical funding needs, and I thank you on behalf of Tule River Tribe for hearing or for listening to my testimony, and I am open to questions. Thank you.

[The statement of Ms. McDarment follows:]



**Tule River Tribe
Testimony on Fiscal Year 2025 Appropriations**

**House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
May 7, 2024**

Greetings Chairman Mike Simpson, and Members of the House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies. My name is Charmaine McDarmert and it is an honor to appear before you today. I serve as the Chair of the Tule River Indian Tribe (“Tule River”) located in central California, and I come before you today to share with you our most critically underfunded needs in order to guide the United States on how it can best fulfill its treaty and trust obligations to the Tule River Tribe and properly fund Indian programs and services that we rely upon most.

We at Tule River, like other tribal nations, are no strangers to land loss, fraud, broken promises, unratified treaties and theft of our homelands and our water. We are Yokuts Indians and have occupied the San Joaquin Valley in California for thousands of years. Our story of land tenure might seem fictitious, but it is very real. In August of 1878 and after many actions to provide an adequate land base for the tribe, the United States landed on establishing a reservation representing a reduced footprint of ancestral Yokuts land, some 48,000 acres, via Executive Order by President Hays. The current Tule River Indian Reservation is located along the border of the Central Valley of California just outside the town of Porterville in the rugged Sierra Nevada mountains and ranges in elevation from ~900 feet to ~7500 feet. The Reservation’s eastern boundary abuts the Forest Service’s Giant Sequoia National Monument. In 1922, the United States violated their trust duties to us when they appropriated our water rights to downstream users, leaving us in a battle for over 100 years to regain our rights to water.

As the former General Counsel to the tribe for the past 20+ years, I know that without water and adequate infrastructure, we suffer greatly. We are actually forced to limit the number of tribal members that can live on the reservation because there is not enough water. This has a direct impact on the health of our members and the health of Tule River. Our constitution includes a residency requirement to enroll with Tule River. To become enrolled, applicants need to have a tribal member parent with proof of on-reservation residency 1 year before birth of the applicant, or the applicant must have residency on the reservation for 5 consecutive years. Without adequate housing, water infrastructure, and water resources on the reservation to establish parental or applicant residency, many applicants must await enrollment until they are eligible, risk losing eligibility, and our tribal population is lower than it should be. Imagine being forced

to limit the number of citizens of your Nation due to a lack of water and water infrastructure. Imagine the impact that has on our elders and youth.

The lack of water hinders our ability to sustain our food lifeways, maintain economic development and schools for our children, nor can we adequately protect ourselves from the constant threat of wildfires ravaging the adjacent Sequoia National monument and Forest Services lands.

Mandatory and Immediate Funding for Indian Water Rights Settlements Must Happen

We are thankful to Senator Padilla and the late Senator Feinstein for their support of Tule River in championing S.306, the Tule River Tribe Reserved Water Rights Settlement Act of 2023, and to former Congressman McCarthy for his support and assistance to us as we worked to settle our Indian water rights claims with the United States, consistent with the Criteria and Procedures for the Participation of the Federal Government in Negotiations for the Settlement of Indian Water Rights Claims. The proposed settlement will settle and declare our rights to thousands of acre feet of water, return the land containing the headwaters of the South Fork of the Tule River comprising some 9,000+ acres to the tribe, and fund the reservoir that will safeguard the Tule River Tribe with managed water for generations to come. While we await introduction of the House version of our water rights settlement legislation, we believe moving this legislation forward into law will achieve success towards meeting the United States' trust responsibility to the Tule River Tribe by safeguarding our rights to access clean drinking water. However, there is no justice without funding the settlement.

Indian water rights settlements, even if reached in full observation of the Criteria and Procedures, often sit in a docket of unfunded settlements – for years, under the discretionary budgeting scheme. If the settlement passes in this Congress, the Tule River Tribe cannot and should not be made to wait for funding to implement the settlement. The impacts of climate change and onslaught of severe drought conditions have devastated us - leaving tribal members living on the reservation, including myself, without water year after year. We have no choice but to seek out emergency provisions of water, such as bathing in make-shift showers, limiting tribal members to one gallon of water use per day and leaving our community prone to unacceptable realities of unsafe water, sanitation and hygiene conditions.

Water infrastructure requires substantial funding, but settlements also include protections for existing water users, avoids litigation – which has always been the pathway for Tule River, and, most importantly, upholds the United States' treaty and trust responsibilities. In addition, like all litigation, the parties are seeking finality in any settlement. In recent years, the Administration has been seeking to settle Indian water rights through lump sum payments to a development fund. This provides finality, but also requires that Indian tribes assume the risk for planning and developing water infrastructure. Settlement funding must account for that increased risk that is passed on to tribes and must also include substantial mandatory funding so that we can begin to plan and design the water projects long neglected by the United States.

In order to ensure that Indian water rights settlements are implemented as agreed to in Congressional legislation, the Subcommittee must provide adequate funding. For Tule River,

this funding will be used to develop water infrastructure that will right over a century of infringement on Tule River's water rights, provide the right drought solution for our reservation, create jobs, and put water infrastructure to work where it is needed most.

Increasing Bureau of Indian Affairs Funding for PL 93-638 Contracts for Tribal Firefighting, Wildfire Prevention and Management is Critically Necessary

In the past few years, the Tule River Reservation, the second largest land-based tribe in California, faced burning as a result of a series of Wildfires in the area. The Tule River Fire Department/Wildland Division operates on a Bureau of Indian Affairs funded 93-638 annual budget to fund its employee salaries and benefits, however, the budget leaves no growth to fund the needed minimal staffing needs to mitigate and prevent future wildfires near and on the Reservation. The 2021 Windy Fire, a large wildfire in the Sequoia National Forest in Central California's Tulare County begun by a lightning strike in the southern Sierra Nevada on September 9, and the fire burned 97,528 over the course of a month, making it the 8th largest wildfire in California in 2021. Total firefighting costs topped \$78 million and the fire caused the death of an estimated 900-1,300 large giant sequoia trees, including many located on the Reservation. These ancient trees are sacred natural resources to the Tule River Tribe.

The Tribe is in critical need to expand the BIA Funding to hire the Assistant Fire Management Officer and the Fire Operations Specialist positions; provide fire personnel training; increase severity funding to support the Tribe when it needs it the most; and purchase a Type 6 initial attack wildland engine to support baseline operations. Funding through this program is often delayed and often requires the Tribe to subsidize costs upfront. We must have firefighting resources in place to protect and secure our Reservation communities.

Funding Public Safety Services to Tribes in PL280 States is Long Overdue and Necessary

The Tule River Tribe has no choice but to fund its \$3.6M+ public safety program due to the jurisdictional uncertainties and funding created by the antiquated Public Law 83-280 (67 Stat. 588) ("Public Law 280" or "PL 280"). PL 280 grants certain states, including California, criminal jurisdiction over American Indians on reservations and created jurisdictional uncertainties and decades of funding shortfalls for public safety programs critical to tribes in PL 280 states. The Tule River Public Safety program provides policing for the tribe's 58,000+ acre land base focused on public safety, law enforcement, drug prevention services and training. The Tribe independently funds 37 full-time positions and the necessary equipment and gear to provide minimal safety services for the 1,100+ tribal members living on the Reservation. The program is in dire need of funds to send employees to Federal Academy training and refresher training courses to meet certification requirements. Due to the rough terrain of the Reservation, patrolling the reservation is costly, especially during poor road conditions. Our officers are busy responding to numerous emergency calls, making arrests, addressing drug-related crimes and generally providing for the health and safety of our tribal community. Our law enforcement officers are frontline employees, and the safety of our community deserves the Subcommittee's full support to find pathways to fund law enforcement programs to tribes in PL 280 states.

Increase Indian Health Services Funding for Public Works and Water Infrastructure

Infrastructure as a whole on the Tule River Indian Reservation is critically outdated, non-existent or costly to maintain, as more and more tribal members seek to live on the Reservation. With the treacherous topography of the Reservation's location in the Sierra Nevada Mountains, the Tribe needs to install housing pads for permanent housing units and related new infrastructure. The 2 on Reservation water treatment plants are too small to support the water needs of the existing population on the Reservation, yet alone new water infrastructure necessary to address the longstanding housing crisis. The Indian Health Service's funded water infrastructure is inadequate to meet the increasing housing crisis and poses numerous risks to tribal members relying on such infrastructure. As a result, we must look to acquire off-reservation fee land to meet our most basic needs.

Increase Indian Health Service Funding to Expand Drug and Alcohol Treatment Facility

Since 1980, the Tule River Tribe has operated the Tule River Alcoholism Program ("TRAP") a 24 hour in-house residential men's treatment facility. TRAP recognizes the unique cultural experience to be found in the Native American community and offers many services to the Native community such as the Little Creek Lodge in-patient treatment and recovery program, outpatient services, outreach services, prevention services, substance abuse community education services, youth substance abuse services and an aftercare program. The existing TRAP facility only accommodates 8 beds and is limited to providing services to men only. We have a critical need to expand the number of beds and increase care programs and services to 6 months to a year to ensure client program success. The building will need an expansion and a new facility will be needed to provide services to women clients.

Funding Transportation for Student Education is Critically Needed

Education and safety of our youth is one of our top priorities. However, in this past Fiscal Year, the Tribe fell over \$630,000 short in meeting its Education budget. Due to the location of the Reservation, the tribal community identified the overcrowding and inefficient transportation for student busing. The solution is to provide additional morning and afternoon bus services to ensure safety of the students. By providing more buses and hiring additional drivers, the education department can expand after-school programming, offering more academic support services to Tribal students in need. The Tribe's education facilities have the capacity to accommodate additional students, and with an upgrade to its transportation services, it can assist more students and families in a variety of ways, including transportation to and from school, extracurricular activities, and community events. Of the 350 school aged students within the local school districts, the tribe is only able to provide services to only 150 students due to this shortfall.

Conclusion

On behalf of the Tule River Tribe, I thank you for this opportunity to provide testimony on the Tule River Tribes' FY2025 funding priorities. We urge the Subcommittee to meet the unmet and non-existent funding needs for critical water infrastructure, public works infrastructure, wildfire firefighting, wildfire prevention and management, public safety, drug and alcohol treatment facilities, and transportation for student success. In order for the United States to meet its federal trust responsibilities to the Tule River Tribe, it must fund these critical priorities immediately.



Charmaine McDarment

Chair, Tule River Tribe

Bio

Charmaine McDarment is the Chair of the Tule River Tribal Council and is an enrolled member of the Tule River Indian Tribe. Since obtaining her Law Degree from the University of New Mexico School of Law, she has served as General Counsel, and Principle Legal Advisor for Tule River Tribal Council since 2003. Chair McDarment has served as the Director of Water Resources and has led the tribe's legal team to reach a settlement with the United States after nearly 50 years of efforts to have the tribe's water rights affirmed. The Tule River Indian Water Settlement Act is currently pending congressional approval. Chair McDarment serves as the Chairperson of the Tule River Tribe Gaming Authority and since 2021, serves as the Native American Grave Protection and Repatriation Act (NAGPRA) Advisory Committee Member at UCLA. A staunch supporter of cultural resources protection, McDarment served as the Secretary for the Yokuts NAGPRA Coalition from 2012 to 2022.

Mr. SIMPSON. Mr. Simpson. Thank you. Thank you all for your testimony today. It seems like we got it done just about in time since we are going to have votes here in about two minutes. Ms. Pingree.

Ms. PINGREE. Sure. Thank you, and thank you all for your testimony. It has been interesting for us to be able to hear from tribes all over the country and in California. You have a lot of interesting things in common, particularly the increased amount of wildfires and the challenges that you deal with with water, and getting those water settlements is obviously very critical, and you are right in what you mentioned. It is kind of hard to picture having a community and having to say you can't join our community because there isn't enough water when you have enough land or other resources that would make it possible, so I understand why that is so critically important.

Thank you for your comments about the Indian Health Service, and certainly I hope that someday we are in a position to provide mandatory funding. I know advanced appropriations was really important. Well, actually I can say being on this committee I have learned the difference between advanced and mandatory, and mandatory, in the long run, is far more critical, but I appreciate all that. And you are right when you were talking in the beginning about so often people are just here saying we could live with the bare minimum, but we need 25 law enforcement officers, could you just get us two more, and I hope sometime we are not in the position to just be looking at the bare minimum. So thank you all for taking the time to be with us today. I yield back.

Mr. SIMPSON. Thank you. It is great to have you here. As Ms. Pingree well knows, in the East they try to get rid of water. In the West we try to save every drop. That is why the east coast has biparian water rights and in the west, we have prior appropriations water rights, whole different set of laws.

It is very complicated. But anyway, thank you all for being here today. We look forward to working with you as we put this bill together. Thank you.

The committee stands adjourned till tomorrow morning.

WITNESSES

	Page
Adams, Frank	192
Adkins, Stephen	198
Allen, Ron	326
Attebery, Russell	364
Ball, Carson	226
Ball, G. J	154
Bryant, Maulian	272
Buckles, D. S	108
Carlson, Ervin	174
Dupuis, Kevin, Sr	59
Fox, Henry	101
Francis, Kirk	25
Gill, Jeffrey	209
Gravelle, Whitney	12
Harris, Brian	334
Hitchcock, Greg	309
Hoskin, Chuck, Jr	232
Johnson, Grant	38
Kitcheyan, Victoria	302
Klatush, Dustin	261
Lankford, Carole	118
Lowes, Austin	81
Marchand, Cindy	255
Maria, Darnell	289
McDarment, Charmaine	369
Murray, J. T., III	248
O'Neill, Gloria	339
Padilla, Thora	279
Pettigrew, John	241
Rosette, Joseph	128
Schlender, Jason	69
Seki, Darrell, Sr	49
Sherman-Warne, Jill	347
Star Comes Out, Frank	181
Supernaw, Wema	217
Takala, Jeremy	316
Thompson, G. W	91
Tyler, L. J	1
Villa Montes, Catalina	354
Weatherwax, Marvin, Jr	144
Weeks, Ashleigh	138
Wright-Plank, Shere	161

