INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2019

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

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DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2019

WEDNESDAY, APRIL 18, 2018.

MEMBERS' DAY

Mr. CALVERT [presiding]. The committee will come to order. Good morning, and welcome to the Interior, Environment Fiscal Year 2019 Member Day hearing. It gives "Member Day" a new meaning here.

This morning, the subcommittee will hear from members, actually one member, about a variety of issues addressed by the subcommittee. Our witness will be provided with up to 5 minutes to present his testimony. Given the busy today, several members were unable to join us today. It is my understanding they are going to be submitting written testimony for the subcommittee to review.

So, before I get underway, I would like to yield to my good friend, Ms. McCollum, for any remarks she would like to make.

Ms. MCCOLLUM. Good morning, Mr. Chairman, and I am glad we have this opportunity to hear from members whether in person, as Mr. Thompson is, or in writing. Thank you.

Mr. CALVERT. Great, thank you. And with that, Representative Thompson, you may proceed with your testimony.

WEDNESDAY, APRIL 18, 2018.

WITNESS

HON. GLENN THOMPSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. THOMPSON. Well, Chairman Calvert, Ranking Member McCollum, thank you. Thank you, first of all, for the opportunity to submit input into the appropriations process with the subcommittee. And thank you for the opportunity to come here today and share personally some of the highlights, some of those requests that are put forward. As a member of the Natural Resource Committee and vice chair of the Agriculture Committee, I appreciate the opportunity to provide testimony on funding decisions made on this important subcommittee.

By way of background, my district makes up roughly 24 percent of the land mass of Pennsylvania and is among the most rural districts east of the Mississippi River. Agriculture, oil and gas production, manufacturing, mining, timbering, and recreation are among our top economic drivers throughout the region. The region is also

home to the world's first commercial oil well, Drake Well, in Titusville, Pennsylvania near one of my district offices, and the birthplace of the petroleum industry.

And due to this history, the Oil Region National Heritage Area, as recognized by the National Park Service, was established in 2004. With this in mind, I would like to first express my great support for Heritage Areas. It is important that we continue to recognize the history of these areas that directly shaped our Nation and build our communities.

Northwestern Pennsylvania is also home to the Commonwealth's only national forest. Four of my counties make up the Allegheny National Forest, where we have had energy production since Colonel Drake, high-value timbering and recreation. And as this subcommittee knows well, wildfire costs have skyrocketed in the past 2 decades, burning up 6.7 million acres per year on the average since the year 2000, and with the Forest Service spending some $2.4 billion in 2017 last year, which was the costliest fire season on record.

In addition to the significant challenges of firefighting itself, national forests around the Nation continue to have great difficulties performing essential activities due to budget cuts as a result of fire transfers. Now, that being said, I appreciate the committee's support for a fire fix and additional management authorities that were contained in the recent Fiscal Year 2018 omnibus.

Like many national forest regions in the West, the lack of timbering in the Allegheny National Forest directly undermines our local economy as well as my 4 counties and school districts that lose out on funding for essential services. Now, we can increase our timber output, but that will not happen without the necessary funding or direction from Congress.

In order to support management activities, and especially timbering, in national forests, I request full funding for the National Forest System as well as for the forest products and timber sales, capital improvements and maintenance, and forest roads. I also, again, request that the committee include report language calling for the Forest Service to specifically meet each forest plan's harvesting levels. Necessary funding for such management activities, including timbering and thinnings, is essential for forest health in order to keep and to help prevent wildfires, and actually helps us deal and stay ahead of invasive species.

The Forest Service is doing important work to research invasive species, diseases, and forest health as well, and I have seen this great work firsthand in my district. This work is fundamental in helping to deal with existing forest health problems and anticipating emerging ones before they exacerbate. Therefore, I request much-needed funding for Forest Service research activities, specifically for forest and rangeland research as well as State and private forestry.

I would like to register my support for the Payments in Lieu of Taxes Program. This program provides necessary services to counties with tax-exempt Federal lands by directly offsetting lost tax revenue, and I fully support this program; I respectfully request that the subcommittee do the same.

And finally, I would like to express my support for the Abandoned Mine Land Reclamation Fund Pilot Program. Abandoned mine lands have caused considerable environmental challenges; and left significant scars throughout the Appalachia for generations. And while we have made significant strides in restoring these lands since 1977, much work needs to be done. The Office of Surface Mining estimates that unfunded liabilities of abandoned mine lands across the Nation is at least $10 billion, with more than half of these needs in Pennsylvania, and a significant amount of that is concentrated in my congressional district.

To supplement current AML funding, Congress has appropriated additional funds in the past to help States with the most severe needs. I respectfully request the subcommittee continue this support and fully fund the Abandoned Mine Reclamation Fund Pilot Program along with efforts to reclaim our historic abandoned mine lands.

Thank you again for the opportunity to provide testimony to the committee, and I look forward to working with you as the appropriations process continues to move forward for Fiscal Year 2019.

[The statement of Hon. Glenn Thompson follows:]

Testimony of Congressman Glenn 'GT' Thompson (PA-05)
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Member Hearing on Appropriations for Fiscal Year 2019
April 19, 2018

Dear Chairman Calvert and Ranking Member McCollum:

Thank you for holding this session today. As a member of the Natural Resources Committee and as Vice Chair of the Agriculture Committee, I appreciate the opportunity to provide testimony on funding decisions made in this important subcommittee.

By way of background, my district makes up roughly 24 percent of the landmass of Pennsylvania and is among the most rural districts east of the Mississippi River. Agriculture, oil and gas production, manufacturing, mining, timbering and recreation are among our top economic drivers throughout the region.

The region is also home to the world's first commercial oil well – Drake Well in Titusville, Pennsylvania - and the birthplace of the petroleum industry. Due to this history, the Oil Region National Heritage Area, as recognized by the National Park Service, was established in 2004.

With this in mind, I'd like to first express my great support for heritage areas. It is important that we continue to recognize the history of these areas that directly shaped our nation and build our communities.

Northwestern Pennsylvania is also home to the Commonwealth's only national forest. Four of my counties make up the Allegheny National Forest, where we have had energy production since Col. Drake, high-value timbering and recreation.

As this subcommittee knows well, wildfire costs have skyrocketed in the past two decades, burning up 6.7 million acres per year on average since 2000. With the Forest Service spending some $2.4 billion in 2017, last year was the costliest fire season on record.

In addition to the significant challenges of firefighting itself, national forests around the nation continue to have great difficulties performing essential activities due to budget cuts as a result of fire transfers. That being said, I appreciate the Committee's support for a fire fix and additional management authorities that were contained in the recent FY18 omnibus.

Like many national forest regions in the West, the lack of timbering in the Allegheny directly undermines our local economy, as well as my four counties that lose out on funding for essential

services. We can increase our timber output, but that won't happen without the necessary funding or direction from Congress.

In order to support management activities, and especially timbering in national forests, I request full funding for the National Forest System (NFS), as well as for Forest Products & Timber Sales, Capital Improvement & Maintenance, and Forest Roads.

I also again request that the Committee include report language calling for the Forest Service to specifically meet each forest plan's harvesting levels. Necessary funding for such management activities – including timbering and thinnings – is essential for forest health and in order to help prevent wildfires.

The Forest Service is doing important work to research invasive species, diseases and forest health as well; and I've seen this great work firsthand in my district.

This work is fundamental in helping to deal with existing forest health problems and anticipating emerging ones before they exacerbate. Therefore, I request much needed funding for Forest Service research activities, specifically for Forest & Rangeland Research, as well as for State & Private Forestry.

I would like to register my support for the Payments in Lieu of Taxes program. This program provides necessary services to counties with tax-exempt federal lands by directly offsetting lost tax revenue. I fully support this program and respectfully request that the Subcommittee do the same.

Finally, I would like to express my support for the Abandoned Mine Land Reclamation Fund pilot program. Abandoned Mine Lands have caused considerable environmental challenges throughout Appalachia for generations. While we have made significant strides in restoring these lands since 1977, much more work needs to be done. The Office of Surface Mining estimates that unfunded liabilities of abandoned mine lands across the nation is at least $10 billion, with more than half of these needs in Pennsylvania.

To supplement current AML funding, Congress has appropriated additional funds in the past to help states with the most severe needs. I respectfully request that the Subcommittee continue this support and fully fund the Abandoned Mine Reclamation Fund pilot program – along with efforts to reclaim our historic abandoned mine lands.

Thank you again for the opportunity to provide testimony to the committee. I look forward to working with you as the Appropriations process continues to move forward for Fiscal Year 2019.

Mr. CALVERT. Well, thank you. Thank you for coming out here to give us your testimony. I certainly share many of your views, and as we move this process forward, look forward to working with you and dealing with this budget process. We are going to be, I think, moving quickly on our appropriations process to hopefully regular order. We will see how it goes.

Ms. McCollum.

Ms. MCCOLLUM. Mr. Chair, I appreciated your comments on payments in lieu of taxes. Minnesota has a lot of the same resources that you were talking about. The payments in lieu of taxes now come directly out of this subcommittee's budget. It did not in the past. And because of that, we are short on many of the dollars that you spoke to. When you talked about invasive species, this is something that we are working on trying to keep a handle on. Some of it is caused by climate change. Some of it is just caused by hitchhikers coming through. What are some of the invasive species that your forest has seen?

Mr. THOMPSON. Sure. First of all, you know, I kind of started out with my request. I should have just said thank you also for all of your support in the past on these issues. This subcommittee has been wonderful, and so it is much appreciated.

Yeah, invasive species, it is one of those things when you come to Congress you never thought you would really get to be an expert on. [Laughter.]

But I chaired the Subcommittee on Forestry Conservation, Soils, Waters, and Agriculture for 6 years before I became the Vice Chair of Ag and Chair of the Nutrition Subcommittee this term. It is a moving target, and that is the problem. I think as we approach invasive species, we have to deal with the current problem, but we have to be prepared for what the next threat is; let me share with you the current threat, at least for the eastern United States. I do not know how far this thing will get.

It largely comes as hitchhikers. I think it comes in through our ports. It comes in shipping crates. I mean, that is largely what occurs. And the most recent one is called the Spotted Lanternfly. It is the most beautiful butterfly you will ever want to see, and it is the most heinous bug you would ever want to be around because it attacks and will devastate grapes, apple orchards, pears, all fruits, and hardwoods. This one bug has the ability to really transform, to really attack vital industry, certainly my congressional district in Pennsylvania and I think a lot of the country. This is a bug, insect that was seen for the first time in one county down around Philadelphia, and now it is in 14 counties.

The USDA, I am pleased to say, because of the support that you all have provided on battling invasive species, has had the ability to pivot. They have had that flexibility to respond and they have done that. There is a little bit of controversy. I feel like I need to wear a referee shirt sometimes, refereeing between USDA and the Pennsylvania Department of Agriculture just on strategy. But they are all good people wanting to do the right thing. Whether you start on the perimeter and push in or whether you start at the heart and extinguish and move out—I think actually both are probably pretty good ideas—but that is just the most recent example.

Other invasives, the woolly adelgid. And just to show you how well somebody can grow, for the first year I could not even pronounce that name. Every time I said it, I said it somewhat different. [Laughter.]

And it attacks our hemlocks. That is our State tree. It is also a tree that controls the temperature along our streams, and we have 92,000 miles of waterways in Pennsylvania, and we have some tremendous trout fishing. A big part of our tourism is our trout fishing. And if the woolly adelgid is allowed to decimate the hemlocks, that will warm the waters, and, you know, the trout species will be really challenged.

Of course, we have had the gypsy moth. We have a tremendous amount of private forest lands. We have obviously more private forest lands than we do U.S. forests or State forests, but the emerald ash borer. One of the things I would like to see is to empower the Forest Service, and everyone needs to do this. But in the Forest Service, we have a lot of standing dead ash, and I know in different parts of the country in the West it is different species that stand, and it is a shame. That is an asset that has some value, and to be able to, you know, to be able to get that to market to find where the markets are is incredibly important.

So, in the West, we are concerned about just significant wildfires, devastating wildfires. Our eastern forests, our devastation comes more from invasive species, not that we do not have fires. We just do not have them to that degree and that intensity. In fact, somebody once referred to Pennsylvania forests as asbestos forests because of the moisture that we do have in the streams that are there. But both are devastating to the economy, especially for those communities that are situated around those forests.

Mr. CALVERT. Thank you. Mike.

[No response.]

Mr. CALVERT. Well, thank you very much, Glenn, for coming in today, and look forward to working with you as we move this process forward.

Mr. THOMPSON. I look forward to it, Chairman. Thank you so much, appreciate it.

Mr. CALVERT. This meeting is adjourned.

Written Testimony from Members of Congress

Congresswoman Aumua Amata Coleman Radewagen
Testimony before the House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies

Talofa, thank you Chairman Calvert and Ranking Member McCollum for holding this Members Day hearing, to allow me to speak in support of the American Samoa Operations Grant.

The FY 2018 Budget proposal included a suggested $1.2 Million cut to the American Samoa Operations Grants Account, but you saw the need to increase the account $250,000. Now once again, the FY 2019 proposal makes a similar suggested cut.

$1.2 million is not much money if you're a state, but our island's economy is delicate and it remains a tremendous amount for our local government to absorb. Being the most economically challenged state or territory in the nation, due to our economic and geographic isolation, American Samoa has been the grateful recipient of funding from the Department of the Interior to supplement funding for local government operations, including the local and only community college on the island, the judiciary, the department of education, and the only hospital in the territory.

While I understand the need for austerity measures; they simply cannot come on the backs of the most economically challenged people in our nation…a people who love this country so much, as demonstrated by our record rate of enlistment into the armed forces, ranking first in the Nation again last year for Army recruitment.

The reasoning behind the proposed is to promote self-sufficiency on the island. To that end I thank the Department of Interior and Secretary Zinke for their recommendation regarding our Marine Monument; by allowing fishing in these areas, it will allow our economy to grow – thus in the future promoting self-sufficiency. The expansion of the Monuments under the previous administration has taken its toll on our local economy.

As I'm sure you are aware, last month the President declared a Major Disaster in American Samoa due to Cyclone Gita. While direct funding for disaster relief is an important part of any recovery process, I have also been pushing for alternative funding measures that help our local government reinvest in the territory and provide more stability over the long term. In addition to fishing access these suggestions include a small increase of $400,000 to the operations account due to the effects of cyclone Gita.

American Samoans are a proud people, and we don't take any of the funding we receive for granted. My stance regarding the operations account is the same as it was last year. We do not want or need any handouts, we just ask for equitable treatment and the tools to grow and prosper along with the rest of the Nation.

Congressman Thomas R. Suozzi
Testimony before the House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies

Chairman Calvert, Ranking Member McCollum and fellow Members of the Subcommittee. Thank you for the opportunity, and the time, to testify in support of funding for the Long Island Sound and the Land and Water Conservation Fund. These are two critical issues to my constituents, as well as people from across the country. I am seeking your continued support for robust funding for Fiscal Year 2019.

Along with a bipartisan group of our colleagues, I'm requesting $10 million in funding for FY2019 to help safeguard and continue restoring water quality and the diverse habitat of the Long Island Sound. More than 25 million people live within an hour's drive of the Sound, and for many people, in the region, the Sound serves as "our national park." The Sound is also a significant source of economic activity, contributing at least $17 billion to the economy via commercial and recreational fishing, ecotourism and other water dependent commerce.

The heavy use of the Sound has taken a toll on the local ecosystem, especially on water quality and wildlife. A partnership between federal, state and local agencies, as well as citizen stakeholders, have joined together, over the past 30 years, to make significant environmental improvements. The Long Island Sound Study, formed in 1985, was organized to "fully restore the health of the Sound" and has made significant strides in reducing nutrient (nitrogen) loads, habitat restoration, public involvement and education, and water quality monitoring. Their efforts, along with critical federal funding, have helped to turn the Sound around.

As a lifelong resident of Glen Cove, New York, I've witnessed, first hand, the transformation of the Sound and the return of wildlife in the region. The dramatic improvements of the past 30 years would not have occurred without the hard work by the people of the Long Island Sound Study, and many others, that have dedicated themselves to restoring the Sound. Their successes are fueled by the support this committee has provided over the past 30 years. Continued funding is critical to maintaining, and building upon past efforts, such as support for an emerging nitrogen pollution plan to mitigate against the impact of hypoxia, which is literally suffocating aquatic wildlife.

Another critical issue for my constituents is support for funding for the Land and Water Conservation Fund (LWCF). Along with over 200 of my colleagues, we are requesting support for robust funding in FY2019. The LWCF supports public land conservation and ensures access to the outdoors for all Americans. It has helped fund access to outdoor recreation opportunities in every state and in 98 percent of counties across the country. Funding has opened key areas for hunting, fishing and other recreational access, as well as supporting working forests and ranches, and acquiring and protecting critical lands in national parks, national wildlife refuges, national forests, Civil War battlefields and other federal areas.

New York's third Congressional district is home to one our Nation's smallest National Parks, Sagamore Hill. The "Summer White House" or Sagamore Hill was the

home for our 26th President, Theodore Roosevelt, from 1885 until his death in 1919. Sagamore National Park, located on 83 acres of the President's former property, provides opportunities for Long Islanders, and people from across the country, to learn more about our Nation's history and culture as well as the local ecosystem. The park consists of scenic hiking trails, which provide local people, from an urban and heavy suburban area, exposure to the natural flora and fauna of Long Island.

The Land and Water Conservation Fund helps fund efforts to acquire additional land for existing National Parks. An opportunity has become available that could triple the size of Sagamore Hill National Park through acquisition of adjoining land that was previously owned by President Roosevelt. With this committee's support for the LWCF, Congress could help restore land owned by the 26th President to our National Park System and expand opportunities for people across the Country to learn more about one of our Nation's finest leaders.

Thank you for your time and consideration for these two critical issues. My colleagues and I look forward to working with you to maintain support for the Long Island Sound and Land and Water Conservation Fund to help conserve the natural beauty of our great country and expand access to more people to experience and learn about our Nation's history.

WEDNESDAY, MAY 9, 2018.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

PUBLIC WITNESSES—AMERICAN INDIANS AND ALASKA NATIVES

Mr. CALVERT. Welcome to this public witness hearing on American Indian/Alaska Native programs under the jurisdiction of the Interior, Environment Appropriations Subcommittee.

I especially want to welcome the distinguished tribal elders and leaders testifying today and in the audience. Most of you have traveled a long way to be here this week. I hope you will seize the opportunity to meet with other Members of Congress outside the subcommittee to remind them that honoring the Nation's trust obligations is a responsibility shared by all Members of Congress, regardless of our State or congressional district.

I can assure you that your voices are heard by this subcommittee, but we need your help to continue to build awareness and support among our colleagues here in Congress.

For those new to this process, today's hearing is just the start of a dialogue we have come to depend upon to help us make smart choices in the budget and earn the votes of our colleagues. Be assured that the American Indian and Alaska Native programs will continue to be a nonpartisan priority for this subcommittee, just as they have been in recent years under the chairmanships of Democrats and Republicans alike.

Before we begin, I have a bit of housekeeping items to share. 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 on the official hearing transcript, which will be available at gpo.gov.

I will call each panel of witnesses to the table one panel at a time. Each witness will have 5 minutes to present testimony. Their full testimony will be included in the record. So please don't feel pressured to cover everything in 5 minutes. Finishing in less than 5 minutes may even earn you a couple of brownie points. So keep that in mind. [Laughter.]

We will be using a timer to track the progress of each witness. When the light turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. When the light blinks red, I will have to ask you to stop.

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 in

order to stay on schedule and respect each other's time. I am sure we all have planes to catch.

With that, I thank you all again for being here today, and I am happy to yield now to my distinguished colleague from the State of Washington, Derek Kilmer, for any opening remarks.

Mr. KILMER. Thanks, Chairman.

I know our ranking member will be here later as well, and I just want to reiterate the gratitude that the chairman raised to all of the tribal leaders and elders who are here. Mr. Chairman, you are right that they did come from far away. I think it is hard to think of someplace "far-er" away, more far away than some of the tribes represented here this morning. So I really am grateful for folks taking the time to come to our Nation's capital and make sure your story is told.

So I thank the chairman.

Mr. CALVERT. Thank you.

So we are going to start. First is Fawn Sharp, president of the Quinault Indian Nation. Welcome.

WEDNESDAY, MAY 9, 2018.

QUINAULT INDIAN NATION

WITNESS

FAWN SHARP, PRESIDENT, QUINAULT INDIAN NATION

Ms. SHARP. Good morning. Thank you, Chairman and our congressman.

I want to, first of all, just express my gratitude as well for your leadership and the committee's leadership. You know, this has not been an easy year for Indian Country and our Federal trust relationship. And oftentimes, at home we are faced with a great deal of fear about what is going to happen with our tribal nations and the funding. Many of our citizens were keenly aware that there was an effort to reduce BIA funding by 30 percent—or 25 percent, and HHS funding by 25 percent. And each time I had an opportunity to talk to our citizens and address that very direct fear, I was able to see the faces of this committee, and I actually mentioned some of you by name.

Congressman Cole and Calvert, others—Congressman Kilmer—that have our backs. That while there is a great deal of fear and uncertainty in Indian Country during this time, that we have many friends in Congress who understand that there is a trust and treaty obligation to tribal nations and that they will fight for us inside Congress. So thank you for that leadership and thank you for those words.

I want to begin by talking about the trust responsibility. Last year, I mentioned during my testimony that the Quinault Nation has undertaken some budget analysis to determine to what extent are we subsidizing the Federal trust responsibility. We put that number at about $6 million annually where the Quinault Nation is providing additional funding to close the gap between those things that are required, either by statute or other Federal require-

ment, to be fulfilled at the Quinault Nation, and we are subsidizing those functions.

Very specifically, the first item I want to mention is our forestry program. Under the National Indian Forestry Management Act, we are required to adopt a 10-year forest management plan. We did that this last year, and I asked our staff when we pass a resolution implementing the new FMP, I want to know to what extent are we subsidizing the Federal trust responsibility and to what extent are we required to do things under the FMP for which we don't receive funding.

That number is $1.065 million So over $1 million annually we are required to pay for dollars for which we do not receive to actually implement the forest management plan. So that one issue alone, we are subsidizing $10 million over the period of that 10-year forest management plan.

So it is abundantly clear to us that we need to figure out a way to close that gap because there is a current state in the Indian Country. I believe many tribes are facing a quiet crisis, if not a humanitarian crisis, and we have a very clear vision on how we want to close that gap. And this next year, we will be presenting to Congress a suite of recommendations on how to close that gap because we know that we cannot continue at this pace.

We know that you are doing everything you can to try to improve and increase funding, but the dollars simply aren't there. And we have ways and ideas on how to close that gap to improve the economic conditions of our tribal nations, and I look forward to having that conversation with you.

The second point I would like to raise is really to relocation. I have mentioned this in a number of my testimonies throughout the years. We are facing sea level rise at the Quinault Nation, and we just finished a master plan. We are looking forward to continuing to work with our Federal partners to secure the $65 million necessary to move our entire village to higher ground.

It is now under sea level, and each time we have a high sea level event or storm, we face a crisis where we may have to evacuate an entire village. So we are going to continue to work on that issue.

I want to thank the committee for its advocacy in ensuring that the HIP program remains. We are well aware that there was effort to zero out HIP funding, and this is a source of funding that is absolutely necessary for some of our most vulnerable citizens, and we appreciate your advocacy in that area.

I would also like to mention that we are continuing to advocate for renewed partnership with the Federal Government. The BIA is currently undertaking a reorganization effort. The Quinault Nation is taking a very active and engaged role in explaining from our perspective how many of the recommendations that are being advanced by the administration in terms of reorganization just simply are not in Indian Country's best interests.

And so we are not only going to be engaging with Interior on identifying the weaknesses with our complaints, we are also coming to the table with some solutions. And so we are looking forward to working with the administration and not only identifying the challenges and the problems that they are facing, but also coming

to the table with solutions. And we thank you for your partnership and leadership as we continue to advance our issues and priorities.

Thank you.

[The statement of Fawn Sharp follows:]

Quinault Indian Nation Appropriations Testimony
House Interior Appropriations Subcommittee
May 2018

Good afternoon Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee. I am Fawn Sharp, President of the Quinault Indian Nation ("Quinault"). I want to thank the Subcommittee for holding this hearing to examine the critical funding needs of Indian Country, and for the Members' commitment to ensuring that the federal government does its best to meet its trust responsibility to Tribes.

The Quinault Reservation ("Reservation") is located on the southwestern corner of the Olympic Peninsula of Washington State and abuts the Pacific Ocean. I represent nearly 3,000 tribal members. My testimony focuses on the following priorities: (1) our need for adequate funding to manage our forests, (2) our plan to relocate the Lower Village at Taholah and the Village of Queets to higher, safer grounds due to impacts related to natural disasters; (3) the need for additional roads to access our village; (4) increased funding for the Home Improvement Program (HIP); (5) increased funding for Tribal Grants in the Historic Preservation Fund in order to meet compliance standards in Section 106, and (6) concerns about the proposed reorganization of the Department of the Interior.

U.S. Responsibility to Meet its Treaty and Trust Obligations to the Quinault People

Through treaties, executive orders, and other agreements, Indian Tribes ceded hundreds of millions of acres of our homelands to the Federal government to help build this great nation. In return, the United States made promises to provide for the education, health, and welfare of reservation residents. For the Quinault, the promises of the United States were detailed in the Treaty of Olympia, which was signed on July 1, 1855, and on January 25, 1856 (11 Stat. 971). The lands and waters of the Quinault Reservation consist of 207,150 acres of beautiful forest lands, mountains, rivers, a lake, and 25 miles of relatively undisturbed Pacific coastline. In recent years, the United States has continued to fall short of meeting its treaty obligations as appropriations cuts, sequestration, inflation and other factors impede the federal government's ability to meet its trust responsibility. As a result, Quinault spends about $6 million annually to supplement inadequate levels of Federal funding.

Funding Request for Indian Forestry

Last year, we testified about the need for funding for Indian forestry management. The 2013 assessment of the status of Indian forests and forestry by the Indian Forest Management Assessment Team (IFMAT III) found that the U.S. is not fulfilling its trust responsibility, that annual funding must be increased, additional staff hired, and more opportunities for training and professional development provided. Although we appreciate the funding increases the Subcommittee enacted in the FY 2018 bill for the Forest Service, more is needed. For example, QIN has identified the need for an additional $1,058,000 yearly to fully fund the positions and activities in order to carry out its new Forest Management Plan (FMP), which is required by the National Indian Forestry Management Act.

We thank the Subcommittee for including a $722,000 increase in forestry funding for trust natural resource management from FY 2017 to FY 2018. However, this will still fall far short of the increases needed to bring parity to funding of Indian Forestry as compared to the funding of other forests within the United States. Given the FY2018 forestry line item was funded at

$54.8 million, for FY2018 we urge the Subcommittee to increase this funding by $10 million dollars to a total of $64.8 million.

Funding Request for Relocation Project

There are two major villages located within the Reservation. The village of Taholah, which is where the Quinault government operations are headquartered, is located in the southern portion of the Reservation at the mouth of the Quinault River on the Pacific coast. Taholah consists of two locations known as the "Upper Village" and "Lower Village," the latter of which is located below sea level. The village of Queets is situated in the northern portion of the Reservation and is located at the mouth of the Queets River on the Pacific coast. Both villages are vulnerable to the effects of climate change that cause increased storms surge and sea level rise, as well as natural disasters like earthquakes and tsunamis. The K-12 School, which serves both non-Indian as well as Indian children, and our child care center, Head Start program, and senior housing center are all located in the lower village and have less than a 15-minute evacuation window in the event of an earthquake or tsunami. Further, many of our emergency services such as fire, public safety and EMS/ambulances are also located in the lower village. Compounding the issue of public safety is the lack of auxiliary surface roads for emergency access to and from the Villages.

As a result of these threats, we are taking steps to relocate our people to higher ground. We recently completed a Master Plan to move Quinault people from the historic Lower Village to the Upper Village, which is mostly protected from flooding at approximately 120 feet above sea level. The Master Plan includes a new village that will provide for approximately 320 housing sites including single family and multi-family homes. The Plan also identifies locations for over 200,000 square-feet of community buildings including a school, community center, museum/cultural center, churches, offices, police, fire and emergency services buildings and assisted living facilities. It will also include a 30,000 square foot Generations Building that will house the Elders Program, Head Start, Early Head Start and Childcare. The Master Plan also calls for the protection of the existing wastewater treatment plant to shield it from the long-anticipated tsunami. Additionally, we have "shovel ready" construction documents for a $1.7 million street which will provide access to the southeast neighborhood and the site for the new School. Unfortunately, the area planned for development is largely without basic infrastructure. Quinault cannot take on this endeavor alone, and we urge the Subcommittee to address these important safety issues.

We further urge the Subcommittee to direct the BIA and the Environmental Protection Agency to prioritize funding for tribes on the front lines of climate change. We also urge the Subcommittee to include report language that mandates funding criteria that is flexible enough to address the needs described above.

Funding Request for the Housing Improvement Program (HIP)

QIN has been utilizing the Housing Improvement Program (HIP) for members of the Nations for years. HIP is a home improvement and home replacement program that assists Tribal members who have substandard housing or no housing options at all. The funding the Nation obtains from this program assists its' citizens that are in the most need and has had very positive tangible results for these citizens. Cutting this funding would be devastating to the people that need it most and utilize it.

We thank the Subcommittee for not following the Administration's FY 2018 request to zero out this program and for funding it at $9.7 million in FY 2018. Because there is continued need for

this program at QIN and throughout Indian Country, we ask the Subcommittee to increase funding to $11.7 million in FY 2019.

Funding Request for an Additional Road to Access Quinault's Village of Taholah

Exit and entry access to the village of Taholah is limited to a single highway. Access to the village is cut off during natural disasters and weather events such as downed trees, mudslides, and treacherous conditions that make the road impassible. When access is cut off, emergency vehicles are unable to reach or leave the Upper or Lower Villages. Our community remains vulnerable to similar emergency response failures if we do not address this critical concern.

QIN proposes to link an 8.2-mile service road, known as BIA Road 29 or McBride Road, primarily used for forest management and harvest activities, to a nearby highway. This will create two exit and entry points to our village. We estimate that this project will cost $3.5 million for road construction and improvement activities once either the lands or the right-of-ways are acquired.

We applaud the inclusion of $34.6 million for the BIA Road Maintenance Program in FY 2018 to address the transportation safety concerns of tribal communities. We ask that the Subcommittee increase funding for this program to $40 million to meet the current high demand of Tribes. We also urge the Subcommittee to include report language giving funding priority to tribes with safety and emergency access concerns.

Funding Increase Request for Tribal Grants in the Historic Preservation Fund

As you may know, section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, including culturally significant places on Tribal lands. In reality, compliance with section 106 falls on Tribal governments as an unfunded mandate. In order to assist tribes with the costs associated with section 106 compliance and the protection of the Tribe's historic and culturally significant places, increased funding is needed for the Tribal Grants portion of the Historic Preservation Fund.

We thank the Subcommittee for the by $1 million increase in funding to this program from FY 2017 to FY 2018. In order to meet the demand of the Quinault Nation and other Tribes for this important grant funding, we request an increase of $1 million to fund the program at $12.5 million in FY 2019.

Reorganization of the Department of the Interior

Secretary Zinke has announced a plan to reorganize the Department of the Interior by redefining the geographical boundaries of the regional offices of each of the bureaus of the Department. While the BIA is the focal point for the fulfillment of the United States' fulfillment of its trust responsibility to tribal governments, the programs and activities of virtually all of the bureaus within the Department impact Indian Country.

According to the proposed reorganization plan, each bureau or division would be divided into thirteen regions, with the regions of all of the various bureaus covering the same geographical area, which is not currently the case. Whether the proposed plan will work for agencies such as the Bureau of Land Management (BLM), the Bureau of Reclamation (BOR), the National Park Service (NPS), and the Fish and Wildlife Service (FWS) remains to be seen. We do not believe this plan is a useful model for the BIA for several reasons. The current BIA regional division has been in place for a significant time period and is based to some varying degree on several factors, including the: geographic characteristics of the area; means of subsistence and related cultural similarities of

the tribes within the area; and some level of shared history or experience with United States settlement of the area. Similarly, tribes have tended to relate to each other on the basis of the state and general regions within which they are located because they often have common issues and needs particular to the state in which they reside or the geographic area within which they live. For instance, many Washington, Oregon and Idaho tribes have Treaty fishing, hunting and gathering rights, whereas California tribes typically do not. Tribes have generally worked hard to educate Regional Offices about tribal needs and concerns, and have struggled to build positive working relationships with the Regional Offices and their staffs. The proposed reorganization would undo much of that work because BIA staff would be reassigned and need to learn about different issues and build new technical competencies. The efficient and effective delivery of services to tribal governments and their people, already a problem for the BIA, would be further impaired for years.

Another key element of Secretary Zinke's plan is the movement of the headquarters of some of the bureaus, for example, FWS, BLM and BOR, out of Washington, D.C. and into some of the Regional Offices. Moving the headquarters of these agencies away from Washington could have deleterious effects on tribes because we often have issues with them, and the BIA often serves as a valuable ally in advocating on behalf of tribal needs and concerns with those agencies. If, as it would appear, moving the headquarters of those agencies out of Washington means moving the Assistant Secretaries and agency Directors out to the Regional Offices, it will mean that the Assistant Secretary-Indian Affairs and the BIA Director will have less access to their counterparts in those agencies and less of an opportunity to serve as an advocate for tribal issues and concerns that are impacted by the policies and decisions of those agencies.

Unfortunately, there has been no consultation with Indian Country on this proposal. We urge Congress to review the reorganization proposal and scrutinize its potential impacts on the United States' fulfillment of its trust responsibilities to Indian Country. Specifically, we ask that the Subcommittee prohibit the use of appropriated funds for the purpose of reorganization until and unless the Department conducts a robust government-to-government consultation process with Indian Country.

Conclusion

The Quinault Indian Nation is taking steps to build a brighter future for our people. We are guided by our traditions and deep desire to control our own destiny. We are doing our part to improve the lives of our people and to create opportunity on the Reservation, but we can't do it alone. We urge the Subcommittee to honor treaty and trust responsibilities to Quinault and to support our requests. Thank you for allowing me to testify to the Subcommittee today.

Mr. CALVERT. Thank you. And right on time. Perfect. [Laughter.]

Ms. SHARP. Yes. I am sharp.

Mr. CALVERT. Yes. Next is Frances Charles, chairwoman of the Lower Elwha Klallam Tribe.

WEDNESDAY, MAY 9, 2018.

LOWER ELWHA KLALLAM TRIBE

WITNESS

FRANCES CHARLES, TRIBAL CHAIRWOMAN, LOWER ELWHA KLALLAM TRIBE

Ms. CHARLES. Thank you. Thank you, Mr. Chairman, and thank you, committee members, for giving me the opportunity to identify some of our priorities. We have several priorities, but I know we are limited with time.

I really want to hit on some of the issues of the dam removal projects that we had incurred and been very honored to have the removal of these two dams because of the historical ties of our fisheries and the concerns that our community still has. There has been some unmet needs that have been identified in the 1992 act of the $4 million that was passed by congressional level, as well as some of the fee—or the land acquisition itself.

Originally, there was 4,000 acres that was supposed to have been titled to the Klallam people, the strong people, but we have been basically available to purchase some outstanding acres from our neighbors and what not from originally 356 acres to 1,000 acres now. So we are looking for some continued support to acquire the land and looking for the $4 million for housing, as well as some of the land acquisition.

Our concerns entail to what you are going to be hearing today for the budget cuts that are increasing and have an impact on all of the Indian tribes, as well as ourselves, for the land, not only for the salmon hatcheries in our rivers. We have had to build a state-of-the-art hatchery to subsidize for the requirements of the agencies for the dam removal projects that we incurred. So we are asking for some additional funding for the operation and management aspects of it as well.

Indian child welfare has been a major play in our governmental areas, and it has been challenging for our programs because our increases of 65 percent now for the lack of the funding that we have in our communities has a heavily impact on foster care parents. We are really lacking the subsidies of what is needed for not only for our tribal courts, because it has a ripple effect to our community with our law enforcement, with our social services program. Under the TANF program, general assistance is one of those other shortfalls as well, but we are concerned for the impacts that it has on our grandparents because they are the ones that are taking into consideration and raising their grandchildren.

We are concerned with the lack of funding that is entitled to our court systems. We have been fortunate enough to build a court system within our own jurisdiction to take over some of the cases within our community and been fortunate enough to have a full-time judge now that is working with our enforcement aspects of it.

But what is alarming is the crime rates and the jurisdictional matters that are still taking place in our community.

You know, we recently had a rape case that is on reservation and working partners with the Klallam County Sheriffs Department and other jurisdictional matters that we are hampered with on these cases that impact the families in our communities.

We are working generously with the other agencies on trying to fulfill some of the responsibilities in the education and the fisheries and some of the challenges that we have and the shortfalls that we are subsidizing in our education aspects of it. The housing areas of it is being looked at and being criticized for taking out those resources.

Fawn Sharp had indicated the HIP programs. Those are some of the programs that are definitely needed within our communities just as much. So we are asking for the continued support of the President's budget, to oppose some of the budget aspects of what he is looking at because it really has an impact on not only us, but everybody.

The clinical parts of it, we are struggling at this point in time. We are subsidizing with the third-party billing aspects of it. We subsidize with some of our gaming revenue to keep afloat of what is taking place in our communities because not only are we servicing Klallam County area, but Jefferson County just as much.

We are not only a tribe where we see other Natives in our community, but also the surrounding communities as well. So we are asking you to continue supporting some of the tribal needs in references to the acquire some of the Medicare/Medicaid parts of it because that really has an impact if those programs are cut out of there for the tribes. It is something that has been negotiated through the process, and we are asking you to continue on with the support for the Medicare/Medicaid and our elders and the needs that is necessary for them.

I know that you will be hearing a lot of the issues that are taking place from national—the Native Indian Health Board, the National Congress of American Indians, the Northwest Indian Fisheries, and other agencies, and we continue to support them. We have their back just as much as you do.

Thank you.

[The statement of Frances Charles follows:]

LOWER ELWHA KLALLAM TRIBE

ʔəʔɬx̣ʷə nəxʷsƛaɣəm "Strong People"

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Written Testimony of
The Honorable Frances G. Charles, Chairwoman, Lower Elwha Klallam Tribe
Submitted to the House Subcommittee on Interior, Environment, and Related Agencies
Outside Witnesses Hearing on the Bureau of Indian Affairs,
Indian Health Service and the Environmental Protection Agency
Budgets for FY 2019
May 9, 2018

Chairman Calvert, Members of the Subcommittee and the distinguished Gentleman from the 6th District in Washington State representing my Tribe, Congressman Derek Kilmer. I am Frances Charles, Chairwoman of the Lower Elwha Klallam Tribe, an elected position that I have been honored to hold for the past twelve years. Thank you for providing me this opportunity to submit testimony for the record on the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), and Environmental Protection Agency (EPA) budgets for FY 2019. My testimony identifies our most urgent Tribal-specific funding needs at the Lower Elwha Klallam Tribe. We are also supporting some Regional and National budget requests which will benefit the Lower Elwha citizens and community.

Tribal-Specific Requests for Lower Elwha Klallam Tribe

Bureau of Indian Affairs $5.43 Million

1. **$4.972 Million** Dam Removal and Fisheries Restoration – P.L. 102-495, Elwha River Ecosystem and Fisheries Restoration Act
   a. $702,000 - Salmon Hatchery O&M
   b. $270,000 - Flood Control Levee O&M
   c. $4 million - Land Acquisition
2. **$267,000** – Tribal Court Enhancement and Implementation of Tribal Law and Order Act (TLOA) and Violence Against Women Act (VAWA)
3. **$191,000** – Tiwahe Initiative – Tribe seeks to assert jurisdiction in its own court system over all cases arising under the Indian Child Welfare Act (ICWA) and to become a licensing agency for foster homes

Indian Health Service $500,000 – Mental Health and Chemical Dependency programs

Environmental Protection Agency $536,000 – Environmental Programs

1. **$125,000** – General Assistance Grant (GAP)
2. **$ 81,000** – Clean Water Act § 106 Grant
3. **$180,000** – Puget Sound Partnership (PSP) Implementation Grant
4. **$150,000** – PSP Tribal Capacity Grant

Contract Support Costs – Past, Present and Future

As a Self-Governance Tribe, Lower Elwha has been impacted by the Federal government's refusal to pay full contract support costs (CSC) for contracted and compacted

programs for the past two decades. In 2014 and 2015, the Supreme Court determined that Tribes were entitled to CSC. The game-changer going forward was the ground-breaking decision by Congress in P.L. 114-113, Consolidated Appropriations Act, 2016, to create a new account in the appropriations bill specifically for CSC in 2016 and 2017 as well as language establishing an indefinite appropriation for CSC in both agencies. Under the new budget structure, the full CSC that Tribes are entitled to will be paid and other programs will not be reduced if payments are underestimated in the President's budget. Tribes agree that this structure achieves the Nation's legal obligation to fully pay CSC without imposing any corresponding reduction in direct services to any Tribe. We also continue to request to fully fund CSC on a mandatory basis in FY 2019-2021 and make it a permanent, indefinite appropriation.

Lower Elwha Klallam Tribe Background

The Lower Elwha Indian Reservation is located at the mouth of the Elwha River along the Strait of Juan de Fuca on the northern Olympic Peninsula, about 8 miles west of the City of Port Angeles, Washington. The Lower Elwha Tribe has roughly 1,000 members and a total land base—Reservation and adjacent trust lands—of about 1,000 acres. We are a salmon people with fishing rights in a large expanse of marine and fresh waters, reserved in the 1855 Treaty of Point No Point. To date, our economic development opportunities have been limited and we believe our long-term prospects are tied to natural resources restoration and preservation in an ecologically rich region where an extraction-based economy is well past its prime.

Lower Elwha Tribal-Specific Funding Requests

$5.43 Million - Bureau of Indian Affairs

1. $4.972 Million - Dam Removal and Fisheries Restoration - We were the leading advocate for the removal of the two hydro-electric dams on the Elwha River. In accordance with Congress's direction in the Elwha River Ecosystem and Fisheries Restoration Act of 1992 (Elwha Act), P.L. 102-495, we are working closely with the National Park Service and other agencies to remove the last remnants of the dams and restore the once famously abundant runs of native Elwha River salmon and steelhead. Unfortunately, removal of the dams caused a short-term threat to the salmon runs (due to sediment released from behind the former dams) and has adversely impacted our small Tribal land base and our Tribal budgets. We are strongly committed to the restoration of fisheries, fish habitat, streams and rivers, and the Port Angeles Harbor. We urgently need increased Self-Governance funds to support the operation of dam removal mitigation and restoration features and to revive our other Self-Governance activities from which we have been forced to transfer funds to support dam removal mitigation.

a. *$702,000 - Salmon Hatchery O&M Costs* - Fish Hatchery Operations Budget for the ongoing operation and maintenance (O&M) of our state-of-the-art hatchery, which went online in 2011. This is a significant increase of $601,929 annually, but one that is amply justified by the crucial role that our hatchery serves in dam removal and fishery restoration. Our hatchery is a genetic preserve for native Elwha salmonids, which have been on the verge of extirpation from the impacts of the dams and which have been further threatened by the enormous sediment load unleashed by the removal of the dams. The National Marine Fisheries Service would not have approved dam removal under the Endangered Species Act without the hatchery's native salmonid programs. The Tribe should not have to bear the O&M cost of this important restoration facility that in fact benefits the entire region.

b. *$270,000 - Flood Control Levee O&M Costs* - The levee on our lands had to be expanded prior to dam removal in order to protect Tribal lands from the newly unleashed Elwha River and to conform to new Federal standards—clearly it is a mitigation feature of the dam removal project. In the 1992 Elwha Act, Congress intended that courts not be asked to address problems where legislative solutions would be far more effective in covering all the bases. Twenty-five years of inflation since 1992 more than justifies this increase in the current annual operations allocation of $10,400.

c. *$4 million for Land Acquisition* - Section 7(b) of the Elwha Act authorized $4 million so that the Secretary could acquire trust lands for the Tribe in Reservation status in Clallam County, Washington, for economic development and housing. But those funds have never been appropriated. In 1934, an Interior Department report concluded that the Reservation should be 4,000 acres, but currently we have only 1,000 acres, several hundred of which (on the river's side of the levee) have to be maintained in undeveloped status as floodplain habitat. In addition, we need legislative direction to ensure that former hydro-project lands are transferred to the Tribe as contemplated in Section 3(c)(3) of the Elwha Act. The Elwha people have struggled for a century from the harm to their culture and economies caused by the Elwha River dams. We had to endure the destruction of not only the fisheries but the treaty fishers themselves and the attendant loss of our traditional and cultural livelihood; we have lost an opportunity—which will only return after another generation—to teach our children the ways of their ancestors and the Elwha life as designed by the Creator.

2. $267,000 – Funding for Tribal Court Enhancement and to Implement TLOA and VAWA. Consistent with the Interior Department's and Tribe's high priority on Tribal Court enhancement, Lower Elwha has made progress in adopting the enhanced sentencing provisions authorized by the 2010 Tribal Law and Order Act (TLOA) and in particular the expanded Domestic Violence Criminal Jurisdiction under the 2013 Violence Against Women Act (VAWA). In the past year we have finally retained the first in-house Chief Judge in the Tribe's history and are making progress on upgrading our Court's organization and caseload. But our efforts will be limited due to the lack of adequate base funding for Court development. Requested funding will enable our Tribe to further our progress by providing for: (a) mandatory criminal defense counsel (including basic legal assistance for domestic violence victims); (b) legal counsel for parents in abuse/neglect cases; (c) detention services; (d) probation services that focus on solutions and restorative justice by sharing coordinated case management and re-entry referrals; and (e) basic court security. Full funding for TLOA-mandated provisions and increased base funding for our Tribal Court will enable Elwha to benefit from: BIA regional assessments using Trial Court Program Standards; specific technical assistance and training identified through these assessments; targeted training for specific Tribal court personnel (judges, prosecutors, public defenders, clerks); development of Tribal Court bench books; identification of funding sources for pilot programs; and captured data covering criminal pre-trial to post-conviction matters, including any collateral civil legal issues.

3. $191,000 - Funding for ICW-related services from BIA's Tiwahe (Family) Initiative. Lower Elwha faces a community crisis with the increasing number of child abuse/neglect cases, which stem from inordinately high rates of drug/substance abuse by parents or caregivers. This crisis severely impacts services in all facets of Tribal government. A coordinated community response must be based on multi-disciplinary, culturally informed case planning and service delivery, coupled with a strong commitment to restorative justice ideals and (in criminal cases) solutions-based sentencing. A major obstacle to implementing this approach is our lack of infrastructure to

assume jurisdiction over all local cases clearly arising under the Indian Child Welfare Act (ICWA); 65% of our current ICWA cases remain in the State court system (a deceptively *low* percentage due to reduced State court filings resulting from staff turnover). In addition, because we are dependent on an inadequate State system for licensing foster care providers, we are often unable to make proper placements to assist our families. For the past three fiscal years, the Tribe's base Federal funding (BIA Self-Governance ICWA) has remained flat-lined at a mere **$45,000**. We seek **$191,000** additional annual funding from the BIA's Tiwahe (Family) Initiative, which would enable the Tribe to assert jurisdiction in its own court system over all cases arising under the ICWA and to become a licensing agency for foster homes.

Indian Health Service Elwha Tribal-Specific Funding Requests – $500,000 for Elwha Health Department Programs

The drug abuse and mental health crisis threatens to destroy the potential and the cultural connections of many Tribal members and families. In FY 2016, the Tribe's Mental Health and Chemical Dependency programs served 275 American Indian/Alaskan Native (AI/AN) patients, with the potential to reach approximately 1,500 within Clallam and Jefferson County. The Tribe currently subsidizes its chemical dependency program with third-party revenue and gaming revenue to fund prevention health initiatives and chemical dependency programs, yet these critical health epidemics remain severely underfunded. To remedy this, the Center for Medicare and Medicaid Services formula must be expanded to inpatient chemical dependency treatment programs at the current encounter rate of $391/per day, with annual increases.

Environmental Protection Agency Elwha Tribal-Specific Funding Requests – $536,000 for Elwha Tribal Environmental Programs: General Assistance Grant, $125,000; Clean Water Act § 106 Grant, $81,000; Puget Sound Partnership ("PSP") Implementation Grant, $180,000; and PSP Tribal Capacity Grant: $150,000.

Lower Elwha's environmental programs have, over the past two decades, developed a strong pragmatic capability to protect human and basic environmental health for not only the Tribal community but also the greater Port Angeles and northern Olympic Peninsula communities. By focusing on collaboration with local governments and other stakeholders, we have maximized the efficiency of our small but skilled staff. This would not be possible without the basic EPA funding that we seek to continue. This funding supports: basic staff salaries, including for our highly experienced program director (General Assistance Grant); water quality monitoring in significant local rivers and lakes (Clean Water Act § 106 Grant); implementation of crucial in-the-field projects consistent with the PSP's Action Agenda (PSP Implementation Grant); Tribal participation and influence in local, State, and Federal environmental planning and review activities (General Assistance and PSP Tribal Capacity Grants). PSP Implementation funding has enabled the Tribe to complete numerous stream restoration projects that support the PSP Action Agenda. EPA funding is critical to our participation in the cleanup of toxic contamination of Port Angeles Harbor, which was nominated for Superfund listing but deferred to State cleanup authority; under this deferral arrangement, the Tribe has a unique and important role as the *sole* local representative working directly with the responsible State agency to ensure that the cleanup will protect the health of all residents of the greater Port Angeles area.

Regional and National Budget Requests - The Tribe supports the FY 2019 *Regional Budget Priorities* of the Northwest Indian Fisheries Commission, Affiliated Tribes of Northwest Indians, and the Northwest Portland Area Indian Health Board, and also the FY 2019 *National Budget Priorities* of the National Congress of American Indians and National Indian Health Board.

Mr. CALVERT. Thank you. Thank you for your testimony.

Next is Abigail Echo-Hawk, director of the Urban Indian Health Institute. Welcome.

WEDNESDAY, MAY 9, 2018.

URBAN INDIAN HEALTH INSTITUTE

WITNESS

ABIGAIL ECHO-HAWK (PAWNEE), DIRECTOR, URBAN INDIAN HEALTH INSTITUTE

Ms. ECHO-HAWK. Good morning, and I would like to echo the thanks of being able to come here and share this. Thank you so much, Chairman Calvert and the members of the committee. We are so thankful for the opportunity to share with you the needs and the resiliencies that exist within our communities, both in urban and rural settings.

I am Abigail Echo-Hawk, the director of the Urban Indian Health Institute. We are 1 of 12 tribal epidemiological centers that are located across the United States. Our core funding comes from the Indian Health Service. Our mission is to represent the data, the research, and the information that is needed in order to make informed policy and program decisions for our tribal communities, both in urban and rural settings.

The Urban Indian Health Institute is unique as in we are the only one that looks at the urban Indian population across the United States. According to the U.S. Census, approximately 70 percent of American Indians and Alaska Natives currently live in urban settings. And many, like myself, migrate in between our tribal settings and back into the cities for a multitude of different opportunities.

However, we know that when we look at large datasets, very often it is impossible to find statistically significant information on American Indian/Alaska Native people. The role that the TECs provide is to ensure that that data is there and that it is gathered in a way that recognizes that gathering information, doing evaluation, and conducting research is an indigenous value for indigenous people by indigenous people. The only opportunity where that is happening right now is within the tribal epidemiological centers.

And so, right now, currently we have about $4.2 million that is distributed across the tribal epi centers. It is nowhere near the funds we need in order to have the impact and to be able to serve our communities in the way that we would like.

Nothing to me is more illustrative of this than the current epidemic that we see of missing and murdered indigenous women across the United States. Currently, we have tribal communities who are advocating for better data, for better work with both county, State, and Federal departments to get these numbers.

The Urban Indian Health Institute is currently working with a Ph.D. student—a Ph.D. student—who maintains the only database on missing and murdered indigenous women in the United States. A Ph.D. student. I have no funding to support her. How I support her and pay her for this work is minimal speaking fees of when I go out and do talks.

And so when I look at that and I look at what is happening in that, we are working in 66 cities across the United States, gathering data, I see things such as the information that they are giving me isn't correct. They are not matching the correct names. They didn't collect race and ethnicity. I have half the cities that I am working with who simply didn't respond to a public records request.

The work that we are doing is incredibly important. In order for all of you to make the program decisions, the policy decisions, the data that we are creating at the tribal epi centers is necessary.

However, with this minimal funding of $4.2 million, we are not able to provide everything that we should be able to. At the very minimum, we need $24 million spread across the tribal epi centers through the Indian Health Service in order to provide the information that is needed.

We do know also that when you receive data, it often has not been analyzed from a strength-based perspective. Very often people are coming into tribal communities and want to point out all of the problems. We have the answers to the problems within our communities, and when that data is done with an indigenous sovereignty data perspective, we are able to bring that to you, where you can see where we build upon the strengths.

And instead of looking at the deficits, we recognize—for example, American Indian and Alaska Native people currently have the highest rates of sobriety of any racial or ethnic group across the United States. That is totally against the popular narrative that talks about problematic drinking in our communities. We do have a problem with binge drinking. That allows us to take a look at the information and really focus our efforts on where we are doing really well and where we can also help other communities learn and grow from what we have done.

The Special Diabetes Program for Indians—and thank you so much again for approving that because we have seen incredible strides. We have seen more than a 50 percent decrease in end-stage renal failure across urban American Indians and rural American Indian and Alaska Native people, which translates into cost savings because the CMS pays for end-stage renal disease, which is often done in dialysis centers. So we have seen an incredible effort happening, and the data needs to be done from an indigenous perspective.

I am just touching really briefly on research. Our communities are in need of research that is, again, done for Native people by Native people. Research dollars do not reach our communities, and we are working actively to bring those dollars to our communities so that we can address our problems and our solutions from our own perspective.

I had a community, I was doing a survey, and I met a woman who told me the story of her, her grandmother, and her daughter all had breast cancer at the exact same time. They were in a high-quality research center receiving care, and not one time were they asked to engage in a research study. So we need to include our people.

Thank you.

[The statement of Abigail Echo-Hawk follows:]

TESTIMONY OF ABIGAIL ECHO-HAWK, MA,
DIRECTOR, URBAN INDIAN HEALTH INSTITUTE,
CHIEF RESEARCH OFFICER, SEATTLE INDIAN HEALTH BOARD
HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
TUESDAY MAY 9, 2018

Chairman Calvert, ranking member McCollum, members of the House Appropriations Subcommittee on Interior, Environment, and Related Agencies, my name is Abigail Echo-Hawk, and I am an enrolled citizen of the Pawnee Nation of Oklahoma, currently living in an urban Indian community in Seattle, Washington. I am the Director of the Urban Indian Health Institute (UIHI) and the Chief Research Officer of the Seattle Indian Health Board (SIHB). I appreciate the opportunity to present testimony today. I am an experienced AI/AN health researcher in both academic and non-profit settings, and am part of numerous local, state and federal efforts to engage American Indians and Alaska Natives (AI/AN) in research, including serving on the Tribal Collaborations Work group for the National Institutes of Health *All of Us* precision medicine initiative. UIHI is an Indian Health Service (IHS)-funded Tribal Epidemiology Center (TEC), providing services to more than 62 Urban Indian Health Programs, social service and faith-based agencies who provide culturally attuned health services in areas that represent approximately 1.2 million American Indians/Alaska Natives (AI/AN) living in urban settings nationwide. UIHI recognizes research, data, and evaluation as an integral part of informed decision making for not only our AI/AN community, but also our health policy and funding partners. We assist our communities in making data driven decisions, conduct research and evaluation, collect and analyze data, and provide disease surveillance to improve the health and well-being of our entire AI/AN community. UIHI's mission is to advocate for, provide, and ensure culturally appropriate, high quality, and accessible data for AI/AN public health organizations providing culturally attuned care to AI/AN's living off tribal lands in urban settings.

TEC's are IHS, division funded organizations who serve the IHS Direct, Tribal 638, and Urban Indian Health Program (I/T/U) system of care by managing public health information systems, investigating diseases of concern, managing disease prevention and control programs, responding to public health emergencies, and coordinating these activities with other public health authorities. There are currently 12 TEC's nationwide, their mission is to improve the health status of AI/ANs by identification and understanding of health risks and inequities, strengthening public health capacity, and assisting in disease prevention and control. UIHI is unique in that it serves the national urban AI/AN population while its sister TECs serve regional IHS areas including Alaska, Albuquerque, Bemidji, Billings, California, Great Plains, Nashville, Navajo, Oklahoma, Phoenix and Portland. We also work directly with over 120 tribes as the National Coordinating Center of the CDC's Good Health and Wellness in Indian Country (GHWIC) program.

UIHI's unique service population represents approximately 71% of the 5.2 million AI/AN people (alone or in combination) in this country. This population bears a disproportionate

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burden of disease, evidenced by sustained and seemingly intractable health disparities.[1] These include chronic disease, infectious disease, and unintended injury with extraordinarily high levels of co-morbidity and mortality that literally translates into shorter lifespans coupled with greater suffering. For all AI/AN, there are systemic issues which give rise to health disparities: genocide, uprooting from homelands and tribal community structure, bans on cultural practices and language, racism, poverty, poor education, and limited economic opportunity. In addition, for urban AI/AN, forced relocation due to 1950's federal relocation and termination policies is another contributing factor. Today, AI/AN come to the city for educational, employment or housing opportunities and the resulting urban population is enormously diverse due to inter-tribal and inter-racial mixing. Local and state public health jurisdictions rarely disaggregate and/or analyze data separately for this population, despite evidence of a distinct set of needs and health risks. Consistently omitted or lumped into categories described as "other" or "statistically insignificant", this population and their health concerns are often invisible. UIHI functions as the only national TEC representing the health needs and resiliencies of urban AI/ANs. Without our services, little to no data would be available for this population.

Tribal Epidemiology Centers (TECs) work in partnership with tribes and urban Indian organizations (UIOs) to improve the health and well-being of their community members. We offer culturally attuned approaches that work toward eliminating health disparities that are faced by AI/AN populations. Accomplishing this often requires the TECs to work with a coordinated approach with the tribes, urban Indian organizations, IHS, other federal agencies, state agencies, and academic institutions throughout the country. TEC's possess a unique ability as tribal organizations to reach, engage, and provide culturally appropriate research, data, and evaluation for AI/AN's, by AI/ANs, and to ensure the funds actually reach and impact our population. Since their inception in 1996, TEC's have been at the forefront of gathering, interpreting and disseminating AI/AN data at the tribal, local, state and federal level. For example, UIHI provides individual community health profiles for 30 urban Indian areas and a national aggregate that includes more than 60 health indicators. These health profiles are the only comprehensive public data sources available on urban Indians, and as of March 1, 2018, it became the first public online data dashboard of its kind[2]. UIHI's sister TECs provide similar yet distinct services for their regional areas that are dependent on tribal needs.

While we are grateful for the funding that has been allocated by IHS, the TEC's remain woefully underfunded despite marked success and un-replicated services. Additionally, reductions in staff to the TEC granting division of the IHS, the division of Epidemiology, has furthered reduced our support services from IHS. The TEC's have seen recent financial support from the Center's for Disease Control, however this still does not bring the TECs into the capacity needed to fully address the needs of our urban and tribal AI/AN communities. We respectfully request an increase of 24 million dollars to be equally distributed among the TEC's to address this deficit in funding and to increase our capacity to gather, analyze and disseminate high quality data.

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[1] Urban Indian Health Institute, Seattle Indian Health Board. (2016). Community Health Profile: National Aggregate of Urban Indian Health Program Service Areas. Seattle, WA: Urban Indian Health Institute.
[2] http://www.uihi.org/urban-indian-health/data-dashboard/

AI/AN experience severe underrepresentation in health science and public health professions,[3] which contributes to lack of solutions to these health problems. UIHI provides a supportive learning environment for AI/AN students in undergraduate, graduate and post-doctoral levels. We provide a structured curriculum that is based in indigenous science and support services. Our current program includes nine interns who represent medical residents, nurses, public health students, social work students and more. Recent graduates of the program have gone on to medical school, Ivy League public health programs, prestigious research institutions, and directly into public health programs. However, this program is not included in our IHS funding and our only paid internships are limited to a total of $8,000 per year and is funded by the CDC. If we were fully funded, we could increase the support to our internship program and increase the number of highly qualified AI/AN in the health science and public health workforce.

The long, and unfortunately recent, history of health and research abuses against AI/AN has made a strong and lasting impression in urban and rural tribal communities. Part of the work of developing capacity, buy-in, and knowledge around epidemiology, data surveillance, and collection of data includes reclaiming the traditional value of evaluation, data collection and analysis, and building trusting and engaged relationships. Developing structures that reflect not just the disparities and challenges of AI/AN, but also tell the story of strengths, resilience, and capabilities of these communities, is inherently crucial to all Indian people: the story of urban AI/AN data must be grounded in both scientific and cultural rigor. No greater issuer is more evident of this than the lack of data relating to Missing and Murdered Indigenous Women (MMIW) and resulting advocacy from the AI/AN community nationwide.

Overall, AI/AN women experience a higher rate of homicide when compared to Non-Hispanic White (NHW) women (7.3 out of 100,000 v. 5.0 per 100,000). However, these differences are even more extreme within certain US counties. For example, in Bon Homme County, South Dakota the homicide rate for AI/AN women was 111.1 times higher than the national homicide rate for non-Hispanic White women (555.6 per 100,000 AI/AN women)[4]. However, we do know that this is an under-representation due to racial misclassification and lack of data collection on race for women who go missing or are murdered. This trend of racial misclassification was confirmed in a study that found that AI/AN people are the most likely to be misclassified when compared to people of other races (30% frequency)[5]. Currently there is only one comprehensive database of Missing and Murdered Indigenous Women in the US and it was created and maintained by a PhD student[6]. UIHI has partnered to support her in her work and to conduct a national project on MMIW in urban settings. As an indigenous organization with trusted partnerships with urban and rural tribal communities, using indigenous knowledge methodologies to interpret the data and conduct research, UIHI is uniquely situated to address this issue in a culturally and scientifically rigorous manner. However, due to lack of funding, UIHI is currently using the Director's minimal speaking fees to pay for this important MMIW project and as direct result this project is moving slowly. If fully funded, UIHI could address

[3] Gray, J. S. & Carter, P. M. Growing our own: Building a Native research team. *J Psychoactive Drugs* **44**, 160-165 (2012).

[4] Bachman R, Zaykowski H, Kallmyer R, Poteyeva M, Lanier C. *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What Is Known.*; 2008. https://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf. Accessed December 5, 2017.

[5] Jim MA, Arias E, Seneca DS, et al. Racial misclassification of American Indians and Alaska Natives by Indian Health Service Contract Health Service Delivery Area. *Am J Public Health*. 2014;104 Suppl 3(Suppl 3):S295-302. doi:10.2105/AJPH.2014.301933

[6] https://www.mmiwdatabase.com/

emerging data surveillance and research needs such as MMIW in a more expedient manner that serves the interests of both the tribal communities, local, state and federal agencies.

UIHI has recently obtained access to the IHS National Data Warehouse through a data sharing agreement for a level of access called the Electronic Data Mart. This access recognizes TECs as Tribal Public Health Authorities established under the Affordable Care Act in 2010. However, access is meaningless without adequate funds to formalize research questions and conduct analysis. In comparison, R01 Research Grants for various institutes of the National Institutes of Health allocate approximately $400,000 per year for 5-year projects for a single research project. And while the data contained in the Electronic Data Mart could be used for similar research projects, UIHI's core funding from IHS is approximately $375,000 per year and with that we are responsible for conducting community health profiles, provide technical assistance to our partners, do data requests, respond to public health emergencies, and more. The lack of funding does not allow us to conduct culturally and scientifically rigorous research projects that would fully utilize our newly obtained data access. For example, this database contains a wealth of information on nationwide urban AI/AN behavioral health visits ranging from substance mis-use to depression and suicidality. With proper funding, UIHI could conduct culturally attuned analysis that identifies both the resiliencies and the needs of our people related to behavioral health outcomes.

UIHI is dedicated to improving the health and well-being of urban AI/AN, is a national leader on the subject, and the strongest partner available to be able to address their public health needs. However, sufficient funding is currently not available for UIHI and its sister TEC's to fully fulfill the needs from our partner organizations and tribal communities. Fully funding TEC's will increase our capacity to provide relevant, timely and culturally competent information to make data driven decisions. UIHI recognizes that data reflects both our resiliencies and the needs of our communities, and as a TEC we are uniquely situated to incorporate cultural methodologies that do not use a deficit-based framework. Our communities have the solutions, and this is evident in UIHI's recent national urban AI/AN Community Health Profile where we show significantly fewer urban Natives (44%) reported using alcohol in the past month compared to Whites (60%).[7] This combats a common stereotype of alcohol use in AI/AN communities and shows the impact of culturally based behavioral health interventions. Improving health outcomes and research for AI/AN communities will not only benefit our population but will positively affect the overall population health of the country as a whole. We urge the committee to increase TEC funding to 24 million dollars per year and to increase funding for staff positions in the IHS division of Epidemiology that are needed to support TECs.

[7] Urban Indian Health Institute, Seattle Indian Health Board. (2016). Community Health Profile: National Aggregate of Urban Indian Health Program Service Areas. Seattle, WA: Urban Indian Health Institute.

Mr. CALVERT. Thank you very much.

Next, Ray Peters, intergovernmental affairs, the Squaxin Indian Tribe?

Mr. PETERS. Squaxin Island Tribe.

Mr. CALVERT. Okay. Welcome.

Mr. PETERS. You were close. Kinda.

WEDNESDAY, MAY 9, 2018.

SQUAXIN ISLAND TRIBE

WITNESS

RAY PETERS, INTERGOVERNMENTAL AFFAIRS LIAISON, SQUAXIN ISLAND TRIBE

Mr. PETERS. On behalf of Squaxin Island tribal leadership and the citizens, it is my honor to provide funding for the fiscal year 2019 budget.

We request that tribal program funding throughout the Federal Government be exempt from future sequestration and rescissions and cuts. We express gratitude on fully funding the contract support costs. We fully support the regional request of Northwest—the regional request of Affiliated Tribes of Northwest Indians, Portland Area Indian Health Board, and Northwest Indian Fish Commission. Squaxin Island also supports the national budget request from the National Congress of American Indians.

I wanted to touch base on our facility that we run, Northwest Indian Treatment Center. With the epidemic across the Nation with the opioid and the heroin, we are asking that any dollars that are provided, that tribes get that set-aside money that we can get it directly instead of having it go to the States.

The treatment center provides treatment throughout Oregon, Washington, Idaho, and we have not had any increase in our funding since our initial base funding provided by the congressional set-aside in 1993. We would ask that that budget increase at least $3 million.

As well, you are aware of the shellfish settlement. We are also requesting management dollars. We have about 80 to 90 percent of State and treaty lands that we are unable to sustain our shellfish management, as well as our right to be able to go and exercise our treaty right on private lands to be able to go out and do surveys.

When the shellfish agreement was settled, we decided, the Federal Government and the tribes, that we would set aside the management dollars that we needed to manage our programs. We inhabit the seven inlets of the Lower Puget Sound, which is very rich in shellfish, and we—also with the climate change and the ocean acidification, there is a need to be able to provide seed to the tribes of the Lower Puget Sound, as well as the—also the companies because of the climate and ocean acidification.

We are requesting $2.5 million for a nursery, which will allow us to go ahead and boost the seed. Because of the ocean acidification, the shellfish cannot adequately survive, and so it allows us to boost the seed to be able to then plant it on the beaches. Because of our reservation and it is free of growth or construction, it is a very

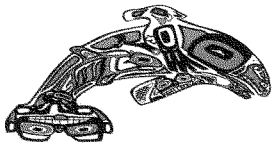
unique place that would provide a benefit to such a nursery, and so it would be an ideal place.

National requests and recommendations. We ask that the Special Diabetes Program, we oppose moving these into discretionary spending from mandatory spending. That would mean SDPI will compete for other Indian program funding annually, as opposed to being funded automatically. We need to have tribal consultation.

Again, $150 million for the opioid funding. As well, Squaxin Island Tribe, we rely on contract health support in purchased and referred care. Our clinic isn't able to provide emergent needs or special needs, and so to be able to have that contract health to be able to refer patients out is critical for our health of our tribal community.

Thank you for accepting the 2019 budget requests and recommendations.

[The statement of Ray Peters follows:]



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Written Testimony of Ray Peters, Intergovernmental Affairs Liaison, Squaxin Island Tribe
Submitted to the House Interior, Environment and Related Agencies
Appropriations Subcommittee
On the Fiscal Year FY 2019 Budgets for the
Bureau of Indian Affairs and the Indian Health Service
May 9, 2018

On behalf of the Squaxin Island Tribal Leadership and citizens, it is an honor to provide our funding priorities and recommendations for the FY 2019 Budgets for the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS). We request that Tribal program funding throughout the Federal government be exempt from future sequestrations, rescissions and disproportionate cuts.

We express gratitude to the Committee for its foresight and leadership to fully fund Contract Support Cost (CSC) in the BIA and IHS. Although full funding in 2014 and 2015 was risky and did impact some other Tribal funding, in the FY 2016 enacted spending bill you included an estimated amount to fully fund the CSC needs in 2016 and 2017. Under the new budget structure, going forward, the full CSC that Tribes are entitled to will be paid and other programs will not be reduced if payments are underestimated in the President's budget. The Squaxin Island Tribe agrees that maintaining this structure achieves the Nation's legal obligation to fully pay CSC and those payments should not be achieved by reducing direct services to any Tribe. We further request that the BIA and IHS CSC be reclassified to mandatory (permanent) funding.

***SQUAXIN ISLAND TRIBE Specific Requests*:**

1. **$500,000 Shellfish Management Program – BIA**
2. **$2.5 Million to Build and Operate an Oyster and Clam Nursery for Southern Puget Sound – BIA**
3. **$2.5 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program in IHS**

***REGIONAL Requests and Recommendations*:**
Squaxin Island Tribes supports the Regional Budget Requests of the Affiliated Tribes of Northwest Indians (ATNI), the Northwest Portland Area Indian Health Board (NPAIHB) and the Northwest Indian Fisheries Commission (NWIFC)

NATIONAL Requests and Recommendations:
Squaxin Island Tribe supports the National Budget Requests of the National Congress of American Indians (NCAI) and the National Indian Health Board (NIHB)

NATIONAL Requests and Recommendations – Bureau of Indian Affairs:

1. ***BIA Rights Protection - Increase funding to $52 million for the BIA Rights Protection Implementation***
2. ***Fully Fund Fixed Costs and Tribal Pay Costs***
3. ***Increase Tribal Base Funding (instead of through grants)***
4. ***Law Enforcement:***

a. ***Allocate $83 million in additional funding to the BIA to increase base funding for Tribal courts***
b. ***Increase funding for BIA law enforcement and detention by at least $200 million over the FY 2017 funding level of $353 million***

NATIONAL Requests and Recommendations – Indian Health Service

1. ***Oppose moving Special Diabetes Program for Indians (SDPI) funding*** *into discretionary spending from the mandatory account*
2. ***IHS mandatory funding (maintaining current services)*** *- Provide a total of $6.4 billion for the Indian Health Service in FY 2019, a 33% increase over the FY 2016 planning base*
3. ***$150 million for Opioid Funding*** *- Increase funding and include Tribal set asides in any funding decisions to states*
4. ***Purchased and Referred Care (PRC)*** *- Provide an increase of $474.4 million*

Squaxin Island Tribe Background

We are native people of South Puget Sound and descendants of the maritime people who lived and prospered along these shores for untold centuries. We are known as the *People of the Water* because of our strong cultural connection to the natural beauty and bounty of Puget Sound going back hundreds of years. The Squaxin Island Indian Reservation is located in southeastern Mason County, Washington and the Tribe is a signatory to the 1854 Medicine Creek Treaty. We were one of the first 30 Federally-recognized Tribes to enter into a Compact of Self-Governance with the United States.

Our treaty-designated reservation, Squaxin Island, is approximately 2.2 square miles of uninhabited forested land, surrounded by the bays and inlets of southern Puget Sound. Because the Island lacks fresh water, the Tribe has built its community on roughly 26 acres at Kamilche, Washington purchased and placed into trust. The Tribe also owns 6 acres across Pickering Passage from Squaxin Island and a plot of 36 acres on Harstine Island, across Peale Passage. The total land area including off-reservation trust lands is 1,715.46 acres. In addition, the Tribe manages roughly 500 acres of Puget Sound tidelands.

The Tribal government and our economic enterprises constitute the largest employer in Mason County with over 1,250 employees. The Tribe has a current enrollment of 1,040 and an on-reservation population of 426 living in 141 homes. Squaxin has an estimated service area population of 2,747; a growth rate of about 10%, and an unemployment rate of about 30% (according to the BIA Labor Force Report).

Squaxin Island Tribe Specific Requests/Justifications:

1. $500,000 – Shellfish Management – BIA

The Squaxin Island Tribe faces an ongoing budget deficit to maintain and operate the shellfish program at its current level of operation–a level that leaves 20% of treaty-designated state lands and 80-90% of private tidelands unharvested due to lack of funding. To address this shortfall and enable effective growth and development of the program, an annual minimum increase of $500,000 is requested. Shellfish have been a mainstay for the Squaxin Island people for thousands of years and are important today for subsistence, economic and ceremonial purposes. The Tribe's right to harvest shellfish is guaranteed by the 1854 Medicine Creek Treaty. Today, we are unable to fully exercise our treaty rights due to lack of Federal support for our shellfish management program.

2. *$2.5 Million - Build and Operate an Oyster and Clam Nursery for Southern Puget Sound - BIA*

A shellfish nursery is a capital project that is both proven and a cost effective technology that takes small oyster and clam seeds and provides a safe and controlled environment for the seeds to grow to a size that can survive integration onto a regular beach placement. Aquaculture is expected to provide almost two-thirds of the fish intended for global consumption by 2030. Aquaculture involves the breeding, rearing, and harvesting of freshwater and marine species of fish, shellfish, and aquatic plants. Producers farm in all types of water environments including ponds, rivers, lakes, oceans, and land-based, closed recirculating-water systems. The Squaxin Island Tribe is uniquely positioned to meet the demand for increased seed production in the shellfish industry. Ocean conditions are affecting the shellfish industry as a whole; ranking ocean acidification as the top concern. Ocean acidification is making it hard for the tiny organisms to make it through the most important stage of their life. They may eat as much algae as they can, but with current ocean conditions, such as the decreasing pH of the water, they cannot eat enough to get the energy they need to grow their shell and increase body mass. In addition, due to weather and/or other environmental factors, the regional shellfish growers in southern Puget Sound continue to face a shortage of viable seed for their shellfish farms.

Our original treaty-designated reservation, Squaxin Island, is a restricted-access area, and therefore an ideal location for such a nursery because it will not be disturbed by residents or recreational boaters. This project would be a capital cost of approximately $2.5 million. The Tribal in-kind contribution to the effort would include land, shoreline and operating costs. Comparable land and shoreline, if privately owned, would be easily valued in the higher millions. The Squaxin southern Puget Sound oyster and clam nursery will be an extension of another project that was created through a U.S. Department of Agriculture appropriation two decades ago for the Lummi Tribe, which created an oyster and clam hatchery in Northern Puget Sound.

3. *$2.5 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program - IHS*
"D3WXbi Palil" meaning "Returning from the Dark, Deep Waters to the Light"

The Squaxin Island Tribe has been operating the Northwest Indian Treatment Center (NWITC) since 1994. The Center, given the spiritual name "D3WXbi Palil" meaning "Returning from the Dark, Deep Waters to the Light", is a residential chemical dependency treatment facility designed to serve Native Americans who have chronic relapse patterns related to unresolved grief and trauma. NWITC serves adult clients from Tribes located in Oregon, Washington and Idaho. ***Since the original Congressional set-aside in the IHS budget for alcohol and substance abuse treatment for residential facilities and placement contracts with third-party agencies in 1993, NWITC has not received an adequate increase in the base IHS budget.*** With the well-documented nation-wide rise in prescription opioid and heroin abuse, it is more critical than ever to increase the NWITC's annual base in order to sustain the current services to the Tribes of the Northwest. AI/AN face opioid related fatalities three times the rate of non-Natives. An increase of $2.5 million would restore lost purchasing power, ensure adequate baseline operating funds and allow NWITC to continue to meet the needs of Native Americans and their communities.

NATIONAL Requests and Recommendations – Bureau of Indian Affairs:

1. **BIA Rights Protection - Increase funding to $52 million** This Subactivity Account has a clear and direct relationship with the Federal trust obligation to Tribes. This program ensures compliance with Federal court orders by implementing effective Tribal self-regulatory and co-management systems. The benefits of these programs accrue not only to Tribes, but to the larger communities as well. In addition, this program supports implementation of the United States/Canada Pacific Salmon Treaty.
2. **Fully Fund Fixed Costs and Tribal Pay Costs -** Partial funding or failing to fund Pay Costs for Tribes has devastated Tribal communities by causing critical job losses. Over 900 Tribal jobs have been lost and an

estimated 300 more jobs will be permanently lost on an annual basis if 100 percent Pay Costs are not provided. The Tribal losses are being further exacerbated by recent projections of costs that have been significantly underestimated. We strongly urge full funding of fixed costs and Tribal pay costs.

3. **Increase Tribal Base Funding (instead of through grants) -** Grant funding, particularly inside the BIA, is not consistent with the intent of Tribal self-determination. Tribal leaders have grown increasingly frustrated by the increase in Indian Affairs funding offer through grants. Allocating new funds via grants marginalizes and impedes Tribal Self-Determination and Self-Governance. Provide increases via Tribal base funding instead of through grants to Tribal governments
4. **Law Enforcement:**
   a. **Allocate $83 million in additional funding to the Bureau of Indian Affairs to increase base funding for tribal courts**, including courts in PL 280 jurisdictions, and to incrementally move towards fully meeting the need for tribal court funding; and,
   b. **Increase funding for Bureau of Indian Affairs (BIA) law enforcement and detention by at least $200 million over the FY 2017 funding level of $353 million**, including an increase in funds for officer recruitment and training and for Tribal detention facilities operations and maintenance.

NATIONAL Requests and Recommendations – Indian Health Service:

1. **Special Diabetes Program for Indians (SDPI)** - ***Oppose moving SDPI funds*** into discretionary spending from mandatory spending. That will mean SDPI will compete for other Indian program funding annually, as opposed to being funded automatically. Need to have Tribal consultation.
2. **IHS mandatory funding (maintaining current services)** - ***Provide a total of $6.4 billion for FY2019, a 33% increase over 2016 planning phase.*** If these mandatory requirements are not funded, Tribes have no choice but to cut health services, which further reduces the quantity and quality of health care services available to AI/AN citizens.
3. **$150 million for Opioid Funding** - Increase funding and include Tribal set asides in any funding decisions to states. Addressing the opioid epidemic is a nationwide priority. American Indians and Alaska Natives face opioid related fatalities three times the rate on non-Indians. Tribal governments must be included in major agency-wide funding decisions, including to states, to treat and prevent opioid misuse.
4. **Purchased and Referred Care (PRC) - Provide an increase of $474.4 million.** The Purchased/Referred Care program pays for urgent and emergent and other critical services that are not directly available through IHS and Tribally-operated health programs when no IHS direct care facility exists, or the direct care facility cannot provide the required emergency or specialty care, or the facility has more demand for services than it can currently meet.

Thank you for accepting the FY 2019 budget requests and recommendations for the Squaxin Island Tribe.

Mr. CALVERT. Thank you, and I certainly thank this panel.

Any questions for this panel? Yes, sir. Mr. Kilmer.

Mr. KILMER. Thanks, Chairman.

And I want to say thanks again to each of you for coming.

Chairwoman Charles, and I want to—just publicly, I want to thank the chairman. In the last appropriations bill, there was report language directing the Department of Interior to work with the tribe on the land transfer issue. I think the question I want to ask you is, is the Department of Interior working with the tribe on the land transfer issue, and do you have any guidance for us as we approach this next round of approps?

Ms. CHARLES. Thank you for asking that.

No. It has been really frustrating for us because right now we don't know what the status of it is with the changes that are occurring back here in regards to any communications that we are having with the park or with any of the other agencies that are involved.

We have sent some notifications and letters out asking what the status is, but to this day, we haven't gotten any responses to that.

Mr. KILMER. Thanks.

Mr. CALVERT. Mr. Stewart.

Mr. STEWART. Let me tell you first, thank you for your being here, and I think you have done an excellent job representing your communities.

Ms. Echo-Hawk, you said something I was interested in. You talked about this Ph.D. student who is trying to gather information on the missing and murdered women, is that the right——

Ms. ECHO-HAWK. Yes.

Mr. STEWART. Tell me, are you trying to collect information outside of the tribal communities as well? For example, if someone is living in Salt Lake City, where I am from, her family, maybe she grew up there and hasn't really associated with the community. That is much harder to do.

Are you trying to reach into—you know, across the board, or are you concentrating primarily in the tribal communities in that research?

Ms. ECHO-HAWK. So the work that—her name is Anita is doing is looking at any cases that have happened anywhere across the United States. My project is actually very specific to nontribal lands. The tribal communities are doing an incredible job of advocating and working within their tribal sovereignty to get access to the information. The urban settings, and Salt Lake City is actually one of the areas that we are looking into right now, is one of the problems.

And what I have found, again, is that people are not collecting race and ethnicity within these cases, or they are simply not responding to our public records requests. So we anticipate releasing a report in about 6 months that is going to detail the 66 cities, including Salt Lake City, looking at this issue and the problems that exist in order for us to actually get this information and to be able to match the names and really recognize and honor the families of these missing and murdered indigenous women.

Mr. STEWART. And so, in the course of a just natural police report or police work, they wouldn't necessarily identify someone as being a tribal member. Is that true?

Ms. ECHO-HAWK. Yes. And so some of the problems that exist with that——

Mr. STEWART. Well, let me understand. When you say "yes," yes, what I said was true, or yes, they would?

Ms. ECHO-HAWK. Yes, what you said is true. Currently, right now, it is very—you know, they may just look at an individual and decide what race and ethnicity they are. And very often, particularly those who are murdered, often that identification is done within the actual funeral home. So a funeral director will make the decision versus talking to a family.

There was a recent study that showed for American Indian and Alaska Native people, we currently have more than a 30 percent misidentification of our racial and tribal identities at the time of death, and so it is an extreme problem that my organization and the other tribal epi centers are currently working on.

Mr. STEWART. All right. Well, thank you and, you know, bless you in that work. It is an important effort.

Ms. ECHO-HAWK. Thank you.

Mr. CALVERT. Thank you. And regarding the opioid funding, I think that all of us are interested in making sure we track that money properly. So if you can continue to communicate with the committee and everyone else because I suspect we are going to invest a significant amount of money into that. We would like to see what kind of results we are getting.

Thank you for attending. We appreciate it. You are excused.

Next, our next group, when it comes on up.

[Pause.]

Mr. CALVERT. Well, welcome. We appreciate you coming out.

Let us start with Ron Allen, tribal chairman and CEO of Jamestown S'Klallam Tribe. Welcome.

WEDNESDAY, MAY 9, 2018.

JAMESTOWN S'KLALLAM TRIBE AND TRIBAL INTERIOR BUDGET COUNCIL (TIBC) TRIBAL CAUCUS

WITNESS

W. RON ALLEN, TRIBAL CHAIRMAN AND CEO, JAMESTOWN S'KLALLAM TRIBE, AND TRIBAL CO-CHAIR, TRIBAL INTERIOR BUDGET COUNCIL (TIBC) TRIBAL CAUCUS

Mr. ALLEN. Yes. S'Klallam, you know, in the Northwest, we have a lot of "S" tribes, and we are all tongue-twisters.

Well, Mr. Chairman and members of the committee, I thank you again to be honored to be able to testify about many issues that affect my tribe and Indian Country. I am a very active tribal leader. I have been for quite a few years now, and so I made the request for a couple of presentations. So my intent is to touch on three main issues, tribal specific.

With regard to my tribe, I am a co-chair of the BIA Tribal Interior Budget Advisory Committee, and I am also a commissioner on

the U.S.-Canada Pacific Salmon Commission. So I am going to squeeze a request in that on that particular subject matter as well.

I do want to say to you and the committee that we are very appreciative of what you did for fiscal year 2018. The increases categorically across the board made a big difference and brought a lot of smiles across Indian Country, and so we are very appreciative of it. I will touch a little bit on the administration's recommendations for this year and next year, et cetera, which are extremely disappointing for us. But that is a huge appreciation for our goals with regard to self-determination and self-governance and the advancement of tribes becoming once again independent nations.

So, and you know, I guess a backdrop. You guys have a hard challenge when you think about all the many issues that you have on your plate and when you think about Indian Country, and the Federal Government provides probably around $20 billion or so across all Federal programs that serve Indian Country. And the need of Indian Country probably is north of $200 billion. So you are never going to quite get there by the Federal Government resources. So it is really incumbent on the administration and the Congress to help advance the tribes' ability to become self-reliant so that our own resources can fill that gap. That is how you fulfill the real needs of our respective Indian communities from Alaska to Florida.

So it is a huge challenge for us, and you are going to hear over the course of the next 2 days a couple of big issues that are crisscrossing Indian Country, and one of them is, you know, what is happening over in HHS with regard to the determination of the status of Indians. You know, we have 200-plus years of recognition of the tribes as a political entity. All of a sudden now, they want to make us race based.

And I know that many of you are well aware of it. It is a very deeply concerning issue that you are going to hear on issues that are in HHS and IHS, but the potential of overspilling into other areas is going to be very important for the Congress to assist Indian Country in addressing.

So, you know, for my tribe, very quickly, we are very proud of our small tribe up in western Washington, west of Seattle, in Derek's district. And so we are very proud of being very independent. You know, we started with zero land base back in 1981, and currently, we are about 1,400 acres of trust reservation land on our own resources.

We didn't ask for any money. We did years ago when we first started, and we gave up, quite frankly, and said we are going to do it ourselves. And we have and worked with the administration to convert it over into reservation trust status, and we really worked really hard at pursuing our own independence with regard to the resources needed for our community.

We have two specific areas that we are asking for assistance, and they are EPA-related issues. The GAP program, which we are very active in our area with respect to the environmental protective measures. We spend a lot of time in our area dealing with environmental protective measures, working with the communities, both local government and private sector, to try to improve the status.

One of our projects, one of our economic projects, for example, is because we are a salmon/shellfish people, our shellfish farms is a huge deal for us, and that requires a lot of environmental resources in order to advance that agenda. So the two areas with regard to EPA are targeted specifically at that.

That is one of many programs. We work really hard diversifying our economic portfolio in order to become more self-reliant. I will say that we share the views of our colleagues that support the NCAI, NIHB in our regional recommendations. There is a number of them that they make to you with regard to the different programs in BIA, IHS, et cetera, and we are very supportive of that.

I may well underscore some of Ed's comments with regard to the Northwest Indian Fish Commission because we count on them to help us with regard to protecting and advancing the salmon interests that we have in the Northwest. It is—for many who don't know, salmon is a precious resource in the Northwest. It is a multibillion dollar industry from Alaska to the Northwest—Washington, Oregon, Idaho. And we work very hard at protecting that environment.

So one of the issues that I am advocating for as a commissioner representing 24—25 tribes, one in Alaska, with regard to U.S.-Canada Pacific Salmon Treaty, the issue there is we spent 2 years negotiating that treaty, to renegotiate it for a 10-year new annex. And that requires a lot of resources from Commerce, from State Department, and Interior.

And in Interior, there is a specific line-item that deals with that responsibility. So that is a huge issue for us, and so we are looking for assistance. We are currently at about $4.2 million, I think, to serve the 25 tribes, and we are looking to get it bumped up to $5.2 million.

We spend a great deal of energy in making sure that it works well with the States of Alaska, Oregon, and Washington, Idaho, and we are key to preserving those treaty rights.

Mr. CALVERT. I just want to point out you are in your second 5-minute allocation.

Mr. ALLEN. Okay.

Mr. CALVERT. I just wanted to let you know.

Mr. ALLEN. All right. Okay. I went for three, but I will settle with two, you know? [Laughter.]

So, okay. So shifting quickly to the BIA TIBC process, you know, I am a co-chair, we worked very hard on it. It has been a forum where the 12 regions with regard to the 573 tribes bring in our recommendations and our priorities.

One thing that we will underscore with you is that we tried to prioritize the top, you know, 10 to 20 areas, knowing that in the 125 or so line-items that it permeates all through Indian Country with regard to the needs in Navajo is different than Alaska, and Alaska different than Oklahoma, et cetera. So it is tough finding the balance.

But we are disturbed that even in the top 10, 3 of the top 10 were proposed to be eliminated by the administration. They are proposing for 2019 a dramatic decrease, and we have had significant diminishment of the overall resource base, you know, based on their recommendations. So we always are very appreciative of this

committee hearing and being sensitive to the tribes' priorities and interests.

So just as an example, my rights protection, I pointed out deals with fisheries and natural resources, is way down. When you compare all the balance of issues in Indian Country, you know, it is a Northwest-centric agenda, and somewhat in the Great Lakes as well. But it will never get up in the top 20. So, but the administration—we advocate for this committee and the administration to be sensitive to that.

Those are the treaty rights. Those are trust treaty rights, and it cuts across a lot of different areas. It is an important process. It is a complicated process because of the diversity of needs with regard to the different tribes from the east coast to the west coast.

And so we have made our recommendations to this committee, and we emphasize for it. The economic development is a big deal. The loan guarantee program, the infrastructure needs with regard to roads improvement programs, et cetera, those things are all relative to economic development, aside from the social programs that are so important to help deal with—you know, you talked about opiates a few moments ago. Well, it is not just the opiates. There are other issues.

There is other substance abuse, behavioral issues, mental health issues, and so forth that are all relevant to employment. They are relevant to dysfunctional family issues that we try to wrestle with. They are relevant to the education program, with the BIE programs. We have, I can't remember, 120 Indian schools out there that need—their standards need to be raised, et cetera.

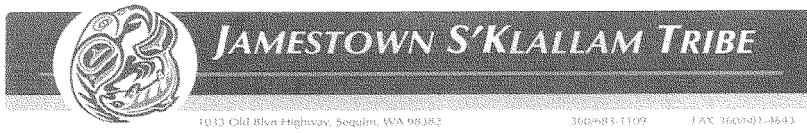
So we work really hard at trying to get a strong message to you with regard to the needs of Indian Country and be respectful of all of our needs, and then why we try to champion things that are tribal-specific issues.

So I appreciate the opportunity to be here. There is lots of issues that we want to raise with you, and sometimes we get disappointed, like the tax reform initiative that you just passed. We didn't get—the Indian parity issue wasn't in there. So we are disappointed, but we are not discouraged, okay?

So we will keep coming back at you. In order for us to get to the $200 billion plus, it is about America being respectful of our unique nation status and our ability to be able to take care of our own needs and help our legal and political status.

Thank you, Mr. Chairman.

[The statements of W. Ron Allen follow:]



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Written Testimony of
THE HONORABLE W. RON ALLEN, TRIBAL CHAIRMAN/CEO
JAMESTOWN S'KLALLAM TRIBE
HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
"2019 APPROPRIATIONS TESTIMONY FOR BIA AND IHS"
May 9, 2018

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 2019 Bureau of Indian Affairs (BIA), Indian Health Service (IHS) and the Environmental Protection Agency (EPA) budgets. We have shown time and again that the Federal investment in our community is a good investment. A majority of our Tribal citizens seek secondary degrees or higher and we are the second largest employer in our region. Our revenues continue to grow with the Tribe having generated 76% of our total revenue in 2017 with the remaining 24% coming from Federal, State and local resources. The success we attained reflects that continued Federal program and financial support is invaluable to growing sustainable Tribal economies and bolstering surrounding regional economies.

As we seek to identify opportunities that support our goal of self-reliance, we must also acknowledge the barriers that impede our ability to reach our full potential, including, the failure to include Tribal Tax Provisions in the Tax overhaul package, the failure to ensure Tribal governmental parity with state and local governments in various laws and regulations, the severe and persistent underfunding of Tribal programs and services despite the trust obligation, the absence of data to support funding requests for Tribal programs and services, and the late distribution of funding. All of these factors attribute to the persistent shortfalls and overwhelming unmet needs in Tribal communities. Additionally, data collection for Tribal programs throughout the Federal system is substandard or non-existent and it is difficult, if not impossible, to show program success if funding is not received in a timely fashion. The agencies need to be held accountable and directed to work in partnership with Tribes to collect data that quantifies the true unmet need in Indian country with credible metrics that will provide an accurate profile of the unmet needs in Indian country.

Tribal Specific Appropriation Priorities

1. **$127,994 Tribal increase for the Indian General Assistance Program (GAP) EPA**
2. **$150,000 to restore funding for the Dungeness Floodplain Restoration & Ecosystem Restoration Puget Sound Geographic and National Estuarine Program (NEP) EPA**

$127,994 million increase - Indian General Assistance Program (GAP) – EPA - Our Treaty, Point No Point, guarantees our Tribe and its citizens the right to hunt, fish, and gather shellfish in our usual and accustomed areas but that right is meaningless if there are no elk to hunt, fish to catch, or clams and berries to harvest. Our Tribe has been recognized on numerous occasions for our leadership, stewardship, and management practices in the area of Natural Resources protection and development and we work closely with a consortium of Tribes to protect and

preserve our Treaty rights. We have made tremendous strides in advancing techniques that identify and reduce pollution, improve water quality, assess the status of public health needs, restore habitat, and replenish depleted fish and shellfish stocks, that are on the brink of extinction, including, ESA listed summer chum. Augmenting the fish stock coupled with restoration of the habitat area were the key to a healthy robust fish population. It is projected that within the next 5-10 years it may be a candidate for de-listing under the Endangered Species Act. Preservation of Tribal Treaty Rights begins with Tribal capacity building which is critical to sustain the positive environmental and economic achievements, including, the generation of employment opportunities, the building and upgrading of ecological infrastructure, the establishment of domestic and international trade relationships, and the bolstering of Tribal, local and state economies.

$150,000 – Geographic/Ecosystems Program (Dungeness Floodplain Restoration & Ecosystem Restoration Puget Sound) EPA - The Geographic/Ecosystems program provides funding for our Tribe to protect and restore the Puget Sound ecosystem. The success of this program is evidenced in the many achievements our Tribe has seen to date, including, the restoration of the Olympia oyster habitat with hatchery-propagated oyster seed, which is, a local native species. The Tribe agreed to restore and protect an acre and a half of the native Olympic oyster bed in Sequim Bay. Initial surveys of the area are proving successful with the population remaining stable and showing evidence of reproduction of new oyster seed. The Tribe has been mapping the area since 2014 and the data shows the oysters are spreading beyond the perimeter of the designated restoration plot. This program is also multi-jurisdictional in that Federal and state agencies, Tribes, regional fishery organizations and other partners take a synergistic and economically sustainable approach to addressing environmental issues. The goal is to restore 100 acres of Olympia oyster habitat by the year 2020.

National Requests and Recommendations for the BIA and IHS:

1. Increase Funding for Tribal Base Budgets/Recurring Programs
2. Invest in Tribal Infrastructure

Increase Funding for Tribal Base Budgets/Recurring Programs - . In the past 20 years, there has been a 25.5% funding reduction/permanent rescission of at least twenty (20) different Tribal programs and services in order to pay for tax cuts, wars, hurricanes and technology upgrades. These budgetary rescissions are permanent, unsupportable reductions to Tribal base programs and, when you factor in the inflationary rate, Tribes are not even maintaining level funding. Recently, there has been a growing trend among agencies to fund Tribal programs and services with grant dollars as opposed to providing base recurring funding. Grant funding is short term and undermines Self-Governance, creates uncertainty in planning, requires extensive regulation and reporting requirements and restricts the use of indirect costs. We would urge Congress to increase funding for Tribal base budgets by funding Tribal Priority Allocations and other Recurring Programs because it will benefit all Tribes as opposed to creating more grants that only benefit a few.

Invest in Tribal Infrastructure - There is a growing awareness across the political spectrum of the pronounced and immediate need to address this country's need for new as well as rapidly deteriorating infrastructure. Tribal governments and their citizens face profound infrastructure

challenges that are acute and longstanding. The breadth and severity of the unmet infrastructure needs are measured by the high rates of injury and death in our communities. Decaying, unsafe infrastructure is not only a public health issue but an impediment to economic development and job growth. Increased Federal funding and investment could effectuate Tribal infrastructure development efforts.

National Requests and Recommendations for the BIA:

1. **Fund the Office of Self-Governance $2.25 million**
2. **Economic Development TPA $50 million**
3. **Natural Resources TPA $10 million**
3. **Indian Guaranteed Loan Program $12.6 million**

$2.25 million - Office of Self-Governance (OSG) – OSG provides administrative support to 48% of all Tribes nationwide. However, OSG is poorly resourced and funding has not followed the increase transfer of workload from the BIA Regions to OSG as more Tribes enter Self-Governance. OSG is currently operating at a deficit and it does not have sufficient resources to address operational costs, such as, required travel, equipment and supplies. Financial support for OSG staff and programmatic activities are fiscally prudent and necessary to further the mission of Self-Governance and is effective and efficient spending for the Federal government.

$50 million - Economic Development (TPA) - Increased funding for Economic Development will allow us to continue to diversify our successful business portfolio and expand our revenue generating opportunities resulting in a stronger Tribal economy and less dependence on the Federal component of our resources. Chronic underfunding and the severe lack of private investment have left the economic potential of our Tribe unrealized. Tribes are forced to rely on their own economic ventures to generate revenue to support programs and services for Tribal citizens. Yet, Tribes are expected to meet these economic challenges with fewer resources and greater restrictions placed on vital economic financing tools and incentives that are easily accessible and lucrative to other governments. A $50 million investment in economic development would allow our Tribe to leverage funds and invest in business opportunities projected to create 500 jobs for Tribal citizens and our non-Indian neighbors.

$10 million - Natural Resources (TPA) - In the Northwest, degradation of the environment is happening faster than we can restore it. Climate change is having profound impacts on Tribal people and Tribal Treaty Rights are at risk. The vitality and sustainability of our Natural Resources is integral to the health and welfare of our Tribal citizens, communities, cultural and religious practices and economies. Our Natural Resources Department has been invaluable navigating through the social, political and financial issues that are constantly at play in the resource arena. We are constantly striving to enhance and preserve our fishery resources and culture. These efforts have realized water quality improvements in Dungeness Bay resulting in the upgrade of 772 acres since 2011. The Federal investment in Tribal Natural Resources will continue to foster Tribal self-sufficiency and support Tribal economies by cultivating cross jurisdictional partnerships with state and local governments that create jobs and promote and advance trade. This investment also advances a number of ancillary but equally important cultural and religious practices, creates community cohesiveness and improves the environmental conditions on our Tribal homelands and in surrounding communities.

$15 million- Indian Guaranteed Loan Program/Surety Bonds – The Federal government is in a unique position to help advance Tribal projects and provide sustainable economic opportunities for Indian businesses and Tribal governments through the Loan Subsidy Program. Loan guarantees are an attractive financial tool because Tribes are able to leverage limited Federal funding in a prudent budget effective way and promote economic growth by investing in projects that are capable of generating their own revenue streams. The program, however, has been consistently targeted for cuts despite its positive return on the Federal investment. If not for the Loan Guarantee Program, many Tribes would not be able to secure loans from typical sources that are available to other entities and businesses. Federal credit programs should facilitate Tribal access to private capital markets where Tribes frequently encounter market resistance to conventional lending.

National Requests and Recommendations for the IHS:

1. **Support Mandatory/Advanced Appropriations for IHS**
2. **Increase Funding to Support Current Services**
3. **Increase Funding for Purchased and Referred Care $562.2 million**

Support Mandatory/Advanced Appropriations for IHS - Tribal healthcare programs should be funded similarly to every other government health program in this country through mandatory appropriations to ensure parity and Federal obligations are met. The IHS is a critical institution that addresses the health and wellness needs of American Indians/Alaska Natives but it has never received sufficient appropriations to fully address these needs and its per capita spending is well below other health care programs. In addition to mandatory funding for Tribal healthcare, advanced appropriations should be provided. When it comes to IHS funding, delays could mean the loss of life. Late funding not only affects quality of care, it constrains Tribal healthcare providers' ability to plan, budget, recruit and retain staff, and construct and maintain facilities. Providing predictable, timely and sufficient funding will ensure the Federal government is upholding its trust responsibility to American Indians and Alaska Natives.

Increase Funding to Support Current Services - The Federal responsibility to provide healthcare was prepaid by the Tribes with their land and resources. In order 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 funded at appropriate levels. When these mandatory factors are not funded, Tribes must supplement programs with their own limited revenue, or chose between limiting services or shutting down services completely. It is critical that the IHS budget honors and respects the Federal trust obligation.

Purchased and Referred Care (PRC) - Most IHS and Tribally-operated direct care facilities do not provide the required emergency and specialty care services so Tribes are forced to turn to the private sector to fulfill this need. 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.

The Jamestown S'Klallam Tribe continues to support the requests and recommendations of our Regional and National Indian Organizations. Thank you.

House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies

Written Testimony of the Tribal Interior Budget Council for Fiscal Year 2019
April 30, 2018

On behalf of the Tribal Interior Budget Council (TIBC) Tribal Caucus, thank you for holding this American Indian and Alaska Native Public Witness Hearing. As one of the Tribal co-chairs of the TIBC, I would like to share our views on the Interior Department's fulfillment of the United States' treaty, trust, and other responsibilities to American Indians and Alaska Natives in the fiscal year (FY) 2019 budget.

As background, TIBC's mission is below:

> *The TIBC provides a forum and process, consistent with the Indian Self-Determination and Education Assistance Act, Section 450 a-1, Executive Order #13175, and Department of the Interior's (DOI) Government-to-Government policy, whereby tribes and the Department work together to develop policy and budgets that provide for 1) the Department to fulfill its trust responsibilities and treaty obligations; and 2) the fulfillment of tribes' inherent sovereign rights of self-determination, self-governance, and self-sufficiency, as well as securing levels of funding necessary to strengthen Tribal governmental capacity to serve their Tribal citizens and communities.*

The TIBC provides an appropriate forum for BIA budget "government-to-government" consultation, with statutory authority in the Indian Self-Determination and Education Assistance Act. According to 25 U.S.C. 5325(i), "on an annual basis, the Secretary shall consult with, and solicit the participation of, Indian tribes and tribal organizations in the development of the budget for the Indian Health Service and the Bureau of Indian Affairs (including participation of Indian tribes and tribal organizations in formulating annual budget requests that the Secretary submits to the President for submission to Congress pursuant to section 1105 of title 31)."

Tribal Caucus Views on the President's FY 2019 Budget

The TIBC Tribal Caucus raised concerns at our March 2018 meeting that the proposed reductions in the President's FY 2019 budget request to Congress violate the federal treaty and trust obligations to Indian tribes. Tribal leaders of the TIBC reminded the Department of the Interior and the Administration of its solemn fiduciary obligations to Tribal Nations. Federal spending in fulfillment of these obligations is not responsible for the federal deficit and must be protected. The United States must do its part ensure that this obligation is fulfilled, including through the President's Budget Request and final appropriations from Congress. The Tribal leaders of the TIBC urge Congress to reject the proposed cuts that were proposed to the Bureau of Indian Affairs and Bureau of Indian Education in the FY 2019 President's budget.

The Federal Treaty and Trust Obligations in the FY 2019 Budget

Tribes ceded, often by force or coercion, millions of acres of land and natural resources, which are the foundation of the wealth and power of the United States. In return Tribes have the right of

continued self-government and the right to exist as distinct peoples on their own land; for its part, the United States has assumed a trust responsibility to protect these rights and to fulfill its solemn commitments to Indian Tribes and their citizens. Part of this trust responsibility includes basic governmental services in Indian Country, funding for which is appropriated in the discretionary portion of the federal budget. A nation that bases its greatness on its rule of law must uphold the agreements it signs with other nations. Between 1777 and 1868, the United States signed hundreds of treaties with Tribal Nations. These compacts with the First Americans helped to make possible the America we know today. And the First Americans have paid an incalculable price along the way.

Numerous federal programs designed to meet treaty and trust obligations would be reduced or entirely eliminated in the FY 2019 budget and it has been suggested that some are race-based. Federal Indian programs are not based on race or ethnicity but rather on the centuries-long political relationship between Tribal Nations and the United States.

In response to questions about why the President's budget proposes a 15.6 percent decrease from the FY 2018 CR level, Tribal Nations were told that all American citizens must do their part to reduce the federal deficit. The federal trust obligation and our sacred relationship with the U.S. government sets Tribal Nations and their citizens apart from all other American citizens. Federal Indian programs are not responsible for the federal deficit and subjecting them to deficit reduction is a violation of this obligation.

Meeting DOI Strategic Plan Mission and Goals in the Budget

The DOI Strategic Plan for FY 2018-2022 includes these goals for Indian Country.

MISSION AREA #4: Fulfilling Our Trust and Insular Responsibilities

Goal 1: Support tribal self-determination, self-governance, and sovereignty

- Support self-governance and self-determination

Goal 2: Fulfill fiduciary trust

- Ensure accurate and timely management of fiduciary trust assets
- Strengthen Indian Education

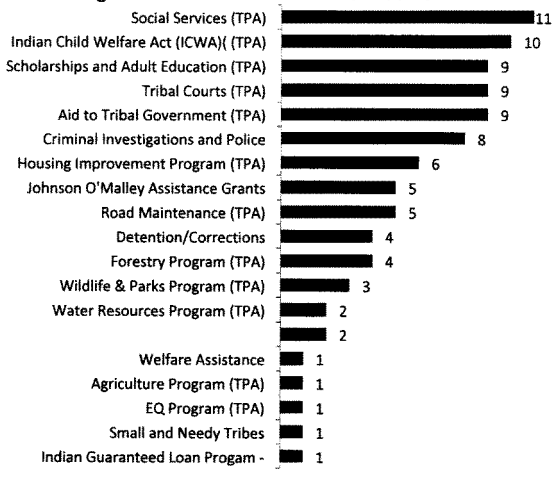
The mission and goals are guideposts and should be reflected in the Department's budget priorities and decisions. However, the 2019 President's budget for Indian Affairs is $2.4 billion in current appropriations, a 15.6 percent decrease from the FY 2018 CR level. Most programs in the BIA budget would see reductions in the FY 2019 budget request.

BIA Budget Consultation

As reviewed above, "the Secretary shall consult with, and solicit the participation of, Indian tribes and tribal organizations in the development of the budget for the [...] the Bureau of Indian Affairs." However, in spite of the budget consultation on the FY 2019 BIA budget through TIBC, the proposed FY 2019 budget reduces funding for the programs identified by tribes as most urgently in need of increases.

The budget formulation and consultation process is critical to identifying potential efficiencies while at the same time ensuring the federal government upholds its solemn treaty and trust obligations to Indian County.

Figure 1: 2019 PRIORITY RANKING RESULTS



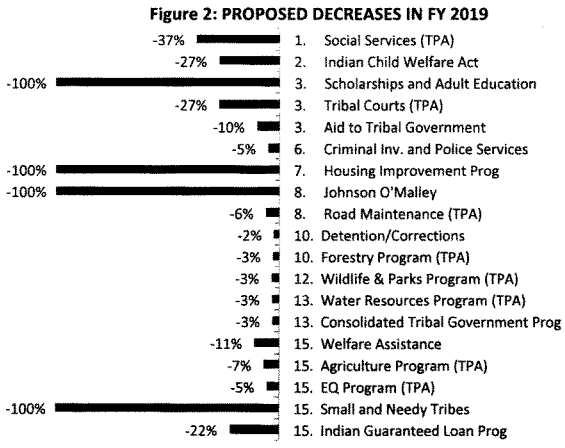
As part of the FY 2019 budget consultation process, tribes from each BIA region completed a survey to outline which 10 budget lines they would prefer to provide increased funding to and why.

Figure 1 shows the results of this process: BIA Social Services, Indian Child Welfare Act (ICWA), Scholarships and Adult Education, Tribal Courts, an Aid to Tribal Government made up the top five.

Yet, most of the programs identified by tribes as needing increases in FY 2019 would receive reductions in the President's Budget Request. Four programs in the preferred programs are actually proposed for elimination in the President's Budget: Scholarships and Adult Education, Housing Improvement Program, Johnson O'Malley Program, and Small and Needy Tribes. Additionally, Social Services and ICWA would be cut 37 percent and 27 percent respectively, both cuts disproportionately larger than the overall reduction for the Department of the Interior, which would see a reduction of 16.8 percent.

The TIBC Tribal Caucus is grateful that the FY 2018 Omnibus provided a more than 7 percent increase for BIA compared to FY 2017, including increases for overall Tribal Priority Allocations and many of these top programs. For instance, the reductions in the FY 2018 President's budget were rejected for BIA Social Services, ICWA, and Public Safety and Justice, and eliminations of HIP and Small and Needy Tribes programs were restored. The need for every program listed in Figure 2 has significant levels of shortfall. TIBC Tribal Leaders urge Congress to invest in these areas as well as providing an overall increase to the BIA's budget to support the base budget for core tribal programs.

For instance, in Human Services, the **Social Services** Program provides the only BIA and tribal-specific funding available for child protective services for both children and adults in Indian Country. A common issue amongst Tribal Social Services Programs is the inability to hire a full staff to take on caseloads including case managers, social workers, and administrative staff. With the limited staff and supportive resources most Social Services Departments only have the capacity to respond to day-to-day emergency needs.



Similarly, current funding levels for **ICWA** fall far short of the estimated need for Tribal child welfare programs. Due to underfunding, many Tribes are unable to fully exercise their inherent sovereign right to make decision related to their children. **Scholarships and Adult Education** is the third top preferred program. Many students face barriers in attending and finishing college once they start. In addition to lack of knowledge of the college process and homesickness, the cost of college tuition is a major barrier.

Another top preferred program among all tribes was **Tribal Courts**. The BIA estimates that full funding for tribal courts would cost $1 billion. The FY 17 funding amount for tribal courts was $30.7 million, or 3 percent of the estimated need. Originally enacted in 1993, the Indian Tribal Justice Act authorized an additional $50 million per year for each of seven years for tribal court base funding. In 2016 dollars this would be about $83 million per year, which would be less than 10 percent of the overall need estimated by BIA. Despite numerous congressional reauthorizations of the Act over the past couple of decades – most recently in the Tribal Law and Order Act (TLOA) – funds have never been appropriated to implement the Act. The Act does not differentiate between tribes subject to PL 280 jurisdiction or not. The promise of this much-needed base funding must be fulfilled. We ask Congress to commit to fully funding tribal courts by incrementally increasing funding each year

We are grateful for the increases provided in the FY 2018 Omnibus, and we urge Congress to continue the investments in the preferred programs identified by tribes in FY 2019 budget consultations.

Conclusion

Thank you for this opportunity to share our views from the TIBC Tribal Caucus. We look forward to working with this Subcommittee in the FY 2019 appropriations process.

Mr. CALVERT. Thank you.

You made the point the administration is making recommendations that you don't agree with. Well, sometimes we don't agree with them either, and so we will proceed as the legislative body and make determinations as we move this process forward. I don't think you will be disappointed in the final outcome.

Next, Mr. Johnstone, you are recognized.

WEDNESDAY, MAY 9, 2018.

NORTHWEST INDIAN FISHERIES COMMISSION

WITNESS

EDWARD JOHNSTONE, TREASURER, NORTHWEST INDIAN FISHERIES COMMISSION

Mr. JOHNSTONE. Thank you, Mr. Chairman.

It is truly an honor to sit here before you today and be with my relatives throughout Indian Country. My relative to my left, William Ron Allen, Jamestown S'Klallam is where my grandfather was born in 1877, Klallam Indian. So that is the flavor you get here with us from the Northwest.

Very honored to be with Congressman Kilmer from the Sixth, my congressman. Carries on a rich tradition of Congress that has supported us in our treaty rights through time. A storied past in those treaty rights through the history of how we have evolved in this process, having the United States protect our treaty rights that we signed those treaties with in the mid 1850s that are basically the lifeblood of who we are still existing here that many years later. Ron points out the importance of salmon to us in Indian Country, in western Washington in particular.

And so, as the story goes, the way that we are brought up is I have to introduce myself, and part of that was talking about my grandfather, Frank Law, and my mother, Marge Johnstone, and my grandmother was born in Hoh River in 1898. And we have come to the Quinault people, and my name is Ed Johnstone.

I am the treasurer of the Northwest Indian Fish Commission. I am a Quinault tribal member, commissioner from Quinault to the fish commission. The fish commission's 20 member tribes, formed shortly after the Boldt decision, 1974–1975, and the leaders of the time looked at what was needed in that decision, and the judge was very specific what the requirements were to uphold your treaty rights and to be co-managers of this resource.

So we manage these fisheries from the whitecaps, the snowcaps of the Cascade Mountains through Puget Sound, to Strait of Juan de Fuca, to 200 miles out into the Pacific Ocean, from Canada to Mexico, because we were brought into those process, like Ron is talking about, the Pacific salmon treaty, Pacific Fisheries Management Council, International Pacific Halibut. All these things that we must do. They are not optional.

So I thank Ron for those reminders and thank you for the support. The words are very powerful of the chairman, when he started this session, about the recognition of the importance of the work that we do, not only we do, but as Congress does. And the support has been—has not gone unnoticed. We appreciate in these very

tough times in the atmosphere of the budgets and realignment and different issues concerned with how the United States spends its money. And some of these reductions that have been mentioned earlier have been very concerning to us, but we have done very well with this committee's support, and we appreciate that.

That we can continue to do the work together, the United States through Congress, through appropriations, and us, us tribes, us organizations like the Northwest Indian Fish Commission, Columbia River Indian Fish Commission, Great Lakes, and others under those treaty organizations, that Ron mentioned rights protection is so important to us. That is the backbone of our ability to be co-managers to uphold those responsibilities, and we appreciate the support over time that we have had from this committee, and we have a rich history with, you know, our former congressman and our former chair, Congressman Norm Dicks, and those that have supported us over time for these good causes.

You know, I have submitted my—the written testimony. I would just like to maybe touch on just a few of the important recognitions. Number one was the tribal management development, TMDL, where we were having issues with our SSHIAP program, and that SSHIAP program is very critical to the tribes. And it was at risk of being, I guess they penciled out, and a lot of good work was done from our perspective, from our staffs and from Interior, BIA, and from some of the staff at some maybe congressional level to straighten that out. And that was a commitment that goes way back into the '90s, and we have secured that.

And that program is so important to all of us. We actually produce a document that is the state of the watershed, and that is the go-to document by the State of Washington, the Federal Government, and others that has a full characterization of every watershed of all those 20 treaty tribes. And so that means entirely in Puget Sound, the Strait of Juan de Fuca, and to the Washington coast, to mid coast, every bit of it is characterized in that valuable report. So those are the—you know, the benefits of having strong support here and in the work that we do to ensure that those things happen.

The Fish, Wildlife, and Parks, there are some—in particular, there is some places in that that we would have you be aware of and look at. Puget Sound Geographic Program, every critical to that work that Ron is talking about. It goes hand-in-glove with the work that we all do.

And you know, if you look at President Sharp's conclusions, she has a little message in there that says that we can't do it alone, and that is exactly what we say at the Northwest Indian Fish Commission is we can't do it alone. And the terminology is to ensure and assist that our member tribes build a brighter future for our member tribes and their people. And we echo that, and that really is the basis of what we do.

Thank you.

[The statement of Edward Johnstone follows:]

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**TESTIMONY OF ED JOHNSTONE, TREASURER
NORTHWEST INDIAN FISHERIES COMMISSION
BEFORE THE HOUSE OF REPRESENTATIVES APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
ON THE FISCAL YEAR 2019 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS,
FISH & WILDLIFE SERVICE AND ENVIRONMENTAL PROTECTION AGENCY**

May 9, 2018

Chairman Calvert, Ranking Member McCollum, and Honorable Members of the Subcommittee, for the record my name is Ed Johnstone and I am Treasurer of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is comprised of the twenty tribes that are party to *United States v. Washington*[1] (*U.S. v. WA*), which upheld the tribes' treaty-reserved right to harvest and manage various natural resources on and off-reservation, including salmon and shellfish. On behalf of the NWIFC, I am here today to speak specifically to our natural resources management and environmental program funding requests for the Bureau of Indian Affairs (BIA), Fish & Wildlife Service (FWS) and Environmental Protection Agency (EPA) Fiscal Year 2019 appropriations. These programs support the natural resource management responsibilities required of the tribes, including the management of Pacific salmon fisheries that contributes to a robust natural resource-based economy and the continued exercise of tribal treaty rights to fish.

SUMMARY OF FISCAL YEAR (FY19) APPROPRIATIONS REQUESTS

Bureau of Indian Affairs

- Provide $56.5 million for Rights Protection Implementation (collective request)
  - Provide $17.146 million for Western Washington Fisheries Management
  - Provide $3.207 million for Washington State Timber-Fish-Wildlife
  - Provide $5.2 million for U.S./Canada Pacific Salmon Treaty
  - Provide $2.4 million for Salmon Marking
  - Provide $4.5 million for Evaluation and Research Activities – Climate
- Provide $10.378 million for Fish, Wildlife & Parks Projects for Hatchery Operations and Maintenance
- Provide $830,000 for the Salmon and Steelhead Habitat Inventory and Assessment Program within the Tribal Management/Development Program Subactivity
- Provide $273.0 million for Contract Support Costs
- Provide $30.355 million for Cooperative Landscape Conservation/Climate Resilience

Fish & Wildlife Service

- Provide $8.0 million for Tribal Wildlife Grants

Environmental Protection Agency

- Provide $96.4 million for General Assistance Program
- Provide $5.0 million for "Beyond GAP"
- Provide $28.0 million for Puget Sound Geographic Program

[1] *United States v. Washington*, Boldt Decision (1974) reaffirmed Western Washington Tribes' treaty fishing rights.

JUSTIFICATION OF REQUESTS

Bureau of Indian Affairs

- **Provide $56.5 million for BIA Rights Protection Implementation Subactivity**

The 41 tribes in the Great Lakes and Pacific Northwest with similar treaty-reserved rights have collectively identified that no less than $52.0 million for Rights Protection Implementation (RPI) is necessary to support essential tribal treaty-reserved resource management. The NWIFC has also identified an additional need of $4.5 million for RPI Climate Change, bringing our total request for RPI to $56.5 million; $16.339 million above the FY18 enacted level of $40.161 million. A summary of the accounts of interest to us within RPI is further identified below. However, please note that a breakdown of these accounts for FY18 is not provided in the Indian Affairs FY19 Budget Justification.

  - **Provide $17.146 million for BIA Western Washington Fisheries Management**

We respectfully request $17.146 million; an increase of $7.142 million over the FY17 enacted level of $10.004 million. Funding for this program supports the tribes to co-manage their treaty-reserved resources with the state of Washington, and to continue to meet court mandates and legal responsibilities. For example, funding supports harvest planning, population assessments, data gathering for finfish, shellfish, groundfish, wildlife and other natural resource management needs.

  - **Provide $3.207 million for BIA Washington State Timber-Fish-Wildlife (TFW)**

We respectfully request $3.207 million, which would maintain the FY17 enacted level. Funding for this program is provided to improve forest practices on state and private lands, while providing protection for fish, wildlife and water quality. This funding supports the tribes' participation in the Timber, Fish and Wildlife Agreement – a collaborative intergovernmental and stakeholder process between the state, industry and tribes.

  - **Provide $5.2 million for BIA U.S./Canada Pacific Salmon Treaty**

We respectfully request $5.2 million; an increase of $183,000 over the FY17 enacted level of $5.017 million. The Pacific Salmon Treaty (PST) Act of 1985 charges the U.S. Section of the Pacific Salmon Commission (PSC) with the responsibility for implementation of the PST – a bilateral treaty with Canada. Tribes assist the federal government in meeting its obligations to implement the treaty by participating in various fisheries management exercises including cooperative research and data gathering activities. This funding request will provide sufficient resources to support tribes to continue effective participation in the bilateral PST process.

  - **Provide $2.4 million for BIA Salmon Marking**

We respectfully request $2.4 million; an increase of $1.148 million over the FY17 enacted level of $1.252 million. Since 2003, Congress has required that all salmon released from federally funded hatcheries are marked for conservation management purposes and has provided funding to implement this mandate. This funding allows tribes to mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations in western Washington.

- **Provide $4.5 million for BIA Evaluation and Research Activities – Climate**

We respectfully request $4.5 million for Evaluation and Research Activities – Climate for our member tribes. The FY17 total enacted level for both Great Lakes and Northwest tribes was only $2.0 million dollars. FY16 provided a much larger total for Great Lakes and Northwest tribes at $5.442 million, of which our member tribes received $2.382 million. However, even at FY16 funding levels our allocation was $2.118 million below identified needs. Funding for this program will provide tribes the capacity to identify, respond and adapt to the impacts of our changing climate.

- **Provide $10.378 million for BIA Fish, Wildlife & Parks Projects Account for Hatchery Operations and Maintenance (within the Fish, Wildlife and Parks Subactivity)**

We respectfully request $10.378 million specifically for Hatchery Operations and Maintenance within the Fish, Wildlife and Parks Projects account; an increase of $453,000 over the $9.925 million provided for these programs in FY17. Funding is provided to tribal hatcheries to support the rearing and releasing of salmon and steelhead for harvest by Indian and non-Indian fisheries in the U.S. and Canada. Hatcheries are a necessary component of fisheries management because habitat degradation has greatly diminished natural spawning populations. As such, hatcheries are now essential for maintaining the treaty right to harvest fish. Without hatcheries, tribes would lose their most basic ceremonial and subsistence fisheries that are central to our tribal culture. Hatcheries also play a large role in rebuilding Pacific salmon stocks listed under the Endangered Species Act. Funding for Fish Hatchery Maintenance is provided to tribes nationwide based on the ranking of annual project proposals.

- **Provide $830,000 for BIA Salmon and Steelhead Habitat Inventory and Assessment Program (SSHIAP) (within the Tribal Management and Development Subactivity)**

We respectfully request $830,000; $475,000 above the amount specified in the FY18 omnibus to be transferred from the Forestry Program to the Tribal Management/Development Program to support SSHIAP. SSHIAP is a vital program to the western Washington tribes because it provides essential environmental data management, analysis, sharing and reporting to support tribal natural and treaty-reserved resource management. It also supports our tribes' ability to adequately participate in watershed resource assessments and salmon recovery work.

- **Provide $273.0 million for BIA Contract Support Costs**

We respectfully request $273.0 million; an increase of $37.0 million above the FY18 enacted level. We also support the reclassification of Contract Support Costs (CSC) as mandatory funding. Funding for this function is provided to tribes and tribal organizations to ensure they have the capacity to manage federal programs under self-determination contracts and self-governance compacts. These funds are critical as they directly support our governmental functions, which allow us to fully exercise our right to self-govern.

- **Provide $30.355 million for BIA Cooperative Landscape Conservation/ Climate Resilience**

We respectfully request $30.355 million; an increase of $20.399 million over the FY18 enacted levels of $9.956 million. Funding for this program will support tribal capacity to participate in and provide input on climate change issues that impact fisheries and other treaty-reserved resources. It will also allow tribes to provide their perspective on climate change adaptation and

resiliency necessary to protect their treaty-reserved rights, which is informed by both traditional ecological knowledge and scientific research.

Fish & Wildlife Service

- **Provide $8.0 million for FWS Tribal Wildlife Grants**

We respectfully request $8.0 million for the nationwide Tribal Wildlife Grants program; an increase of $3.791 million over the FY18 enacted of $4.209 million. Funding from this competitive grant program is used to develop and implement programs for the conservation of wildlife and their habitat, including species of Native American cultural or traditional importance. These grants are often critical to conservation programs that work to avoid ESA listing.

Environmental Protection Agency

- **Provide $96.4 million for EPA General Assistance Program (GAP)**

We respectfully request $96.4 million; an increase of $30.924 million over the FY18 enacted level of $65.476 million. We also respectfully request accompanying bill or report language that would improve flexibility in the GAP to ensure individual tribal priorities and implementation activities would be eligible. The GAP builds tribal program capacity to begin to address environmental issues such as water pollution, which impacts tribal health, safety, and treaty-reserved resources. However, GAP does not support tribes to implement those programs.

- **Provide $5.0 million for EPA "Beyond GAP"**

We respectfully request $5.0 million for a regional pilot project known as "Beyond GAP" for the 29 tribes in Washington. GAP and media-specific EPA grant programs do not fully support tribes to develop, operate and implement essential environmental programs necessary to protect their rights, resources, lands and health. This request advances a longstanding EPA/tribal partnership by moving beyond mere tribal capacity building to promoting tribal programs capable of implementing a broad range of management activities. At the national scale, increases in tribal allocations for EPA Clean Water Act §104, §106 and §319, and Clean Air Act §103 and §105 programs to allow for media-specific implementation priorities is also necessary.

- **Provide $28.0 million for EPA Puget Sound Geographic Program**

We respectfully request $28.0 million, which would maintain the FY18 enacted level. This Geographic Program provides essential funding that will help protect and restore Puget Sound – an estuary of national significance. Funding for this program is essential for tribes because it supports our participation in a broad range of Puget Sound recovery work, including, scientific research, resource recovery planning, implementation and policy discussions on issues that affect our treaty rights.

CONCLUSION

We respectfully urge the Subcommittee to continue to support our efforts to protect and restore our treaty-reserved rights that in turn will provide for thriving communities and economies. Thank you.

Mr. CALVERT. Thank you very much. We appreciate your testimony, and we certainly have a mutual interest in your prosperity and the health of your nation, and we will continue to work with you to ensure that.

Any questions for the witnesses? Yes.

Mr. KILMER. Thank you, Chairman.

I first want to express gratitude to Ed for representing the Northwest Indian Fisheries Commission. He follows in the amazing tradition of Billy Frank Jr. of telling the story and articulating the priorities of the commission, and I thank him for that.

I also want to thank Chairman Allen. I was hoping quickly if you could just talk about your experience with the fee-to-trust process at BIA, if you can give us a sense on average how long does it take to get land into trust? How has that process been?

Mr. ALLEN. Well, it was going fairly well. I don't want to get into politics. You know, the last administration, we were getting—we, all of Indian Country was doing much, much better. It slowed down.

And right now, we are getting clarification that the lands within the reservation or adjacent to reservation in trust lands can stay in the regional area, which helps the process, makes it reasonably timely. There are lots of steps that you have to go through.

If it is not adjacent, then it comes back to Washington, D.C., and we say goes up to the sixth floor, which is the Secretary's floor, and it slows way down. And so the process is much slower. It is not problematic. The only issues often are gaming, and gaming has a very rigid process and a very high level to get over.

But they get confused, I think, over when we make it real clear there is no gaming going on on this trust land. It is for other purposes. So it is just that is where the problem emerges is where they ask the question and don't seem to get the—we don't seem to agree when we say no gaming. Okay, therefore, just get it off your plate and move it.

But it is one desk that it goes through, and so it is not good for lands that we are putting into trust for purposes of housing, for conservation purposes, economic development purposes, et cetera. So it slowed down, quite frankly.

Mr. CALVERT. Okay. Thank you. Mr. Cole.

Mr. COLE. Thank you very much.

I want to thank both of you for being here and your testimony, and Mr. Allen, I particularly want to thank you—I probably will mention this several times over the course of the next couple of days—for raising this issue about the CMS classification of tribes as racial units. A lot of us have already sent pretty strongly worded letters to the administration. I know we have a joint, bipartisan letter circulating that my friend, Betty McCollum, who co-chairs the Native American Caucus with me, have going around. Democrats and Republicans feel very strongly about this.

And you know, at least in my letter, I also sent a legal opinion from the chief attorney of our tribe, who I think made the case pretty compellingly that you are headed toward a lawsuit. And so I want to use the opportunity of the hearing, number one, to thank you for raising the issue, and I hope other people do as well. I think getting it in the record frequently and often is good.

I hope, whether it is in this bill—I have the good fortune of chairing the Labor, Health and Human Services, and Education Committee, which is, you know, the one that is directly responsible for CMS and some of its funding. I am going to put my friend the chairman on notice. We just need to work back and forth and decide whether we should mention this in the legislation, the appropriation. I am inclined to want to do that in my bill, but I want to work with you on that.

This is it is worth noting. This is an administrative decision, and again, it is based, I think, on a profound misunderstanding of what tribes are and what the trust obligation of the United States here is. And it effectively put you under State jurisdiction in ways that you should not be under State jurisdiction. There is a big—and this isn't a demonstration project.

I mean, my gosh, you don't do stuff like this in demonstration projects, for goodness sake. So I am really pleased that so many people in Indian Country caught it right away. You know, as soon as they saw the letter that went out on this decision I think in January, and I have certainly been hearing from it since then. I suspect the administration has.

But I just check-marked that as, you know, I think an unintentional, but a very real attack on tribal sovereignty that tribes and the National Congress of the American Indians and, frankly, those of us on both sides of the aisle that I think are generally aligned with tribes ought to be pushing back really strong. You don't want this precedent established. You really don't.

And I don't think the Federal Government wants to, you know, pay for the lawsuits that I think are coming if we try to operate that way. So thank you for raising the issue, and thank both of you for what you do for all of Indian Country, in addition to your own tribes and your own region.

Mr. ALLEN. And we thank you for your leadership, Congressman. It is a tough issue. We are meeting with the Secretary tomorrow on this topic as well to push back. The Office of Civil Rights is wrong. We agree with the Chickasaw attorney, and we just need to correct this wrong.

And the consequences of it, we are not opposed to work requirement. It is different in Indian Country because of the high unemployment problems that we have and how you check off that requirement.

Mr. COLE. Now I couldn't agree more, and I think, again, I am like you—I support work requirements as a rule. I don't support tribes that, you know, effectively being supervised by what States are going to do. There is a big difference the Federal Government does something, and then it devolves the power down to the State to let you do it.

In the letter that I sent, I asked for the statutory authority. You didn't cite any. I would sure like to see that. Could you send us the statutory cites and information that you based your decision on? And you mentioned civil rights concerns. Can you tell us what those are and point to those in law? Because I don't think they bear up to scrutiny very well.

So, anyway, just rest assured, this committee, I know, and many, many Members in Congress beyond it take this really seriously,

and we intend to push back really hard. And if the administration wants to proceed down this course, then we will see where we end up, but they better be ready because I don't think that memo is going to hold up very well by itself.

But thanks for raising the issue. Very important to bring it up.

Mr. ALLEN. Thank you.

Mr. COLE. Yield back. Thank you.

Mr. CALVERT. Thank you. And have a great day. See you soon.

Okay. We are ready for our next panel.

[Pause.]

Mr. CALVERT. Good morning. Good morning. I am sure you heard our 5-minute rule. We appreciate your coming out and listening to your testimony today.

And with that, Dr. Michael Marchand, we are happy to recognize you first.

WEDNESDAY, MAY 9, 2018.

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

WITNESS

MICHAEL MARCHAND, CHAIRMAN, CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

Mr. MARCHAND. Good morning. I am Michael Marchand. I am chairman for the Colville Tribes in Washington State. We are a confederation of 12 tribes, very rural area, very isolated area.

I was looking through the archives, and General Sherman rode through there and pre-Civil War. He said this is the most rugged and impassable place he has ever been. This would be a good place to put the Indians. [Laughter.]

We know how to get through the mountains, though. But it still is that way. Very small towns. Our towns are measured in hundreds, not thousands usually. The big town, Omak, is 4,500 people, and it is still basically that way.

We have been a natural resource-based economy forever. In the old days were salmon and buffalo. Our buffalo went away, and we also lost our salmon. We are in the Upper Columbia River, and because of all the dams, which benefit the Northwest greatly with billions of dollars and millions of jobs, they create problems for us. And so our region is still isolated, high unemployment, and so forth, and we are trying to convert into modern, new economies right now.

And so, for today, what I would like to say is that we would like to direct IHS to update the facility priority list system for health facilities construction. They are operating under these old-time lists and policies, which don't serve us well today.

I was born in an IHS facility in the 1950s. It was since shut down. Today, we don't have a hospital on the reservation, even though it is as big as some States. And so we have to go off reservation for services. Generally, we do have clinics.

I just got word this week that the local off-reservation hospital was talking about cutting off baby delivery services. So our young ladies are not too happy about that, and I am sure we will be work-

ing more on that issue. Some of the old facilities are based on criteria I don't know if they make any sense anymore today at all. So we would just like to look at that again, I guess, and get these lists updated.

Well, we went through the school system facilities about 10 years ago, and the same thing there, and we just think we need—we need hospitals. We need clinics. We need these sorts of things, and under the current policies, it is kind of very difficult.

Under the current system, it would take 20 years to complete construction on the lists that they have, which I think are outdated. It would be $8.2 billion needed to finish all this construction. So it is a big issue for us, and we would like to get that updated.

Next is forestry. I am a doctor because of forestry. I have a Ph.D. in forestry from the University of Washington, and I was born and raised in the forest, and that is our basis for our economy today. We reject the proposed cuts and would like to see a $10 million increase to BIA forestry.

We have suffered some devastating forest fires in the past few years, and we still have not recovered from those issues. We need dollars to help rebuild our forests, replant forests and so forth. And we are doing all we can. We have forestry staff and greenhouses, and so we are working on those things. It is just going to take time and more resources.

And they are very important to our economy. They provide a lot of the jobs. Trees have a long value-added chain, and they really impact the country nationwide. They provide jobs in the forest. Those products go all over the country. We wholesale timber all over the United States to make furniture, doorframes, a wide variety of products everywhere.

So one of our big discussions in the past was with Andersen Windows in Minnesota. Every tree has a big impact, and they provide a lot of jobs.

We would also like to reject proposed cuts and provide funding increase for BIA law enforcement to enable tribes to hire more police officers. We have a relatively small police force, even though our tribe is as big as some States. We were on the chopping block years ago for termination. We are a Public Law 280 tribe, and so jurisdiction was turned over to the State.

After those policies changed, we have negotiated to get back our jurisdiction. And in that process, we were assured by the BIA and Federal Government that when this jurisdiction comes back, the funding would be provided for police, of course, and that has never really happened, you know? And we did get some initially, but since then, you know, the problems get worse all the time, but we have never seen this funding increase ever happen.

And so we are spending a lot of our money on police protection. And we are like the rest of the country, we are getting increased problems with opioids and organized crime, which we never used to have, and so forth. And so it is something we are dealing with. And we are also on the Canadian-U.S. border. So we have border issues also, and we need—we need help. And we are doing what we can, but I think it is really a national problem.

That concludes my remarks. So thank you.

[The statement of Michael Marchand follows:]

The Confederated Tribes of the Colville Reservation

Prepared Statement of the Honorable Michael E. Marchand, Chairman
Confederated Tribes of the Colville Reservation

House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

Public Witness Hearing—Native Americans

May 9, 2018

Good morning Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee. On behalf of the Confederated Tribes of the Colville Reservation ("Colville Tribes" or the "CCT"), I thank you for this opportunity to provide testimony today.

The CCT recommends that the Subcommittee (1) direct the Indian Health Service ("IHS") to update the Facility Priority List System for health facilities construction; (2) reject proposed cuts and provide a $10 million increase to BIA Forestry; and (3) reject proposed cuts and provide a $20 million increase for BIA law enforcement to enable tribes to hire more police officers.

BACKGROUND ON THE COLVILLE TRIBES

Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of twelve smaller aboriginal tribes and bands from all across eastern Washington State. The Colville Reservation encompasses approximately 1.4 million acres and is located in north central Washington State. The CCT has nearly 9,500 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of our tribal members live on or near the Colville Reservation.

INDIAN HEALTH SERVICE FACILITIES

The Colville Tribes requests that the Committee direct the IHS to formulate a new Health Care Facility Construction Priority List ("Priority List") for Indian health facilities construction. The Priority List has been in effect for more than two decades and provides funding for construction of the facilities included on the List, as well as 80 percent of the annual staffing costs. The projects on the Priority List have been locked since 1992. The current IHS funding for facilities construction is inequitable in that it provides a disproportionate share of funding to a few select Tribal communities based on decades-old data.

According to the IHS 2016 Report to Congress on health care facility needs, over half of all IHS-owned health care facilities are over 30 years old and the average age of IHS hospitals is 40

years old, nearly four times the average age of private-sector hospitals. That Report estimated that a total of $10.3 billion would be needed for construction of adequate health care facilities to serve all American Indians/Alaska Natives. The estimated cost just to complete the 13 inpatient and outpatient facilities currently on the Priority List is approximately $2.1 billion. At the current level of funding for IHS health care facilities, it would take 20 years to complete construction of the existing list before any funding would be available to address the other $8.2 billion needed for facilities construction.

In many cases, the Priority List either did not reflect facilities needs at the time or did not reflect the current needs of tribal communities. This was made clear at the March 9, 2017, oversight hearing held by the House Subcommittee on Indian, Insular and Alaska Native Affairs on "Improving and Expanding Infrastructure in Tribal and Insular Communities." At that hearing, tribal witnesses, including the Alaska Native Tribal Health Consortium, testified that the Priority List does not reflect current facilities needs in light of the intervening decades since that list was locked.

It has been more than 17 years since the Interior Appropriations Subcommittee directed the IHS to revamp its facilities construction system. The IHS, however, has ignored this request and has never provided an updated facilities construction Priority List methodology.

More recently, in the explanatory statement in the FY 2018 omnibus spending bill, the Committees noted that the IHS "is expected to aggressively work down the current Health Facilities Construction Priority System list, *as well as work with the Department and Tribes to examine alternative financing arrangements and meritorious regional demonstration projects* authorized under the Indian Health Care Improvement Act that would effectively close the service gap." (emphasis added).

We ask that the Committee direct the IHS to develop an updated Priority List methodology that accurately reflects current needs and allows for changed circumstances.

PROVIDE AN INCREASE TO BIA FORESTRY FOR REFORESTATION AND ADDITIONAL FORESTERS

The Colville Tribes requests that the Committee reject the Administration's proposed $4.9 million cut to BIA forestry and instead increase the BIA Forestry Projects Forest Development line item by $5 million for replanting and thinning; and (2) increase BIA Forestry (TPA) line item by $5 million to enable tribes to hire additional foresters.

In 2015, the Colville Tribes endured the most destructive fire on an Indian reservation in recorded history. The North Star and Okanogan Complex fires collectively burned more than 255,000 acres on the Colville Reservation—nearly 20 percent of the total land base. Approximately one-fourth of the commercial timber land on the Reservation burned or was affected, which included 788 million board feet of timber. Replanting and restoration activities from those fires are ongoing and will continue for years.

The BIA has a statutory obligation under the National Indian Forest Resources Management Act to replant Indian forest land. The BIA's average annual reforestation budget, however, is approximately $3.2 million for tribes *nationwide*. The BIA's entire $3.2 million budget for forest restoration would cover planting of less than 11,000 acres nationwide. At current funding levels, this would mean that hundreds of thousands of acres of forest land burned on the Colville Reservation in 2015 may not be replanted for decades, if ever.

Also important is additional BIA funding for foresters, which are essential personnel to increasing the tribal timber harvests. The BIA remains responsible for a wide range of critical forestry functions in its capacity as trustee. These functions include environmental clearances and approval and oversight for timber and salvage log sales, and the lack of forestry staff to perform these and other trust functions directly constrains harvest levels.

INCREASE BIA LAW ENFORCEMENT FUNDING

There is a constant need for additional funding for tribal law enforcement and detention operations. The CCT requests that the Committee reject the Administration's proposed $32.9 million cut to the Public Safety and Justice account. Instead, the CCT requests that the Committee provide a $20 million increase for the Criminal Investigations and Police Services account to enable tribes to hire more police officers.

As the Committee is aware, large land-based tribes usually lack a sufficient number of tribal police officers. The Colville Tribes is no different. 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 Reservation.

To make matters worse, the Colville Tribes has seen a rash of gang violence and drug smuggling activity in recent years, including trafficking activity with ties to Mexican cartels. Other Indian tribes have similar or even more harrowing stories. There is a constant need for additional funding for tribal police officer salaries within the BIA's budget. Repeated requests by the Colville Tribes to renegotiate its law enforcement 638 contract with the BIA in recent years have been rejected because of the lack of additional base funding, a point that has been raised in congressional hearings.

The BIA law enforcement account has seen much needed increases during the past few years. These programs continue to be underfunded relative to need, and the Subcommittee should ensure that there is no regression in these funding levels.

Mr. CALVERT. Thank you, Doctor.

And next is Charlene Nelson, the chairperson for the Shoalwater Bay Tribe.

WEDNESDAY, MAY 9, 2018.

SHOALWATER BAY TRIBE

WITNESS

CHARLENE NELSON, CHAIRPERSON, SHOALWATER BAY TRIBE

Ms. NELSON. Thank you for being here, each of you. I know that each of you are busy, and you are here taking time to sit with us at table and face-to-face, I truly believe in.

Mr. CALVERT. Press your microphone.

Ms. NELSON. Oh, okay. Sorry. Microphones and I don't do too well.

Also I am blind in my right eye, and this I can see. So that really helps.

As you mentioned, I am Charlene Nelson, Shoalwater Bay chairwoman. I am here to talk about needs that I see not only as our needs. Some of them are personally our needs. I sent in my written, and this is just from the heart, as Billy Frank always spoke. So this is from the heart.

I look at health needs and safety needs are my top priorities, and I think they are the top priorities of every—every person that speaks here. Please, when you are looking at funding, do not cut health needs. Because we have come a long way. We are doing better, and I am proud of that. I am proud of where we are.

And to celebrate here with you today, we have found a tribal member that had been gone for about 65 to 67 years who had been taken at a very young age, before memory, and we found him yesterday. So we celebrate that.

We are a small tribe on the coast of Washington. It is very beautiful there. Come and visit. We actually from—I don't know if it was from speaking last year, but 105 highway that connects us north was repaired last fall, and we now have access—I mean, it is rocked, and I am hoping it holds.

Because that is something we always have to worry about is our environment because the water is rising. We are right on the coast. We are possibly 6 feet up from sea level. We thought of this years ago, and we started with the idea that we will buy land uphill, and we will build on it. We bought the land uphill. We haven't built on it because we needed a road up there that would take heavy trucks and things like that.

Well, there was the storm of 2007, and second storm and a third storm right in a row. I declared a state of emergency when it hit 139 on wind miles per hour because we had an area that was washing out on the road, which is a county road, and our housing is just above that.

The Corps came, and they worked until the mirrors on their trucks bent back, and they saved that area, U.S. Army Corps. Wonderful, straightforward people.

Well, I can't say this is a state of emergency because we need to relocate uphill because we don't know. I mean, they say a tsunami could come. If a tsunami comes, it could wipe out our village. They say now 53 to 63 feet, the first wave, and we prepare for this.

We have always been self-reliant. We have 20 minutes if that earthquake on the Cascadia happens offshore. If it is onshore, we sink 6 feet immediately. So we work to finish the road, and we have to have a road that will take heavy equipment so we can do uphill what we need to do.

The housing, the moving our wellness center, the way we serve all people—Medicare, Medicaid, and anybody who comes in the door. We have two doctors, two dentists, and this is good. Again, priority—health. I thank you for looking at that.

We need to relocate uphill, and we need help to do that. We have started it. We have started the planning, but we are going to need help with the road uphill. And I am here to say and ask that we will be sending all the materials along that you will need to see, and we are not expecting the whole amount because that is an impossibility. It is going to be a lot, but so that we can do the next step and get further toward getting that hill to safety.

For my people, I ask you and I ask you to remember all the other tribes on the coast. We are all in the same boat, except we are not in a boat. We are not in a canoe. We are standing there, and we are reliant. So I ask you to hear, please, what I am saying as an elder and a chair to help us.

Mr. CALVERT. Thank you.

Ms. NELSON. Mah-sie.

[The statement of Charlene Nelson follows:]

Testimony of Charlene Nelson
Chairwoman, Shoalwater Bay Tribe
2373 Tokeland Road
Tokeland, Washington 98590
360-267-6776

for the House Appropriations Subcommittees on Interior, Environment and Related Agencies
FY 2019 Appropriations
May 9, 2018

The requests of the Shoalwater Bay Indian Tribe (Tribe) for the FY 2019 Interior, Environment, and Related Agencies budget are as follows:

- Appropriate $500,000 through the Tribe's self-government agreement with the BIA to address additional planning efforts in the second phase of a necessary tribal relocation.
- Contract Support Costs (CSC) Funding
- 105(l) Clinic Leases
- IHS Advance Appropriations
- No Rescissions
- Special Diabetes Prevention Initiative

Background Good afternoon Chairman Calvert, Ranking Member McCollum and Members of the Sub-Committee. Thank you for inviting the Shoalwater Bay Indian Tribe to provide testimony at this hearing on FY 2019 funding for programs affecting Indian tribes which are funded through your Subcommittee. My name is Charlene Nelson, and I am the Chairwoman of the Shoalwater Bay Indian Tribe which is located 2,800 miles west by northwest of where we are meeting today on the beautiful north shore of Willapa Bay, facing out to the Pacific Ocean.

My own personal history matches closely with many of you serving on this Subcommittee, as I understand you consistently are tasked with determining how to fund and shape federal programs that positively impact the health, environment, and learning of American people. I worked for decades in the field of education. As a former commercial fisherman in Alaska, I came to understand the economic potential of a healthy environment. Prior to my service on Tribal Council, I worked in the Tribe's Health and Women's Wellness Program, learning firsthand that vibrant and successful Indian communities are not possible without first attending to human health.

Relocation Assistance I am here today to talk to you about survival. In this case, the survival of our Tribe, its lands, homes, businesses, and its people.

This is my second term as Chairwoman of the Shoalwater Bay Tribe. During my prior period chairing the Tribe, I spent the vast majority of those ten years spearheading an effort to help the Tribe and surrounding area survive the threat of coastal erosion. As a result of those efforts, the Army Corps of Engineers worked with the Tribe to construct an erosion control embankment south and west of the Reservation. The embankment went into service five years ago and this winter it took a beating and is now a new concern of the Tribe and the Corps. The embankment had temporarily halted the erosion that directly threatened the Reservation and State Highway

105, which connects the surrounding Tokeland community to schools, grocery stores, health care, banks, and housing. But that erosion has regained momentum and there is no clear sense of how long Highway 105 will survive.

But through the process of fighting for the Tribe's survival from coastal erosion, we learned a great deal. We learned, among many other things, that essentially the entire Reservation, with one small exception on Eagle Hill, is no higher than 6 feet above the ordinary high water mark of the Willapa Bay tides. The low elevation of the entire reservation puts it squarely within a tsunami zone that ensures, in the case of a tsunami event, that the Reservation would be wiped out. Think about that for a moment—an entire Tribe wiped out in an instant.

Attached to this testimony is a map entitled Exhibit A that lays out the Tribe's intentions: to continue the preliminary engineering, planning and initial funding to construct a road to an upland elevation, out of the tsunami zone, to begin the relocation process of the Tribe. The cost to carry out this next phase of work is $500,000, and the Tribe is seeking this Subcommittee's support in developing a funding vehicle to support these efforts through the Tribe's existing BIA self-governance compact.

Exhibit A shows a part of the Reservation at the bottom left intersection, as well as Highway 105 in yellow. The new road, to the north east of the main reservation, will provide access to a higher elevation land base that the Tribe owns that is safe from the threats of coastal erosion and tsunami.

This relocation project will require a number of partners, the tribe, state, Interior Corps of Engineers. While our request today is for planning and implementation money for the Tribe from the BIA, other temporary efforts are under serious consideration. For instance, realizing how dire she situation is, the state and Corps of Engineers have under serious and immediate consideration a joint project for a dynamic revetment to help protect the berm which is endangered because the wave action is now split where it hits the shore and part goes north and part comes toward the berm. *We appreciate these efforts but the Tribe also needs the resources to be actively involved in what ultimately is our own relocation.*

Contract Supports Costs. We greatly appreciate the House and Senate Interior appropriations Subcommittees work over the past several years in making a reality the full payment of Contract Support Costs (CSC) by both the IHS and the BIA. We are also very pleased that the Administration – both the current and the previous one – has followed suit and requested that CSC be maintained as a separate appropriations account in IHS and in BIA and with an indefinite funding of 'such sums as may be necessary". This action has been crucial to the strengthening of tribal governments' ability to successfully exercise their rights and responsibilities as governments.

In both FY 2017 and 2018 Act, however, the Administrations proposed to reinstate provisions from the FY 2016 Appropriations Act for IHS which are contrary to the Indian Self-Determination and Education Assistance Act with regard to CSC. The first is the "carryover" clause that could be read to deny the CSC carryover authority granted by the ISDEAA; the other is the notwithstanding" clause used by IHS to deny contract support cost for their grant programs

– Domestic Violence Prevention; Substance Abuse and Suicide Prevention; Zero Suicide Initiative; after-care pilot projects at Youth Regional Treatment Centers; funding for the improvement of third party collections; and accreditation emergencies. We are grateful that Congress has not gone along with those two proposals and are hoping and expecting that you will have the same reaction for the same tired Administration requests for FY 2019.

105(l) Clinic Leases. We are concerned by the Administration's proposed request to amend the law in order to avoid full compensation for leases under section 105(l) of the ISDEAA. The proposed bill language in the IHS Administrative provisions is designed to overrule the decision in *Maniilaq Association v. Burwell*, 170 F. sup. 3d 243 (D.D.C. 2016) which held that section 105(l) of the ISDEAA provides an entitlement to full compensation for leases of tribal facilities used to carry out ISDEAA agreements. The proposed language would exclude section 105(l) of the ISDEAA as a source of entitlement to funding for section 105(l) leases, leaving it entirely within the discretion of the IHS. Tribes and tribal organizations increasingly rely on section 105(l) leases to address chronically underfunded facilities operation, maintenance, and replacement costs. Congress declined to include such a provision in the FY 2018 IHS appropriation bill and we ask that you treat this year's repeat proposal the same way.

IHS Advance Appropriations. We ask for your support in placing the budget for the IHS on an advance appropriations basis. Under advance appropriations we would know a year in advance what the budget would be and importantly, would not be continue to be constrained by the start and stop level funding of Continuing Resolutions, each of which requires the same processing and manpower for each partial payment as one full apportionment. Even if CRs had not become the norm, having advance notice of funding levels would aid greatly in our health programs planning, recruitment, retention, and leveraging of funds. Finally, we note again that the Veterans Health Administration accounts have been receiving advance appropriations since FY 2010. Both the VA and the IHS provide direct medical care and both are the result of federal policies. The IHS budget should be afforded the same budget status.

No Rescissions. We have heard the talk of possible FY 2018 rescissions and must object to that. After this year's enactment of the Bipartisan Budget Act and the Consolidated Appropriations Act, 2018, it would be outrageous to break these Congressional budget agreements and to interrupt the planning that is taking place among tribes and tribal organizations (and others) with regard to facilities, staffing, and services. We are grateful for the increases in the IHS and BIA FY 2018 budgets made possible by those Acts, increases that should be maintained.

Special Diabetes Program for Indians (SDPI). The Administration proposed, with no real explanation of why, that a number of health programs' funding be changed from a mandatory to a discretionary status. Among them is the SDPI program, and we are concerned that it could lead to a reduction in funding for this critical program which has demonstrated good results in Indian Country. The Administration's proposal is for level funding of $150 million for SDPI in *discretionary* funding in the Indian Health Service budget. We understand it these funds would, if the Administration's proposal is approved, come out of the Interior Appropriations Subcommittees' allocations. The current SDPI authorization extends through FY 2019 and we hope that the authorization can be made permanent and at an increased funding level of $200 million or higher.

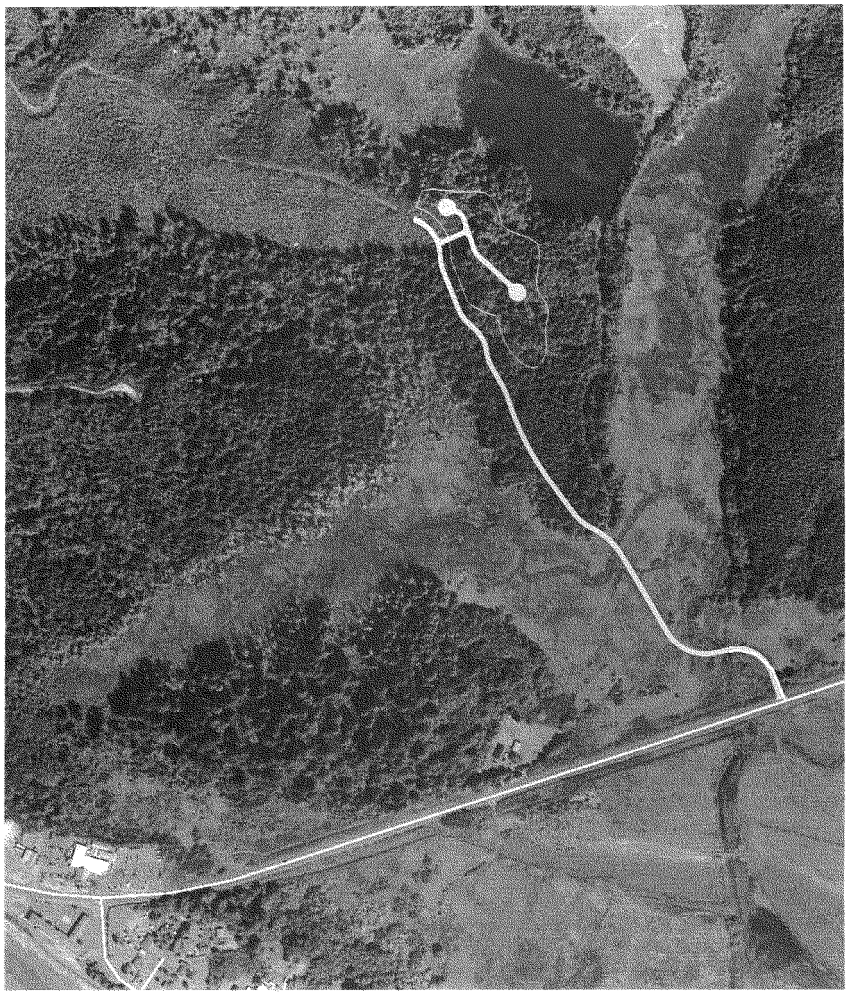

EXHIBIT A – Phase 1 Upland Development Project

Tribal Lake Road (Main Entrance) and Tribal Administration Site

RED PLAINS PROFESSIONAL

Mr. CALVERT. Thank you for your testimony.

Next, Esther Lucero of the Seattle Indian Health Board.

WEDNESDAY, MAY 9, 2018.

SEATTLE INDIAN HEALTH BOARD

WITNESS

ESTHER LUCERO, CEO, SEATTLE INDIAN HEALTH BOARD

Ms. LUCERO. Good morning, Chairman Calvert and Ranking Member McCollum. It is so nice to see you all again.

I really thank you for giving me the opportunity to speak. It is always a privilege to speak with such incredible tribal leaders from the Pacific Northwest. I am learning a lot. I have now been in my role almost 3 years, and I have a lot to share with you.

So, first, I would like to say thank you for the $1.6 million increase in fiscal year 2018. It is dually noted that it was $4 million over the President's budget. So very much thank you for that.

I think that you have heard from tribal leaders today, President Sharp and Chairman Allen, about the concerns regarding political status of sovereign nations. And although we, as an Urban Indian Health Program, are not a sovereign nation, we will always stand with our tribal partners to protect their political status.

We recognize that the Indian Health Service is a component of that trust responsibility. We also recognize our responsibility as an Urban Indian Health Program in that ITU system of care. So I just wanted to share a few things.

Chairman Calvert, I think you and I had a discussion last year about the opioid crisis and kind of homelessness in Seattle, and I wanted to let you know the ways that we are working with our tribal partners to meet those needs and those crises.

We are currently working with the Cowlitz Tribe, which has a site in Tukwila, which is South Seattle, and we have actually established an MOU to provide mobile dental services there. We, at the Seattle Indian Health Board, are expanding our mobile dental services so that we can help the tribes with some of the dental needs that they have, and we are hoping to establish more of those partnerships and really build upon the coordinated care agreement opportunity.

The other thing that we are doing is we are partnering with Seattle urban Native nonprofits, such as the Chief Seattle Club and Mother Nation, to address the homeless needs, and we are leveraging the City of Seattle funding—it is $2.7 million—to address those needs. Because if you recall, if you are an American Indian or Alaska Native living in Seattle, you are seven times more likely to be homeless.

We recognize homelessness as a precursor to poor health conditions, and so as the Seattle Indian Health Board, we know that we have to take a strong position in addressing that issue.

We also have a robust low-level buprenorphine medically assisted treatment program. This is something that we established this year. I believe last year we were talking about the crisis, and this year, we have hired an addiction medicine doctor, and we have 10

waivered prescribers. And we have adapted our 65-bed residential treatment center to meet the needs, inpatient needs of folks with MAT.

One of the things that has been challenging in regarding funding, though, is when you have MAT clients in residential treatment, it takes a lot more med management assistance. So we could definitely use some support around that when we think about the opioid funding. Also I would just advocate that Urban Indian Health Programs to be eligible for the opioid funding so that we can continue to meet that need.

I am sad to say that I am here 3 years later still advocating for 100 percent FMAP and seeing little movement in the urban Indian parity bill. The reason that is significant is, Representative Cole, you pointed out earlier, as States gain more authority, particularly in healthcare, what happens to Urban Indian Health Programs is we get pushed into mainstream. And that removes us from our responsibilities as an Urban Indian Health Program in the ITU system of care.

And what we would like to do is maintain our position in that continuum. We have had some successes, where we have had a carve-out in the State of Washington for SUD services, where we have been able to work directly with our tribes to ensure that they have access to a residential treatment facility. We would like to see more things like that.

And so I am grateful that you understand the impact that States can have. One hundred percent FMAP actually gives us leverage to do that with our States. It incentivizes the States to keep us intact as a full system of care.

And then, finally, because we have been working closely with our tribes, particularly in Portland, the Portland area, our tribal partners are taking an aggressive approach to get IHS to full funding, and quite frankly, they want to do that within 10 years. And so my ask is pretty significant, and that is to get the urban Indian line-item to $81 million, and that is on track with our tribal partners in our initiative to move that forward.

Now I am particularly interested in advocating for that today regarding the threats to Medicaid, consistent threats. Because we have met and leveraged Medicaid to kind of keep our system intact and in balance and moving forward and progressing. But I am nervous about that every single day.

So, with that, I would just like to conclude and say thank you again for allowing me to be here.

[The statement of Esther Lucero follows:]

Seattle Indian Health Board

For the Love of Native People

TESTIMONY OF ESTHER LUCERO
CHIEF EXECUTIVE OFFICER
SEATTLE INDIAN HEALTH BOARD
FOR
HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
TUESDAY MAY 9, 2018

Chairman Calvert, ranking member McCollum, members of the House Appropriations Subcommittee on Interior, Environment, and Related Agencies, my name is Esther Lucero. I am the Chief Executive Officer for the Seattle Indian Health Board. I am of Navajo and Latina descent. I strongly identify as an urban Indian, as I am the third generation in my family to live outside of our reservation. I appreciate the opportunity to present testimony today on behalf of Indian Health Service-funded Urban Indian Health Programs.

The Seattle Indian Health Board (SIHB) is an Urban Indian Health Program, as defined by the Indian Health Service (IHS) under authority of the Indian Health Care Improvement Act. We recognize the value of our role in the IHS continuum of care, which is comprised of IHS Direct Service, Tribal 638, and Urban Indian Health Programs (I/T/U). Our responsibility is to improve the health of American Indians and Alaska Natives, who have moved off their tribal lands, and are living in cities. Currently, more than 70% of all American Indians and Alaska Natives live in urban environments. We do this through the provision of culturally relevant health and human services, commitment to workforce development, leadership in policy and advocacy, and the development of innovative research, epidemiology, and data. SIHB has been in continuous operation since 1970. We were birthed through the social activist movements of the 1960's, through the leadership of the American Indian Women's Service League, and Bernie Whitebear. Currently, we offer a comprehensive array of primary health care services including medical, dental, mental health, substance abuse, nutrition, pharmacy, and traditional health services to more than 4,000 AI/AN people annually representing more than 250 different Indian tribes. We also operate the Thunderbird Treatment Center, a 65-bed residential treatment center; one of the largest in Washington State.

Notable accomplishments for SIHB include: 1. SIHB was the first UIHP to establish an American Indian/Alaska Native, ACGME accredited family medicine physician residency training program. 70% of our graduates go on to work in Indian Country. 2. We operate the Urban Indian Health Institute, one of the 12 Indian Health Service's tribal epidemiology centers and the only one with a focus on the health of urban Indians providing epidemiology, data, training and technical assistance services to Urban Indian Health Programs across the nation. 3. SIHB was the first UIHP to provide Congressional testimony, Luanna Reyes was that champion. 4. SIHB was the first UIHP to become a HRSA 330 funded Federally Qualified Health Center.

I would like to thank the Subcommittee for maintaining its commitment to tribal witness days, particularly given the administration's recent position on Medicaid work requirements and that dismissal of trust and

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Seattle Indian Health Board

For the Love of Native People

treaty obligations. In a time where there is much needed education on the Sovereign, political status of Tribes, I am grateful that it is Congress who is responsible for supporting the best interest of Tribes. I never take this opportunity to provide testimony regarding Urban Indian Health Programs lightly or for granted.

I am acutely aware of the Subcommittee's demonstrated commitment to improving the health and wellness of American Indian and Alaska Native (AI/AN) people. I have had the privilege of meeting with many of you individually; I am continually impressed with the level of detailed knowledge each of you holds regarding issues that impact our communities such as opioid addiction, diabetes, along with, placed-based challenges like homelessness. The Subcommittee clearly understand the needs to meet these challenges. Thank you for the $1.6 million increase to the Urban Indian line item, it was a $4 million increase over the President's budget. We also thank you for considering Tribal specific allocations to address the Opioid crisis in Indian Country.

We continue to urge you to strengthen the I/T/U continuum of care in its entirety. In Washington we are blessed to work closely with our Tribes through the American Indian Health Commission, and in the Northwest Portland Area Indian Health Board's (NPAIHB) budget formulation process. This year, we are aligned with NPAIHB's ten-year strategy to bring the I/T/U system to full funding. I am here today seeking your support for increased funding for the Urban Indian Health Program because even with the increases we have received over the last 3 years, the UIHP line-item is still less than one-percent of the overall Indian Health Service budget. In addition, the addition of the seven National Institute on Alcohol Abuse and Alcoholism (NIAAA) sites to the Urban Indian Health Programs will cause a resource strain. We have an increasing need for services, and we are still trying to address a lifetime of a grossly underfunded system. This is of concern given the threats to Medicaid spending and potential work requirements, given that we have depended on Medicaid to supplement the IHS system. For us Medicaid dollars allowed us to grow our Opioid Addiction program that has expanded to and Addiction Medicine M.D., 10 waivered prescribers, group mental health visits, expanded mental health providers, access to outpatient chemical dependency treatment, and access to traditional health services. We have recently adapted our residential treatment model to take in individuals on Medically Assisted Treatment. However, it is our IHS funding and UIHP status that allows us to maintain our cultural integrity. As a Federally Qualified Health Center, we see everyone, but we see everyone in a Native way. Our patient population consistently stays between 65%-75% American Indian and Alaska Native. We would like to continue this progress. If Medicaid and Medicaid Expansion were preserved and UIHPs became eligible for 100% FMAP then we are sure to keep the I/T/U intact. Currently, we have established a tribal partnership with the Cowlitz tribe to provide dental services that are challenging to access. We are working on a partnership with Tlingit and Haida to address homelessness in Seattle. These are just a few examples of how we are working together to expand impressive programs to support a population that historically has provided significant returns on investment.

SIHB requests $81,55,0211 in funding for IHS Urban Indian Health Programs in FY2019. This request is based on the methodology used by tribal representatives at IHS National Tribal Budget Formulation, which uses a funding formula that accounts for and is responsive to the health needs of our entire AI/AN community. SIHB

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urgently requests this Subcommittee to consider that the IHS Office of Urban Indian Health Programs is now responsible for 40 (up from 33) Urban Indian Health Programs with the addition of 7 NIAAA sites with no corresponding increase to the Urban Indian Health line item. This rapid expansion of services for urban AI/AN was not accompanied by a corresponding increase in funding for the line item, putting a significant strain on all 40 urban Indian health centers. SIHB also requests $24 million for IHS-funded Tribal Epidemiology Centers (TECs), which are tasked with improving the health status of AI/AN by identifying and understanding health risks and inequities, strengthening public health capacity, and assisting in disease prevention and control.

In conclusion, we thank the committee for recognizing that there is a funding disparity in the IHS budget to address the health needs of AI/ANs living in urban areas. As UIHPs we are a vital component to the I/T/U system of care, it is very important that we are given the opportunity to work with our tribal communities to best meet the needs of all AI/AN people, particularly when they migrate or relocate to urban environments. We ask that the budget formulation process better reflect the health care needs of the urban AI/AN community and that a feasible budget is established to adequately combat the health disparities experienced by our AI/AN population regardless of where they reside.

Thank you for your consideration of these requests.

Sincerely,

Esther Lucero, Chief Executive Officer

Cc: Congresswoman Betty McCollum, Ranking Member

Congressman Mike Simpson

Congressman Tom Cole

Congressman Derek Kilmer

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Mr. CALVERT. Thank you. Thank you for your testimony.

Next, Delano Saluskin, council member of Yakama Nation Tribal Council.

WEDNESDAY, MAY 9, 2018.

YAKAMA NATION TRIBAL COUNCIL

WITNESS

DELANO SALUSKIN, COUNCIL MEMBER, YAKAMA NATION TRIBAL COUNCIL

Mr. SALUSKIN. Good morning. Mr. Chairman Calvert, Ranking Member McCollum, and distinguished committee members, I am Delano Saluskin, and I have the honor of serving as an elected official on the Yakama Tribal Council, where I chair the Legislative Committee.

We want to express our deep appreciation to Chairman Calvert and others on this subcommittee who have continued to stand by our Nation's commitment to its Indian tribes. In enacting the fiscal year 2018 appropriations bill, you have demonstrated once again that Indian affairs is a bipartisan area where members of both parties know, as the Supreme Court Justice Hugo Black in 1960 in opining on Indian law wrote, "Great nations like great men should keep their word." And we appreciate your efforts there.

We express our appreciation, as you have allowed for some growth in Federal funding for important tribal programs and resisted proposals that seemed terribly disconnected to the reality of life in Indian Country that would have severely cut back funding to some of the most impoverished people in the United States. With your help, perhaps someday, the Indian people can get to the point where we have something even more remotely resembling parity with the rest of the population outside Indian Country.

My written statement discusses four area. In two of them, we have a similar problem, which is the seeming inability of the BIA to fill Federal positions on our reservations at the BIA Yakama agency that are presently vacant.

First, forestry. We have 650,000 acres of forested land, the largest tribally owned forest in the United States. But we cannot cut timber until we have complied with Federal regulations. We do not object to these regulations. We are not able to undertake sustainable harvest practices unless we have sufficient staff to manage the work required.

Excuse me. Presently, the BIA has 33 vacancies within its Yakama agency branch of forestry. As a result, not one new timber sale was approved in 2017. Compare that to the fact, in theory, we have an annual allowable harvest of over 140 million more feet of timber.

A second area is irrigation. The Wapato irrigation project is one of the largest in the BIA system, and the Bureau has allowed it to fall apart with an immense backlog of deferred maintenance. Like the forestry branch, the BIA has a tremendous number of vacancies and positions that are supposed to be filled so that this project can operate and that agriculture can survive in one of the premier fruit, hops, and grape-growing regions in the entire United

States. A project that historically had more than 120 employees now staffed with only 48.

The irrigation project administrator himself has identified the need for a minimum of 93 employees, nearly double the current level. Basic work that is essential for the project to be viable has not taken place.

We ask this committee to direct the BIA to fill these vacancies at the Yakama agency's forestry and irrigation divisions or report back to you within 45 days of the enactment of the fiscal year 2019 Interior bill as to why they cannot fill them. Clearly, the BIA has a problem with its human resources area. They just seem incapable of hiring people to fill slots where their employment charts show vacancy. Please help us in this regard.

I also want to tell you about our school, our existing Yakama National tribal school was built in 1965 by the Yakima Catholic Diocese. As such, it is now over a half century old. We would like to build a new school, including one that our students can take pride in, instead of one that is lacking in so much. We shared the concern of many tribes when the BIA came up with its 2016 school facilities replacement list. The process was flawed.

One example of this is the fact that we cannot post to the FMIS system, nor were we allowed to access to it. A new process for facilities replacement should be established that is open and transparent. It seems to be very closed right now.

Finally, Mr. Chairman, on February 17th, the Yakama Tribal Council declared a public safety crisis and enacted an emergency resolution responding to the increased criminal activity on the reservation and, in particular, to rampant crime taking place in the small town of White Swan. We have hired clerks and police officers at the White Swan substation who just started last week. We are very much in need of supplemental funding for our law enforcement efforts, and any help or direction your committee can give to the BIA in this regard would be most appreciated.

We are just like all other communities. We have a lot of opioid issues, and as a result, it creates a lot of crime problems. So any help you can give us we appreciate.

Thank you very much.

[The statement of Delano Saluskin follows:]

Testimony of Delano Saluskin, Tribal Council Member, of the Yakama Indian Nation on the Proposed FY 2019 Budget for Matters Pending Before the House Appropriations Subcommittee on the Interior, Environment and Independent Agencies
May 9, 2018

Chairman Calvert, Ranking Member McCollum and distinguished members of the House Appropriations Subcommittee on the Interior, Environment and Related Agencies. I am Delano Saluskin, and I have the honor of serving as an elected official on the Tribal Council of the Yakama Nation where I chair the Legislative Committee.

We want to express our deep appreciation to Chairman Calvert and others on this subcommittee who have continued to stand by our nation's commitment to its Indian tribes. In enacting the FY 18 Appropriations bill you have demonstrated once again that Indian affairs is a bi-partisan area where members of both parties know, as did Supreme Court Justice Hugo Black when, in 1960 in opining on Indian law wrote "Great nations, like great men, should keep their word."

The Confederated Tribe and Bands of the Yakama Nation is a federally recognized Indian Tribe and are signatories to the 1855 Treaty with the Yakama, 12 Stat. 951. Our aboriginal territory included more than 12 million acres of land that would now be viewed as much of central Washington, stretching from Mt. Rainer to the west, the town of Twisp to the north, the Palouse to the east, and the Columbia River to the south. Our reservation now consists of 1.377 million acres in south central Washington State. Pursuant to provisions in our Treaty, we retain hunting, fishing and gathering rights on open and unclaimed lands throughout our aboriginal territory. These rights have been affirmed repeatedly by the highest courts of the lands and we exercise these rights to this day, not the least of which is our right to fish in the main stem of the Columbia River according to seasons and regulations established by our government.

We express our appreciation as you have allowed for some growth in federal funding for important tribal programs and resisted proposals that seem terribly disconnected to the reality of life in Indian country that would have severely cut back funding to some of the most impoverished people in the United States. We understand the need to balance the budget but first we need to get to the point where we have something even remotely resembling parity with the rest of the population outside Indian Country. There is no better example of the disparity between the amount of funding provided to general programs and the funding provided to Indian programs than to look to what the Federal government spends on health care for various federal beneficiaries. The Indian Health Service spends $3,300 per Indian for health care. You spend $7,500 on Federal employees for health care, $8,600 for Federal prisoners for health care, $8,700 for Veterans for health care and $12,800 per beneficiary for Medicare.[1] Are we really worth less than a quarter of a Medicare recipient, 40 percent of a federal

[1] Sources of information: Indian Health Service Tribal Budget Formulation Workgroup (February 2018) and GAO Report 17-379 (June 2017)

prisoner and a third of a Veteran, even when so many of our people are proud Veterans? There are similar comparative figures relative to law enforcement and natural resource management. Please point out these disparities to your colleagues on the Budget Committee and to Chairman Frelinghuysen when he provides your 302(b) allocations and ask if they can see cutting funding for our people as anything but a travesty. Tell them about our lack of infrastructure, our water systems, our homes, schools and our roads and ask them if, in good conscience, they can cut our budgets. Get us to parity first Mr. Chairman, and then let's have a discussion about balanced budgets. Until then, any further cuts to our services only aggravate the unjust inequities that the Federal government perpetuates in Indian Country year after year.

Forestry - An area where this disparity hits us hard is the BIA's Forestry budget. The allocations for this budget are feeble as it is. We have 650,000 acres of forested land, the largest tribally owned forest in the United States, but we cannot cut timber until we have complied with myriad Federal regulations including environmental regulations. We do not object to those regulations and we are proud of the leadership role we have played in managing our forests in a manner that protects the habitat of the Northern Spotted Owl and salmon, but we are not able to undertake sustainable harvest practices unless we have sufficient staff to manage the work required. **Presently the BIA has 33 vacancies within its Yakama Agency Branch of Forestry. As a result, not one new timber sale was approved in 2017!** Compare that to the fact that, in theory, we have an annual allowable harvest of over 140 million board feet of timber.

We are leaving much timber standing simply because the BIA can't staff the necessary jobs. We were able to undertake some salvage cuts from the Cougar Creek fire in 2017 but were not able to undertake planning beyond that. We have complained to the BIA about filling these federal agency positions and have met with the senior officials both regionally and at headquarters, but nothing seems to change. It is not clear to us whether the earmark ban would prevent you from directing the BIA to fill these empty FTEs at the Yakama Agency Office. If not please do so, if so then please direct to them to report back to you with 45 days as to how they plan on filing these FTEs positions. Like the Salazar litigation this is a clear mismanagement of the federal government's trust responsibility to properly manage our land. It should not require a law suit on our part to ensure these FTEs are filled so that we can utilize our forest products. This has historically been a major source of income to our tribal government and an important source of employment for our people. We have a saw mill that has historically employed hundreds of people and there is a huge demand for wood. The BIA's present operations at its Yakama Agency makes no sense and are contrary to its own 2014 Tiger Team Report when they sent a team to our Reservation and agreed that the positions needed to be filled but then did not implement the team's recommendations. Clearly, the BIA has a problem in its Human Resources (HR) area as they just seem incapable of hiring people to fill slots where their employment charts show vacancies. Please help in this regard.

We also support the testimony presented to you from the Intertribal Timber Council including the requested $5 million so that BIA can directly hire 67 foresters; an increase in BIA Forestry Project Development for thinning and replanting; the provision of $35 million to the Office of Wildland Fire for tribal lands that were burned in 2015 (including a substantial amount on our

Reservation); an increase in Fuels Management Funding to $206 million, including $10 million for Reserved Treaty Rights Lands; the restoration of funds to the Joint Fire Science Program and expanded support of the Anchor Forest initiative including direction to the USFS to implement the Anchor Forest Final Report.

A New School – Our existing Yakama Nation Tribal School was built in 1965 by the Yakima Catholic Diocese. As such, it is now over a half century old. It was built after a fire burned the old BIA Agency and Tribal Council building and housed BIA and Tribal staff until 1978. After they moved into a new office building, we began using the facility as an alternative school in 1979. The school was told it needed to remove its Facilities Management Information System (FMIS) deficiencies and was able to partially address those deficiencies with limited ARRA funding by adding portables and making other improvements however much still needs to be done. There is very limited storage on the property and our plumbing, air-conditioning, heating and electrical systems have serious problems and the boiler is too outdated to be able to properly serve the facility. We need fields for track, softball, baseball and football as well as lighting for those fields, bleachers, a concession stand and even parking. Our youth are eager to learn and we have a waiting list. We would like to build a new school including one that our students can take pride in instead of one that is lacking in so much.

We shared the concern of many tribes that when the BIA came up with their 2016 school facilities replacement list that seven of the ten schools were all on the Navajo Reservation while the Director of the BIE was himself a Navajo and while the public was not allowed to know who the members of the review team were. We are sure that there are schools at Navajo in need of replacement, but the process did not engender much confidence. The process was flawed by the fact that we could not post to the FMIS system as we were not allowed access to it. The BIA then changed that system as well.

In the Consolidated Appropriations Act for 2018 Congress provided a total of $238 million for education construction at the Bureau of Indian Education, of this amount $105 million was allocated for replacement school campus construction. The Administration requested only a total of only $80 million for education construction in Fiscal Year 2018, so thank you for increasing that allocation. This funding is sorely needed to address the poor condition of schools across Indian Country. Incredibly, in its Fiscal Year 2019 budget request the Administration has requested even less – $73 million – for education construction and proposes to zero out funding for replacement school campus construction. We hope you will again reject the suggested cut and will undertake a serious initiative at addressing the backlog of school construction needed in Indian country. We also recommend increased funding for Adult Vocational Training.

Wapato Irrigation Project – The Wapato Irrigation Project (WIP) is one of the largest in the BIA's system and the Bureau has allowed it to fall apart with an immense backlog in deferred maintenance. Like the Forestry Branch, the BIA also has a tremendous number of vacancies in positions that are supposed to be filled so that this project can operate and that agriculture can survive in one of the premier fruit, hops and grape growing regions in the entire United States. The WIP has been the recipient of numerous IG and GAO studies, each time with the auditing

agencies making specific recommendations that are then ignored by the BIA. A project that historically had more than 120 employees now is staffed with only 48. The WIP Project Administrator himself has identified the need for a minimum of 93 employees, nearly double the current level. Basic work that is essential for the project to be viable is not taking place.

It appears that the major reason for these vacancies is once again poor HR work, i.e. the inability to comply with the federal hiring process. WIP administrators indicate it can take a year or even two to hire basic laborer positions and even longer for professional positions. WIP endeavored to hire 24 positions last year and succeeded in filling only a fraction of them. There seems to be a lengthy process of updating and approving position descriptions; rounds of advertising; and an application process and security checks that take months to accomplish. WIP ends up losing candidates who cannot wait for months and years and simply take other jobs. It is absurd.

On a somewhat brighter note, the BIA did hire the Irrigation Training and Research Center (ITRC) associated with Cal Poly who have assisted in the preparation of the Wapato Irrigation Project Draft Modernization Plan. Since this Subcommittee has expressed interest and concern with WIP over the years, we will submit a copy of the ITRC report to you. It is a good plan that will result in more land within WIP becoming productive. This is a big step in overcoming the fact that at one time 30,000 acres of the land within the exterior borders of WIP was idle and not producing any crops and therefore unable to pay into the WIP O&M fund. We hope this Subcommittee will do everything in its power to assist in the implementation of the ITRC plan.

Public Safety - On February 7, 2018 the Yakama Tribal Council declared a public safety crisis and enacted an emergency resolution (T-057-18) responding to increased criminal activity on the Reservation and in particular to rampant crime taking place in the small town of White Swan. We have held community and program meetings with the Public Safety Officers to coordinate a response and authorized actions that could result in immediate exclusion, jail times, fines, suspension of Treaty-reserved hunting, fishing and gathering rights and banishment. We have hired clerks and police officers at the White Swan Police substation who just started last week.

This whole situation is exacerbated by the fact that since the Yakama Nation retroceded from the partial PL 280 jurisdiction that took place here, the Washington State Patrol has refused to patrol the Yakama Reservation including on major roads such as Highway 97 which has led to an increase in DUIs, vehicular accidents and investigations of fatality accidents involving Indians and non-Indians. We are very much in need of supplemental funding for our law enforcement efforts and any help or direction your committee can give to the BIA would be most appreciated.

Again, we appreciate the support this Subcommittee has demonstrated and we ask you to undertake an initiative whereby funding to Indian tribes is not considered an earmark. These are basic human services that the US committed to provide to our people. We do not view services to tribal people as earmarks nor should a system that delivers water or provides other basic aspects of infrastructure be considered discretionary.

Mr. CALVERT. Thank you. And thank you for your testimony.

I know that your tribe, your location is very remote. I was in that area a number of years ago. It is a beautiful area, and I can see where there are some challenges in getting hospitals, clinics, and so forth up in that area. We have plussed up those accounts. Hopefully, we can get some attention to your area and make things better.

As far as the forestry, hopefully, the U.S. Forest Service and others, the State of Washington is way ahead of us as far as how they handle the forest. You probably know a lot more about that than we do since that is your occupation. But we need to get our forest business back in shape. So we look for you to help us out. Any ideas, please share them with this committee.

Also we have got a little extra money for BIA law enforcement. So, hopefully, we can help across the Nation. I remember your testimony from last year, and this coastline issue is probably not getting any better. Are studies being done now to how to build that road and——

Ms. NELSON. Yes, it is. We have hired somebody and paid for him to do the preliminary, and we are working on it. We are just trying to speed it up.

Mr. CALVERT. And the Corps of Engineers involved in this?

Ms. NELSON. Not yet. We have a Corps of Engineers working on the berm, which they actually are repairing again from the storm, December 18th of 2018.

Mr. CALVERT. Okay. Well, any help we can give you, please let us know. I was in Portland recently, and I know not all the homeless in Portland are Native American, but it is a huge problem. What percentage is Native American?

Ms. LUCERO. Seattle.

Mr. CALVERT. Or Seattle.

Ms. LUCERO. Yes, it is just under 2 percent.

Mr. CALVERT. Two percent?

Ms. LUCERO. Mm-hmm.

Mr. CALVERT. But that seems like along the west coast, we have a huge——

Ms. LUCERO. That is correct, yes.

Mr. CALVERT. A huge problem. So anything we can do to help alleviate that project is certainly important.

And also timber operations. Again, I am sure you are working with the U.S. Forest Service as well as with the BIA and the rest of——

Mr. SALUSKIN. Yes, we are trying to develop some programs with them.

Mr. CALVERT. Okay. Good. And hopefully, you know, we did have some money, some additional money for the new school program. I don't know where they are at on the priority list, but hopefully, we can get to that sooner than we would have.

With that, any questions for this panel? Yes, there you go.

Mr. KILMER. Thank you, Chairman.

And I thank each one of you for coming and sharing your priorities with us.

Chairwoman Nelson, I am really glad you mentioned the challenges on the move to higher ground. I think this is one of the

areas where we have an opportunity and an obligation to help communities now because the longer we wait, we may get to the point where it is too late.

This is an area where we have seen articles. The New Yorker had an article called "The Really Big One," which I encourage my colleagues to read. If you haven't read it, don't read it at bedtime because it is really quite frightening, the potential for the Cascadia subduction zone to have an earthquake and really have it be the worst disaster in recorded history.

Mr. CALVERT. If that happens——

Mr. KILMER. Yes, we are cooked.

Mr. CALVERT [continuing]. You have far worse problems.

Mr. KILMER. But even CNN and Facebook did—I know President Sharp was here. They did like a 5-minute video on the challenges tribes are facing now with regard to flooding issues, and I just wanted to thank you for raising it, but if you have any other comments you want to make in that regard, I think it is worth emphasizing.

Ms. NELSON. No, I just wanted to say that you are—thank you, thank you for saying all those things because this is what is in the paper, and this is the Chinook Observer and all the other papers. And by the way, Willapa Bay is the target for the whole west coast, and we are the north—a little bit north of the point Willapa Bay.

I really appreciate your concern because that is my concern as an elder. We take care of our Earth and our water and our land not just for ourselves, but we take care of it because we borrow it from our children. This is their land, and our children's children's children. And we all are like that.

Mr. CALVERT. By the way, we are funding an early earthquake system for the entire west coast, and that includes the State of Oregon and Washington. And as you know, a lot of the tsunamis are brought on by earthquakes.

And so, hopefully, we will have some warning once we have this system up and operating. Hopefully, sometime in 2020. So it should be up and operating in that area by then. So, hopefully, that will be helpful.

Mr. Cole.

Mr. COLE. I don't want to break the serious mood, but I just have to get it on the record, I watched a really exciting Kentucky Derby this weekend. And it is nothing to Omak stampede suicide race. [Laughter.]

So if you haven't seen it, you need to go see it. It is a pretty spectacular event. But it is a beautiful, beautiful place, wonderful people. It is good to have all of you here today.

Mr. CALVERT. I have seen the video of it. My goodness.

Mr. COLE. You have got to see it. Yes, I mean, the video doesn't do it anything like. I had the opportunity to do this, and people were very kind, and they let us sort of mix and mingle at the top with the horses and the riders. And I will tell you, those are the bravest animals and bravest people I have ever met in my life when you see what they do.

But it is an extraordinary event. I have never seen anything like it.

Mr. MARCHAND. It is all my crazy relatives. [Laughter.]

I am the one person in my family that doesn't race there.

Mr. CALVERT. That is why you are here.

Mr. MARCHAND. But that river——

Mr. CALVERT. That is why you are a doctor and highly educated.

Mr. MARCHAND. That river is at the flood stage right now. And so back home, everyone is getting ready, and they are filling sandbags and all that sort of stuff. So the river is going to be high. So it is the same time as Sturgis. We will see you there.

Mr. CALVERT. Okay, great. Okay. Well, thank you very much for your testimony. We appreciate having you.

Ms. NELSON. Mah-sie to all of you.

Mr. CALVERT. Thank you. Thank you.

[Pause.]

Mr. CALVERT. Thank you for attending as our next panel.

First, we are going to have Brian Cladoosby, chairman of the Swinomish Indian Tribal Community.

WEDNESDAY, MAY 9, 2018.

SWINOMISH INDIAN TRIBAL COMMUNITY

WITNESS

BRIAN CLADOOSBY, CHAIRMAN, SWINOMISH INDIAN TRIBAL COMMUNITY

Mr. CLADOOSBY. Good morning, Chairman Calvert and Ranking Member McCollum and members of the subcommittee.

My name is Spee-Pots Brian Cladoosby. I am the chairman of the Swinomish Tribe, and I recently stepped down as president of the National Congress of American Indians.

Swinomish is located about an hour north of Seattle. We live on an island. We are a treaty tribe. My dad is 85, Mike Cladoosby Sr. He is going to be going fishing in our first commercial salmon fishing opening on Sunday at 85. His Indian name is Kel-Kahl-Tsoot. His great-grandfather Kel-Kahl-Tsoot put his X on the Point Elliott Treaty for our tribe in 1855. So when you put it in that perspective, it was not that long ago.

Fishing continues to be a mainstay for us. We have already out there getting halibut, getting prawns. Like I said, king salmon will start Sunday, and then next month, Dungeness crab will start. So to say that treaty fishing rights is important to us is an understatement, and we always say when the tide is out, the table is set.

So I want to talk about three issues. One of them is the opioid crisis. And as you are aware, the pharmaceutical corporations and the doctors helped create the national opioid epidemic, which represents one of the greatest public health challenges of the modern era, and now they are turning to Congress to deal with it, to clean it up. And the statistics don't lie.

The overdose rate is twice the general population in Indian Country. We have got the highest drug overdose death rate in Indian Country, and we have the largest percentage change in drug overdose deaths from 1999 to 2015. Connection to when OxyContin was first started to be introduced, and we had our first overdose death here 4 years ago. An 18-year-old died in my community, and

we had to start a "This has to stop" program, and in the last 4 years, we have saved 50 tribal members lives.

There is 1,000 members, and so 50 of those were saved in the last 4 years by this program. So we are making a difference. In fact, we are making such a big difference, I just want to mention on January 8th opened the largest opioid treatment—outpatient treatment center in the Northwest. And there is only two treatment centers like ours in the Nation. Swinomish and Johns Hopkins University runs a very unique opioid treatment center, and it is probably one of the first in Indian Country.

And we didn't look to the local, the county, the State or the Federal IHS for any dollars. We did this opioid treatment center with 100 percent funding from the Swinomish Tribe because we could not wait for the Federal Government and IHS to step in to help us with this problem.

Now $10 billion has been allocated for this opioid epidemic. And if you funded this epidemic based on statistics who needed it the most, Indian Country would be at the top of the list. Because we are such a small segment of society, though, we are only getting 1.5 percent of that $10 billion, which is not adequate. If we go down the road that we are going now and you allocate only $150 million to this project, you are only going to hit the tip of the iceberg.

And I cannot underestimate the importance that this is in Indian Country, and you have got to understand, there is not a lot of tribes out there that still have the infrastructure to do what Swinomish has done. A lot of tribes do not have that. And if you make this a competitive grant process, once again the poorest of the poor, those tribes with the least infrastructure in place to be able to get grants in place, to have the professionals to run it and operate it, they are going to get left out.

And so we would encourage that you increase this to a modest $200 million. That is 2 percent of the funding to look at the magnitude, and we are also concerned that distributing the funds through a competitive grant process will leave many tribal communities out, as stated earlier by the National Indian Health Board.

Competitive grants are not a long-term solution, and they divert scarce resources from their regular duties. So we are asking that you give us a modest increase to 2 percent for the citizens of the United States that need it the most.

Number two, I would like to talk about natural resources. And once again, we are concerned with the President's budget request. The 2019 budget request proposes almost a $50 million cut to trust natural resource management account. And as I stated, we are a treaty tribe, and this is very important to us.

It also includes a $50 million decrease for rights protection implementation, which provides base funding for Swinomish, and it also cuts out, zeros the $9.8 million that the subcommittee provided for tribal climate resiliency. And I know there is a segment of the political spectrum that does not believe in climate change.

I would like D.C. to have a hearing that says environmental impacts to indigenous communities. You are hearing it over and over and over again. We are ground zero for impacts to our commu-

nities. We are a place-based society. We can't just move. A lot of us need to, though. You have heard it already in the testimony.

So, you know, we don't want to debate anybody on what is causing it. We just want to show you the effects that are happening in our communities. So please listen to tribal leaders across the country when it comes to this.

And finally, you have heard repeatedly the concern with Labor and HHS, the subcommittee and the administration, to resolve an emerging but very troubling issue developing with the HHS. Billy Frank always told us, "Tell your story. Tell your story. Tell your story." And don't get tired of telling your story because a lot of times when you come back here to D.C., a lot of times it goes in one ear and out the other. So you have got to keep repeating the story.

So this is very important to us, and in various correspondence with Indian tribes in January of this year, HHS has signaled that it is stepping back from a longstanding precedent and may no longer consider Indian tribes as governments for certain purposes. That is a concern.

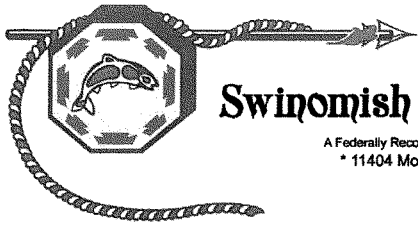
In response to tribes' concerns about exempting Indian tribes from Medicaid work and community engagement requirements, HHS has indicated that it is unable to do because of civil rights issues, specifically the HHS Office of Civil Rights' apparent interpretation that such an exemption would be race based, a very serious concern.

And in closing, the Supreme Court has repeatedly upheld the unique political status and the government-to-government relationship between tribes and the United States. And this includes the seminal 1974 decision in Morton v. Mancari, which affirmed that Federal classifications fulfilling Federal obligations to Indians are not based on race, but instead on a political relationship with the tribes and the Federal Government.

The fact that this subcommittee has funded programs for decades that directly benefit Indian tribes demonstrates how enshrined this concept is in Federal Indian policy. And this is a slippery slope, and I thank Congress and our Senators who have reached out to CMS and the administration to let them know the concern that you have for Indian Country. And I know you, as my trustee, as our trustee for 573 nations, will have our back once again.

Thank you very much, Mr. Chairman.

[The statement of Brian Cladoosby follows:]



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Swinomish Indian Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 476
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Prepared Statement of the Honorable Brian Cladoosby
Chairman, Swinomish Indian Senate
Swinomish Indian Tribal Community

U.S. House of Representatives, Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

May 9, 2018

Good morning Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee. On behalf of the Swinomish Indian Tribal Community (Community), I am pleased to provide this testimony for the Subcommittee as it drafts its Fiscal Year 2019 spending bill.

The Swinomish Reservation is located on Puget Sound, on the southeastern side of Fidalgo Island in Skagit County, Washington, and was established in 1855 by the Treaty of Point Elliot. The Community has nearly 900 tribal members and the Swinomish reservation is 15 square miles in area, which includes tidelands. As a signatory to the 1855 Treaty, the Community possesses treaty fishing rights and fishing has been and remains a critical part of the Community's economy.

My testimony will focus on funding for Indian Health Service (IHS) opioid programs, tribal natural resources funding, and an emerging issue with the Department of Health and Human Services (HHS) that implicates the political status of tribal governments.

1. Funding for the Opioid Crisis

As the Subcommittee is likely aware, the national opioid epidemic represents one of the great public health challenges of the modern era and nowhere is this more evident than in Indian country. According to IHS statistics, among American Indians and Alaska Natives (AI/ANs), the rate of drug overdose deaths is twice that of the general population. As noted in the President's Budget Request for the IHS, "American Indians and Alaska Natives had the highest drug overdose death rates in 2015, and the largest percentage change increase in drug overdose deaths from 1999-2015 of any population at 519 percent."

In November 2017, the Community became one of the first—if not, the first—Indian tribes in the United States to open its own opioid treatment facility. The Community constructed the facility without using any IHS funds. The Community is continuing to do its part to address the opioid epidemic both on-reservation and in the surrounding local community.

The Administration has proposed $150 million in new funding for Tribal Opioid Support Grants, which is a fraction of the $10 billion in new funding that the Administration requested for the HHS to combat the opioid epidemic.

The Tribal Opioid Support Grants are apparently intended to be competitive grants that tribes must apply for. According to the President's Budget Request, the grants are intended to support a comprehensive response to the opioid epidemic with a specific focus to integrate primary care and substance use prevention and treatment activities and establish or enhance community-based support services.

The Community supports new money to fight the opioid epidemic in Indian country, although we believe the amount should be increased to $200 million to reflect the magnitude of the problem in Indian country. We are also concerned that distributing the funds through a competitive grant process will leave many tribal communities out. As stated earlier this year by the National Indian Health Board, competitive grants are not a long term solution and they divert scarce staff resources from their regular program duties.

The Community respectively requests that the Subcommittee fund the Tribal Opioid Support Grants at the $200 million level and direct the IHS to consult with tribes and tribal organizations on how the funding should be distributed through tribal base budgets rather than through competitive grants.

2. Reject Cuts to Tribal Natural Resources Programs

For the second year in a row, the President's Budget Request has sought deep cuts to tribal natural resources programs, including those programs that fund management of Indian trust and treaty resources.

The FY 2019 Budget Request proposes a $46.8 million cut to the Trust-Natural Resources Management Account. That includes a proposed $14.76 million decrease for Rights Protection Implementation, which provides base funding for the Community and other Washington State treaty tribes that are parties to *U.S. v. Washington* for habitat management and regulation. The cuts also zero out the $9.8 million that the Subcommittee provided for Tribal Climate Resilience in the FY 2018 Omnibus, among others.

Tribal trust and treaty resources are among the most critical cultural and economic resources for any Indian tribe, and the Community is no exception. We appreciate the Subcommittee and the full Committee rejecting the proposed cuts to these programs in FY 2018 and ask that you do the same in this appropriations cycle.

3. Policy Solution to Recent Issues on the Political Status of Indian Tribes

Finally, the Community asks the Subcommittee to engage with the Labor-HHS Subcommittee and the Administration to resolve an emerging but very troubling issue developing with the HHS.

In various correspondence with Indian tribes in January 2018, the HHS has signaled that it is stepping back from long-standing precedent and may no longer consider Indian tribes as governments for certain purposes. In response to tribes' concerns about exempting Indian tribes from Medicaid work and community engagement requirements, the HHS has indicated that it is unable to do so because of "civil rights issues"—specifically, the HHS's Office of Civil Rights' apparent interpretation that such an exemption would be "race based."

The Supreme Court has repeatedly upheld the unique political status and the government-to-government relationship between tribes and the United States. This includes the seminal 1974 decision in *Morton v. Mancari*, which affirmed that federal classifications fulfilling federal obligations to Indians are not based on race but instead on a political relationship between the tribes and the federal government. The fact that this Subcommittee has funded programs for decades that directly benefit Indian tribes demonstrates how enshrined this concept is in federal law and policy.

The Community is extremely concerned that any attempt by any federal agency to reevaluate the political status of Indian tribal governments will result in a slippery slope that could affect any number of tribal activities, including how the HHS allocates IHS funding that this Subcommittee appropriates. As the parent Department to the IHS, the HHS should be more respectful of these issues and their potential impact on other tribal programs.

For these reasons, we ask members of this Subcommittee to engage with the Labor-HHS Subcommittee and the HHS to ensure that the HHS does not memorialize any change to the political status of Indian tribal governments. The Community hopes that this issue can be addressed before Indian country and tribal health programs face further confusion.

Mr. CALVERT. Thank you. Thank you.

And I just remind this panel that we are under a 5-minute rule. So please try to stay within that as much as possible.

Mr. CLADOOSBY. I apologize. I took a little Ron Allen liberties there. [Laughter.]

Mr. CALVERT. He had double time.

Jeromy Sullivan, chairman of the Port Gamble S'Klallam Tribe. You are recognized for 5 minutes.

WEDNESDAY, MAY 9, 2018.

PORT GAMBLE S'KLALLAM TRIBE

WITNESS

JEROMY SULLIVAN, CHAIRMAN, PORT GAMBLE S'KLALLAM TRIBE

Mr. SULLIVAN. Thank you, Mr. Chair, and thank you to the committee for having us here.

I am very humbled by all the tribal leadership in the room, and being in front of you guys is quite an honor for me. And so thank you for letting us testify on many issues that we have.

My tribe is the Port Gamble S'Klallam Tribe. We are a small tribe up on the Kitsap Peninsula. We have approximately 1,300 tribal members.

The President's proposed budget request causes deep concern as a result of negative impacts of our treaty rights, protected rights, and ability to administer essential government programs for our members. The President's proposed cuts in the BIA fly in the face of treaty obligations and the Federal trust responsibility, and while we welcome the President's request overall to increase IHS, more is needed.

Thank you all for your hard work, especially for the fiscal year 2018 omnibus, where you restored funding to critical programs, enacted increases, and included helpful report language on significant issues. We implore you to take the same approach this year.

We also encourage the use of formula funding for Indian programs, not competitive grants. Competitive grants pit tribes against tribes, and many that don't have the resources will not get these grants, as Brian was just pointing out.

I would like to turn to a few specific funding priorities. Funding for environmental protection, rights protection implementation, the health of the Hood Canal, which is part of the Puget Sound, is directly connected to who we are as indigenous people. Sustenance and commercial harvest support of our tribal members, and tribal and other local business rely on this income to generate—that we generate by harvest.

And our harvest activities are inherent to our culture. My parents taught all three of their sons how to harvest finfish and shellfish and all the kinds throughout our usual custom area, we are teaching our children, just as my grandparents taught my parents.

Our natural resources department is on the frontlines of protecting and restoring resources upon which our treaty protected rights and our culture depend on. Nearly one-third of the funding are from EPA, either directly or through partnerships. We depend

on EPA funds for about 22 percent of our natural resources department staff. Cuts to EPA funding would be devastating to our tribe and would lead to a multitude of economic, social, cultural, and ecological problems.

I have just got to be cognizant of that little timer here. Further, National Estuary Program-based funds are crucial for the Puget Sound Partnership, which is key to implementation for our recovery plan, and the Puget Sound Geographic Program and multistate Pacific Coastal Salmon Recovery Funds from NOAA help us with our salmon recovery. Loss of these critical funding elements will significantly impact the entire system and disrupt our collaborative recovery efforts. Please protect EPA, NOAA, and the BIA budgets.

We ask that you reject the President's proposed cuts to BIA's rights protection implementation account. This program is needed for proper management of off-reservation harvest and habitat protection activities.

I would like to turn to public safety. Justice and tribal courts. The President's budget request would cut every line-item in the public safety, justice, and tribal courts account. This would have a devastating impact to our tribal court. Our justice system is key to addressing the increased levels of violent crime, methamphetamine and opioid abuse, and the community impacts that will result.

With only one judge, one prosecutor, our court hears approximately 350 cases a year. Our court services staff also provides services to our community, including helping domestic violence victims and people who suffer from addiction who want to get back on track. We rely heavily on Federal Government for a coordinated, multisystem jurisdictional approach, including Tribes Reentry Program, which has become a national model within Indian Country through funding of the Second Chance Act demonstration grant.

We cannot afford budget cuts, which we strive to refine court process and our land load increases. To strengthen our tribal court and court service programs, we encourage you to maintain your commitment to public safety and justice on tribal lands and increase funding for the tribal courts.

Human services. The President's proposed cuts to social services, welfare assistance in the Indian Child Welfare Act will result in the harm to already vulnerable people, including children. Our tribe has always been progressive in Indian child welfare. We are the first in the country to operate a Title IV–E program directly, and we are the only tribe with a IV–E waiver. If the proposed cuts occur, we would lose a family care coordinator, leaving us woefully understaffed when we already struggle to meet the overwhelming need. Please reject the proposed cuts and instead increase the funding for these essential programs.

Brian already talked about IHS. I totally agree with him. I would like to talk about education. The President has proposed to reduce funding for the Johnson O'Malley program. This program is important to us, and reducing these funds would have a negative impact on the services we provide for our kids.

And diabetes continues to be a serious problem for our tribe. So, please, SDPI, continue to support that.

Thank you for having us.

[The statement of Jeromy Sullivan follows:]

"American Indian and Alaska Native Public Witness Hearings on Fiscal Year 2019," House Appropriations Subcommittee on Interior, Environment, and Related Agencies

Chairman Jeromy Sullivan, Port Gamble S'Klallam Tribe – May 9, 2018

Requests:

1. Environmental protection funding: $28 million for the Puget Sound Geographic Program; $65 million for the Pacific Coastal Salmon Recovery Fund; and $26.5 million of the National Estuary Program (including $600,000 for each estuary of national significance).
2. Full funding for the IHS; Advance Appropriations for the IHS; Restoration of CHRs and Health Education Program; Increase funding for IHS Facilities Construction and Maintenance, opioid efforts, and small ambulatory.
3. Increase BIA Human Services account, especially in ICWA and Social Services
4. Support BIA Public Safety and Justice, especially for tribal court systems.

Introduction. The Port Gamble S'Klallam Tribe is a sovereign nation comprised of over 1,200 citizens located on Kitsap Peninsula in Northwest Washington State. Through the 1855 Point No Point Treaty, we reserved hunting, fishing, and gathering rights, and the United States agreed to provide appropriations for our use and benefit. The United States, therefore, has both treaty and trust obligations to protect our lands and resources and provide for the well-being of our citizens.

Overarching Comments. Thank you for your diligent work, especially in the FY2018 Omnibus, where you restored funding to critical programs, enacted increases, and included helpful report language on many significant issues. We implore you to take this same approach in the face of another Administration budget request that is wholly inadequate for Indian programs. We welcome the Administration's requested overall increase for the Indian Health Service (IHS), but more is needed. Further, the proposed drastic cuts to the Bureau of Indian Affairs (BIA) budget and elimination of important BIA programs flies in the face of treaty obligations and the federal trust responsibility. The request proposes reductions in the very programs tribes have identified through the budget formulation process as highest ranked for needing increases. If such cuts were to be made, our Tribe's treaty-protected rights and our ability to administer essential governmental programs would be significantly undermined.

We also encourage the use of formula funding for Indian programs, not competitive grants. Administering programs by competitive grant funding is inappropriate for meeting the critical needs of Indian Country, as it pits tribe against tribe to compete for limited funds and fosters uncertainty since funding cannot be relied on year-to-year. Further, having our Program Directors spend time pursuing grants takes their energy away from carrying out the critical program duties. Along with the National Congress of American Indians (NCAI), we support proposals that treat tribal governments equitably, such as the proposed set-asides in the Department of Justice. We agree with NCAI that tribal parity should be the principle for all departments and initiatives, including for the opioid epidemic.

Funding for environmental protection /Rights Protection Implementation. Our Tribe depends on the health of Puget Sound's ecosystems in many ways. Subsistence and commercial

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harvest of fish, shellfish, wildlife and plants support Tribal members and their families (many of whom are at the federal poverty level), and Tribal and other local businesses rely on income generated by or related to such harvest. Additionally, such activities are crucial for our physical and mental well-being and continuing our culture, because the health of the Puget Sound is directly connected to who we are as indigenous peoples. Our Natural Resources Department is on the front lines of protecting and restoring the resources upon which our treaty-protected rights and our culture depend. Nearly a third of its funding comes from EPA either directly or through other partnerships. We depend on EPA funds for 22% of our Natural Resources Department staff. Cuts to EPA funding would be devastating to our Tribe and would lead to a multitude of economic, social, cultural, and ecological problems, since fish and shellfish stocks are already low compared to historic levels and need protection.

The Puget Sound Partnership, which plays a key role in implementing our recovery plan (developed with extensive partner engagement), is sustained by National Estuary Program base funds with a modest but consistent $600,000 per year. Additionally, the Puget Sound Geographic Program and the multi-state Pacific Coastal Salmon Recovery Funds (NOAA) have enabled us to focus on salmon recovery that we Puget Sound tribes highly depend upon. The loss of any of these critical funding elements will significantly impact the entire system and seriously disrupt our collaborative recovery efforts.

We urge you to protect EPA, NOAA and BIA budgets and, in particular, to provide: $28 million for the Puget Sound Geographic Program; $65 million for the Pacific Coastal Salmon Recovery fund; and $26.5 million for the nationwide National Estuary Program, including $600,000 for each estuary of national significance.

We also ask you to reject the President's proposed cuts to the BIA's Rights Protection Implementation account. This program is critical to ensuring proper management of off-reservation harvest, conservation enforcement, and habitat protection activities. Although this program is for treaty rights, our and other tribes' conservation and habitat restoration efforts result in significant benefits not only for us, but for our entire region as well.

Public Safety, Justice and Tribal Courts. We appreciate the substantial FY 2018 increases for BIA Public Safety and Justice. Yet, the Administration's FY2019 budget request, which includes reductions in every line-item in this category, would have a devastating impact on our Tribal Court. Our justice system is our key to addressing increasing levels of violent crime, methamphetamine and opioid abuse, and the community impacts that result. With one judge and one prosecutor, our Court hears approximately 350 cases a year involving child dependency, child support, divorce, domestic violence, vulnerable adults, as well as criminal prosecutions. Our Court Services staff also provide numerous services to the community, including: assistance for juveniles and their families with Court-ordered services; support for children of abuse and their families; help for victims of domestic violence; and aide for addicts who want to get their lives back on track. We rely heavily on the Federal Government for funding for all these programs, including the Tribe's ReEntry program, which has become a national model within Indian Country through funding of a Second Chance Act demonstration grant.

Despite our successes, our Tribal Court requires additional resources to continue functioning efficiently and to address our challenges related to facilities and court administration. We simply cannot afford budget cuts as we move forward to refine court processes and as the case load increases. To strengthen our Tribal Court and Court Services programs, we encourage you to maintain your commitment to public safety and justice on tribal lands, and specifically ask for at least $350,000 to add to our court programs' budget. We appreciate the $7.5 million in new opioid funding in the FY2018 Omnibus and ask you to increase this funding in FY2019.

Human Services. The Administration's proposed budget cuts to Social Services, Welfare Assistance and Indian Child Welfare Act would also be devastating. Our Tribe has always been progressive in Indian child welfare. We were the first in the country to operate a Title IV-E Program directly and we are the only tribe with a IV-E Waiver. Our children are our Tribe's future, and we strive to provide them and their families the best services through a support system based on family strengths and individual case plans. We currently receive $130,885 from the BIA to operate our Indian Child Welfare Program, which pays for one full-time Family Care Coordinator and some training and travel. If the proposed cuts occur, we would lose this FTE, leaving us woefully understaffed in this area, where we already struggle to meet the overwhelming need. Without adequate funding we cannot provide services to meet our families' need for them to succeed, resulting in a cascade of harm to already-vulnerable children. We ask you to reject the proposed cuts and, instead, increase funding for these essential programs.

Indian Health Service. We thank you for your longstanding efforts to adequately fund the IHS programs, including the much-needed increases in FY 2018. Our Tribe has administered health services to its members for over 20 years, and was one of the first tribes to join the Tribal Self-Governance Project in 1990. We are the only Indian health care provider of both primary and behavioral health services in Kitsap County. Our health programs are successful, but we still face significant challenges related to funding, facilities, and program administration. To strengthen our programs, we ask for your support for the following in the FY 2019 appropriations:

Full and Advance Funding. We ask you to support full funding for the IHS to fulfill the United States' obligation to provide Indian health care. We also ask for advance appropriations for the IHS, as this would promote greater stability in services, medical personnel recruitment and retention, and facilities management.

Increase Funding for IHS Facilities Construction and Maintenance. The IHS provides essential funding and technical services to the Tribe for planning, designing and/or building the Tribe's sewer and water systems. Reductions in IHS funding and personnel have made it difficult for the Tribe to receive timely and useful assistance for its projects. We hope recent increases in funding for IHS will help it deliver its services and support more efficient schedules for our projects, but given the dire need, continued increases for this IHS program are crucial. For example, we are seeking IHS funding for two infrastructure projects to support development of much-needed on-reservation housing, to serve the 120 tribal member families currently on our waiting list.

Small Ambulatory Funding. Our vision is integrated, holistic health and wellness, serving the mental, physical, emotional, social, and spiritual needs of tribal members. Currently, our health services are based in four aging, inadequate buildings separated by several miles. This hinders our ability to provide evidenced-based integrated care. Co-locating services will allow practice teams of primary care and behavioral health clinicians to work with patients using an integrated, systematic and cost-effective approach. This broadens our behavioral health care reach and we can intervene before issues develop or worsen. Our planned new health facility will allow us to implement our "circle of care" approach. Construction costs are $8,062,000. We ask you to support funding for our facility so we can continue and improve our healthcare work.

Community Health Representatives. The President's budget request proposes to delete all funding for Community Health Representatives (CHRs) and the Health Education Program. CHRs are at the forefront of much of the preventive health that needs to be emphasized in Indian health programs. CHRs are critical in our community: they provide linkage for our most vulnerable tribal members and patients and clinical care. Our CHRs do home visits, assist with nurse case management of elder and diabetes patients, as well as transport home-bound elders to life-saving treatment like dialysis. They also conduct community education, informal counseling, and advocacy. CHRs help adapt individual and group clinical interventions to fit the cultural context of the our tribal community. CHRs are part of our major anti-opioid crisis work, the Tribal Healing Opioid Response (THOR) (discussed below). We ask you to restore both programs and add increases for them.

Special Diabetes Program for Indians (SDPI). We oppose the President's proposal to change SDPI to a discretionary status as it could lead to a reduction in funding for this critical program that has demonstrated benefits at our Tribe and throughout Indian Country. Please keep SDPI mandatory, make its authorization permanent, and increase its funding to $200 million or higher.

Opioid Funding. We support the President's request for $150 million of pass-through funding from SAMHSA to the IHS for the purpose of addressing opioid issues. Our THOR program is a multifaceted, cross-governmental approach to address increasing rates of opioid dependence, overdose, and other negative consequences stemming from opioid use. THOR is proactive, and we have seen many successes from it to date, but we need more funding and resources to combat an ever-evolving crisis. We also joined a tri-county group and the state to strengthen collaboration with partners in the community to fight the opioid battle on all fronts. Funding for THOR and programs like it in Indian Country is essential to combating the nationwide opioid crisis. We, therefore, support the President's proposal for additional opioid monies at IHS.

Education. We oppose President's proposal to reduce funding for the Johnson O'Malley program. This program is one of the only funds dedicated to the education of Indian people and provides critical services that state funding doesn't cover with our students. Providing extra help on core subjects is vital to our students' success and removing this funding would have a definite negative impact to the services we provide our kids.

Conclusion. Thank you again for your work on behalf of Indian Country. We ask you to reject the President's proposed cuts once again and provide sufficient funding for Indian programs.

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Mr. CALVERT. Thank you. And thank you all for your testimony.

Oh, I forgot. I almost forgot you. Andrew, I apologize. Andrew C. Joseph, Jr., Northwest Portland Area Indian Health Board. You are recognized for 5 minutes.

WEDNESDAY, MAY 9, 2018.

NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

WITNESS

ANDREW C. JOSEPH, JR., CHAIRMAN, NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

Mr. JOSEPH. Good morning, Chairman Calvert and Ranking Member McCollum and members of the subcommittee. [Speaking Native language.]

Badger is my name. I chair the Health and Human Services Committee for the Colville Confederated Tribes Business Council and also chair the Northwest Portland Area Indian Health Board, and I co-chair the National IHS Budget Workgroup.

I have submitted my testimony for the record and will summarize our recommendations. Let me begin by talking about the sacrifice that many of our ancestors made with their lives, loss of ancestral lands, rights to survival, in exchange for the Federal Government's promise of protection, healthcare, education, to name a few. We would not be at this place asking year to year for the Federal Government to uphold its trust treaty obligations to our people.

There is no question our people suffer the highest rates of disease from most health indicators. My written testimony highlights these terrible health statistics. The data, along with the trust and treaty obligations, require Congress to provide an adequate level of funding for the IHS budget and commitment to fully fund IHS.

Let me first say that we oppose the President's proposed elimination of funding for community health representatives, our health education, tribal management grants, cuts to the Indian health professionals, and self-governance funding in fiscal year 2019. We also oppose the President's budget request to move the Special Diabetes Program for Indians from the mandatory to the discretionary funding. A change from mandatory to discretionary could lessen SDPI as a priority compared to other IHS programs, leading to decreased funding and program stability.

The President's request in fiscal year 2019 proposes an overall decrease of $368 million to services and facilities, not including contract support costs under fiscal year 2018 enacted level. Unfortunately, IHS health programs will suffer the consequences if IHS is not funded at the fiscal year 2018 enacted level with inflation, population, and pay act increases.

We respectfully urge Congress to commit to fully fund the IHS, pursuant to the fiscal year 2019 recommendations of the IHS Tribal Budget Formulation Workgroup. For the fiscal year 2019, the workgroup requests $32 billion, phased in over 12 years, with an initial budget increase of 33 percent to get IHS on a 12-year track for full funding. At the minimum, in order to maintain current services, IHS must receive funding of $268 million, not including

fully funding contract support costs to cover inflation and population growth above the 2018 enacted level and $300 million in program increases.

We recommend a program increase of $50 million to the Purchase and Referred Care, PRC program. It is extremely important to the Portland area since we do not have any hospitals and thus rely on the PRC program for inpatient care. PRC was flatlined from fiscal year 2015 to 2016. This reduced the purchasing power of the Northwest tribes.

We also support the program increase of $150 million to the alcohol and substance abuse services to address the opioid crisis. The President's budget request for $150 million for the fiscal year 2019 for the IHS tribal opioid prevention, treatment, and recovery support. This is a good start, but more funding is needed, with the multiple commitment with increases annually for population growth and inflation. These funds must be available to all tribes without the burden of competitive grants.

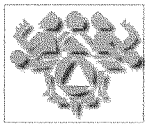
We recommend the increase of health construction funding opportunities for the Northwest tribes like the small ambulatory grant, the joint venture program. We have also spoken to some of the congressional representatives' staff about the proposal for an initiative demonstration regional specialty care referral center in the Northwest and would appreciate an opportunity to meet with the committee and staff to fully explain the proposal and how we can move forward.

We also recommend the phase-in funding to add new hepatitis C miracle drugs to the IHS formulary. All our people should have access to these life-saving drugs.

Last, we ask the subcommittee members to join the Native American Caucus letter to Honorable Alex Azar and Honorable Seema Verma at the HHS, requesting rescission of CMS policy decision on Medicaid work requirements and for meaningful consultation of tribes.

Thank you for this time to present to you.

[The statement of Andrew Joseph follows:]



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Testimony of Chairman Andrew Joseph, Jr.
The Northwest Portland Area Indian Health Board

Before:

House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Public Witness Hearing
May 9, 2018

Good morning Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee. My name is Andy Joseph, Jr., and I serve on the Colville Business Council, as Co-Chair of the IHS National Tribal Budget Formulation Workgroup, and as Chairman of the Northwest Portland Area Indian Health Board. On behalf of the 43 Federally-recognized Tribes that the NPAIHB represents, I thank you for this opportunity to provide testimony on the President's proposed FY 2019 Indian Health Service (IHS) budget to the Subcommittee and to address the $368 million decrease (-7.6%) for services and facilities (excluding mandatory contract support costs), below FY 2018 enacted level.[1]

Established in 1972, NPAIHB is a P.L. 93-638 tribal organization that represents 43 federally recognized Tribes in the states of Idaho, Oregon, and Washington on health care issues. Over 353,000 American Indian and Alaska Native (AI/AN) people reside in Idaho, Oregon, and Washington, representing 6.8% of the nation's AI/AN population. Over the past twenty-eight years, our Board has conducted a detailed analysis of the Indian Health Service (IHS) budget. Our analysis has been a resource for Congress, the Administration, and national Indian health advocates to develop recommendations on the IHS budget. It is indeed an honor to present you with our recommendations.

Indian Health Disparities

The Indian Health Care Improvement Act (IHCIA) declares our Nation's policy is to elevate the health status of the American Indian/Alaska Native (AI/AN or Indian) people to a level at parity with the general U.S. population. Over the last thirty-five years the IHS and Tribes have made great strides to improve the health status of Indian people through the development of preventative, primary care, and community-based public health services. Examples are seen in the reductions of certain health problems for AI/AN between 1972-1974 and 2007-2009: maternal mortality reduced by 19 percent, infant mortality rate reduced by 67 percent and age-adjusted death rate for all causes of death between 1972-1974 and 2007-2009 decreased 52 percent.[2] While Tribes have been successful at reducing the burden of certain health problems, there is strong evidence that many diseases continue to impact Indian people. For example, national data for Indian people compared to the U.S. all races rates indicate they are 520 percent more likely to die from alcoholism, 450 percent greater to die from tuberculosis, 368 more likely to die from chronic liver disease and cirrhosis, 177 percent greater to die from diabetes complications, 60 percent greater to die from suicide, and 37 percent more likely to die from pneumonia and influenza.[3] These data document the fact that despite the considerable gains that

[1] NPAIHB analysis of President's FY 2019 budget excludes inclusion of mandatory Special Diabetes Program for Indians to discretionary funding as Northwest Tribes are in opposition to this proposed change.
[2] Trends in Indian Health, 2014 Edition, Indian Health Service, available at: https://www.ihs.gov/dps/publications/trends2014/.
[3] Ibid.

Tribes have made at addressing health disparities more must be done to ameliorate these health disparities.

Recommendation: Maintain Current Services and Commit to Full Funding in 12 Years

The fundamental budget principle for Northwest Tribes is that the basic health care program must be preserved by the President's budget request and Congress. Preserving the IHS base program by funding the current level of health services should be a basic budget principle by Congress. Otherwise, unmet needs will never be addressed. Current services estimates' calculate mandatory costs increases necessary to maintain the current level of care. These "mandatories" are unavoidable and include medical and general inflation, federal and tribal pay act increases, and population growth. Northwest Tribes appreciate that contract support costs are now fully funded.

In FY 2018, IHS received an overall increase of $498 million or 10% over FY 2017 enacted level. The President's request in FY 2019 proposes an overall decrease of $264 million (-4.8%) to IHS, or $368 million (-7.6%) for services and facilities (excluding contract support costs). Unfortunately, IHS and Tribal health programs will suffer consequences if IHS is not funded at FY 2018 levels with inflation, population growth and pay act increases. Any proposals to curtail discretionary spending will have a severe effect on IHS and Tribal programs if they are not adequately funded. Respectfully, we request that the Subcommittee recommend that IHS and Tribal health programs be exempt from any reductions in discretionary spending. This request should be honored in recognition of the trust and treaty obligations that the United States has to provide health care to Indian people. It is further compelling when one considers the severe health disparities that AI/AN people suffer.

Per Capita Spending Comparisons

The most significant trend in the financing of Indian health in nearly twenty years has been the stagnation of the IHS budget. With the exception of a few notable increases, the IHS budget has not received adequate increases to maintain the costs of current services (inflation, population growth, and pay act increases). The consequence of this is that the IHS budget is diminished and its purchasing power has continually been eroded over the years. As an example, in FY 2016, Purchased and Referred Care Services (PRC) received level funding (a zero increase at our estimated loss of $46 million), and in FY 2017, we estimated that it would take at least $437 million to maintain current services. The final appropriation for FY 2017 for the IHS was a $150 million increase for services and facilities (excluding contract support costs), falling short by $287 million. This means that Tribes had to absorb unfunded inflation and population growth by cutting health services.[4]

The IHS Federal Disparity Index (FDI) is often used to cite the level of funding for the Indian health system relative to its total need. It is estimated by the FDI, that the IHS system is funded at less than 60 percent of its total need.[5] The IHS Tribal Budget Formulation Workgroup has estimated this to be even higher when considering that full funding for IHS is projected at over $32 million.[6]

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[4] NPAIHB Indian Health Service Budget: Analysis and Recommendations for FY 2016, FY 2017 and FY 2018, available at: http://www.npaihb.org/resource-lib/.

[5] Level of Need Workgroup Report, Indian Health Service, available: www.ihs.gov.

[6] IHS Tribal Budget Formulation Workgroup Recommendations, available at: https://www.nihb.org/legislative/budget_formulation.php

FY 2019 IHS Budget Recommendations

The NPAIHB recommends an increase of $268 million to cover inflation and population growth above FY 2018 enacted level for services and facilities (excluding contract support costs). In addition, NPAIHB strongly opposes the President's proposal to eliminate funding for Community Health Representatives (CHRs), Health Education, and Tribal Management Grants; and cuts to Indian Health Professions and Self-Governance funding (NPAIHB Resolution 18-03-08) as cuts to any of these programs would be devastating to Northwest Tribes. For example, CHRs provide critical services to our most vulnerable tribal members and loss of this funding would create a permanent loss of capacity and ability to care for those most in need in our communities; and prevention through Health Education funding is vital for young children to elders to entire communities and loss of this funding could reverse the progress that has been made in our communities. In addition, given the recruitment and retention issues of health care providers in many of our tribal communities, Northwest Tribes passed a resolution supporting an increase for IHS Indian Health Professions to fully fund scholarships for all qualified applicants to the IHS Scholarship Program and to support the Loan Repayment Program to fund all physicians, nurse practitioners, physician's assistants, nurses and other direct care practitioners (NPAIHB Resolution18-03-07). These programs must be funded in FY 2019 at FY 2018 levels and with inflation and population growth increases.

NPAIHB also opposes the President's FY 2019 budget request to move the Special Diabetes Program for Indians (SDPI) out of mandatory funding and into discretionary funding (NPAIHB resolution 18-03-06). There are 40 successful SDPI programs in the Northwest serving AI/ANs in the Portland Area with consistent positive clinical and community outcomes. A change from mandatory to discretionary could lessen SDPI as a priority compared to other IHS programs leading to decreased funding and program instability. For these reasons, NPAIHB supports continued mandatory funding for SDPI to uphold the trust responsibility and treaty obligations between the United States and Tribes. We also respectfully request that permanent authorization be considered with an increase to $250 million annually and with medical inflation rate increases thereafter.

NPAIHB also supports program increases of $300 million over FY 2018 levels: PRC/CHEF at $50 million (also, see #1 below); dental health at $20 million; mental health at $25 million; alcohol and substance abuse at $150 million to address the opioid crisis (also, see #2 below); sanitation facilities construction of $10 million; maintenance & improvement at $10 million; small ambulatory facilities at $25 million; and urban Indian health program at $10 million.

Lastly, we ask for fulfillment of the trust and treaty obligations of the United States to Tribes and respectfully urge Congress to fully fund IHS pursuant to the FY 2019 recommendation of the IHS Tribal Budget Formulation Workgroup (Workgroup). The Workgroup requested $32 billion phased in over 12 years with an initial budget increase of 33% to get IHS on the 12-year track for full funding.[7]

Additional Recommendations:

1. NPAIHB recommends that an additional $50 million be provided for Purchased and Referred Care (PRC). The PRC program is extremely important for Northwest Tribes since the Portland Area does not have any hospitals and must rely on the PRC program for all specialty

[7] Ibid.

and inpatient care. Other parts of the IHS system have access to hospitals for specialty and inpatient care. Because of this, the PRC program makes up over one-third of the Portland Area budget and when less than adequate inflation and population growth increases are provided, Northwest Tribes are forced to cut health services to absorb these mandatory costs. The level funding in FY 2016 of PRC diminished the purchasing power of Northwest Tribes. Those IHS areas that have inpatient care can absorb PRC funding shortfalls more easily than PRC dependent areas with their larger size staffing packages and infrastructure.[8]

2. NPAIHB supports the President's request of $150 million for FY 2019 for the IHS Tribal Opioid Prevention, Treatment, and Recovery Support (Tribal Opioid Support) from the $10 billion to HHS; however, there should be a multi-year commitment to address this crisis at $150 million with inflation and population growth increases. AI/ANs in the Portland Area (Idaho, Oregon, and Washington) are two times more likely to fatally overdose on prescription painkillers compared to non-Hispanic Whites in the region. Northwest Tribes have voiced the need for more direct funding and resources to address this crisis. Tribes need a comprehensive approach to address the epidemic; however, these funds must be available to all Tribes without the burden of a competitive grant process. Smaller Tribes are often at a disadvantage and cannot compete with larger Tribes with larger staff and lack resources to apply for grants so the application process must ensure that need is truly the focus. Funding must also be available to Tribal Epidemiology Centers for data and surveillance of the opioid crisis.

3. NPAIHB recommends phased in funding to add new Hepatitis C drugs to IHS formulary. It is estimated that there are at least 40,000 AI/AN people with a current Hepatitis C infection, according to the National Data Warehouse. Our Tribes support a "Treat All" policy. Under this policy, the cost of overall treatment for all AI/AN people with Hepatitis C will be $680 million -1.6 billion (depending on a price of $17,000 per treatment course), $50 million is programming (infrastructure/training/coordination). This policy would eventually accrue a lifetime cost of $0 (with 0 patients left untreated at a cost of $200,000/lifetime/individual) and provide $8 billion in cost savings (treatment of 40,000 patients at a cost savings of $200,000/lifetime/individual). The Veterans Administration has made these drugs available for veterans with Hepatitis C. IHS should be funded at $95 million in 2019, $180 million in 2020 and $170 million in 2021; projecting treatment of 1,500 people in 2019, 2,800 people in 2020 and 2,650 people in 2021, respectively.

We understand that our recommendations may seem excessive in the current fiscal environment, however when you consider the significant health needs of Indian Country they are realistic. We hope that you will be able to fund our recommendations and look forward to working with the Subcommittee on our request.

Thank you for this opportunity to provide our recommendations on the FY 2019 IHS budget. I invite you to visit Portland Area tribes to learn more about the utilization of IHS funding and health care needs in our Area. I am happy to respond to any questions from the Subcommittee.[9]

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[8] Portland Area Facilities Advisory Committee has recommended construction of a demonstration Regional Specialty Care Referral Center, which would maximize the purchasing power of Northwest Tribes to provide specialty care. "Study to Develop Options for Access, Specialty Diagnostic Treatment and Ambulatory Surgery Services for Geographically Dispersed Populations," Interim PAFAC Report, Portland Area Indian Health Service, October 30, 2009, available at: http://www.npaihb.org/resource-lib/

[9] For more information, please contact Laura Platero, NPAIHB, at lplatero@npaihb.org or (503) 416-3276.

Mr. CALVERT. Thank you. And thank all of you for your testimony.

And it seems like there is no corner in this country where this opioid crisis has not hit. Every income group, every—every—every part of the country, it is a horrific problem, and we will work with you to make sure that the proper percentage of resources get to Indian Country for treatment and to get people off this stuff.

I guess once people are on it, it is hard to get them off. So it is a real difficulty.

But as you know, on the President's proposed budget, Betty and I and the rest of the committee, we will be reviewing through it, and we will, I am sure, be making decisions that will be good for Indian Country, as we do every year. Obviously, I have heard the issue on formula funding versus grants, especially the poorer tribes that don't have the ability to write grants like some of the more wealthier tribes. I understand that.

We are trying to get more money into healthcare. I know that is an ongoing problem. We have done that the last few years, and we hope to continue to make it work. And I again apologize for—Tom Cole was here earlier—about this unfortunate issue in HHS right now. So we are—we hear you. We are working on it and trying to get that resolved.

So anything else, Betty?

Ms. MCCOLLUM. I would like to thank everybody for their testimony. And as a couple of people have been looking anxiously at the lights changing, just know that we have your full testimony in front of us, and that is so helpful.

One of the things I was doing, Mr. Sullivan, I was filling in the blanks with some of the things that you weren't able to talk about. Just for the record, there have been conversations about one of the things in your testimony regarding full and advance funding and the way that could bring reliability, predictability, and better healthcare outcomes for our tribal brothers and sisters.

That is something I can assure you that conversations are being had with different working groups. As you point out, the stability could be even in medical personnel recruitment, which we know we are having a dickens of a time with. Getting young professionals out to some very remote areas who still have large student loans and repayment. So we are looking at a number of things to put that together, and that is one of them.

Mr. Chair, I want to comment on the opioids. I wanted to look up the number, it is 52,494 lethal drug overdoses that are directly contributed to the problem that we are talking about today in this room. But there are many, many more lives that are impacted, permanently, in many other ways. Whether it is a physical accident that takes place while somebody is using one of these drugs, or mental impairment that happens because of all the things that we are finding out goes on with brain chemistry.

Then there are the children that are born addicted. This is impacting a lot more individuals than even the number that I just mentioned. One of the things my State was looking at doing was to do a penny a pill. In other words, for every opioid that was prescribed, there would be a penny that would go into a fund for treatment, for prevention.

Unfortunately, that didn't go anywhere. But the Federal Government and our individual communities cannot pick up the cost for what needs to happen to address this epidemic. Those that stood to make great profit—and, in my opinion, misrepresented to Congress, to doctors, to patients what these pills were going to do—they need to be held accountable for sharing some of those profits back, and that is just my opinion on it.

The testimony mentions methamphetamines. If one of you, could just take a second, and I am putting somebody on the spot, but whoever wants to jump in. The meth problem is still a problem in rural parts of our country. It is also a problem in Indian Country.

The solutions that are out there need to change them from grant to formula. I hear that loud and clear. But the solutions and the opportunities out there flexible enough to allow you to address methamphetamines hand in hand with opioids, or is this something that the committee needs to look at?

Mr. JOSEPH. Well, I also am the co-chair for the SAMHSA Tribal Technical Workgroup—or Committee, and what we have been working on there is trying to get SAMHSA—and there is proven, it has been proven that some of our traditional practices actually work better than going to a different type of provider.

Darryl Strawberry is a member of a workgroup that we get to meet with kind of jointly, and they use what they call a faith-based practice on getting people off of those types of drugs. And you know, I usually chime in right after him and say that a lot of our own traditional practices is actually faith-based.

It is like on the coast, we have our canoe families, and to me, I see a lot of our people, once they get into one of those families or into our longhouse on our side of the mountains, they tend to, you know, find—find something that appeals to them that I guess that attracts them to get off of the pills or the methamphetamines.

The healing lodges of the nations have a youth treatment center in Spokane that is known in the Nation as one of the best treatment facilities in the Nation, and Pam Hyde, the former director of SAMHSA, visited there and said that it was one of the best ones that she has ever seen. But it uses our traditional practices and music. You know, kids like music, too. And so that attracts them to it, and it works.

You know, the canoe families, they drum and they sing, and you know, it brings in that higher power that makes them want to walk a straight road.

Ms. MCCOLLUM. Thank you.

Mr. CALVERT. Thank you. Yes, Mr. Kilmer?

Mr. KILMER. Thanks, Chairman. And thanks to each of you for being here.

A few of the tribal leaders have mentioned something, Chairman Sullivan, that you mentioned, and that is Puget Sound funding. I want to publicly thank the chairman for maintaining this funding despite the fact that we have seen proposals from the administration to reduce funds. Thankfully, that has not happened out of this committee and out of this House. It is a big deal.

I was hoping you could speak very briefly to the important role that that geographic funding plays in terms of protecting your treaty rights.

Mr. SULLIVAN. Well, I am sure all of us could. But, so for the treaty rights, you know we have been working so hard to bring back the salmon, and with the salmon, we talk about habitat, environment. We talk about herring and other feeder fish. And all of these things play a role in what we are trying to get accomplished.

Years ago, my mom was on tribal council, and "Save our salmon" was a big deal. "Save the whales" was very popular. But they quickly realized you couldn't save anything without saving the environment, which is surrounded by it. And our treaty right isn't just about, you know, shellfish and the salmon, even though those are a huge part of what we harvest to eat. They wouldn't be there without clean streams, without a habitat that has fish in them.

So, for us, there are so many things that have to happen in order for the recovery effort to sustain itself, and you know, we talk about protecting our treaty rights. I was practicing a treaty right when I was a kid by harvesting clams and finfish. I didn't know I was. I was just doing what my parents taught me to do.

And my son doesn't realize when he goes out crabbing that he is practicing a treaty right. He is going crabbing, and he is actually much better at it than I am these days. [Laughter.]

Mr. SULLIVAN. So it is something that, you know, we need to sustain the environment and bring back the salmon and all of the finfish to keep our culture and our identity alive.

Mr. KILMER. Thanks, Chairman.

Mr. CALVERT. Thank you. And I thank this panel. Appreciate your coming out here to Washington every year.

Okay. You all have a great day.

Mr. JOSEPH. Thank you for doing like what was said earlier. You know, a lot of the potential cuts like the SNAP and, you know, LIHEAP, you know, I always put in a word for impact aid as well. But the farm bill and the SNAP, yes, we need to make sure that that gets approved as well.

Mr. CALVERT. Well, the farm bill is high on our agenda.

Okay. Next, for our next panel, Aurene, I think you are on this next panel. Casey, Phil, Maulian.

[Pause.]

Mr. CALVERT. We are missing Maulian. Is Maulian here? No. Okay.

Well, welcome. And you know we are under the 5-minute rule. So just pointing that out. So appreciate that.

And we will start with Casey. Casey, you are recognized for—Casey Mitchell, who the chairman of the Columbia River Inter-Tribal Fish Commission. You are recognized for 5 minutes.

WEDNESDAY, MAY 9, 2018.

COLUMBIA RIVER INTER–TRIBAL FISH COMMISSION

WITNESS

CASEY MITCHELL, CHAIRMAN, COLUMBIA RIVER INTER–TRIBAL FISH COMMISSION

Mr. MITCHELL. Thank you. Good morning, Chairman Calvert, Ranking Member McCollum, and committee members. [Speaking Native language.]

Casey Mitchell, and I am just saying good morning in my own language and thanking you. And my Native American name, which is from the Nimi'ipuu Tribe is Sun Necklace, and my English name is Casey Mitchell.

I am a member of the Nez Perce Tribe Executive Committee and the chairman of the Columbia River Inter-Tribal Fish Commission, which is more commonly known as CRITFC. It is my pleasure to address you today regarding funding needs for CRITFC and the fisheries programs for our member tribes—the Yakama Nation, Nez Perce tribes, Umatilla Tribes, and the Warm Springs Tribes.

We conduct a comprehensive treaty rights implementation program, which ensures compliance with our tribal treaties, court orders, regional intergovernmental agreements, and international salmon treaties. We are leaders in ecosystem management, working in collaboration with 5 States, 13 agencies, and private partners.

While many of the Pacific coast salmon stocks remain in distress, our tribes are building Columbia Basin success acre by acre, tributary by tributary, and stock by stock. Columbia Basin stocks form the backbone of fisheries from Idaho to southern Alaska valued in hundreds of millions of dollars annually.

Rights protection implementation dollars have allowed this success to happen. Rights implementation dollars provide direct support, but also importantly help us leverage hundreds of millions of other public and private dollars. But the need is still high. Specifically, under the Columbia River fisheries management is the U.S. v. Oregon. Our cornerstone legal agreement has a new 10-year management plan that puts more responsibilities on tribes, particularly in harvest monitoring and conservation enforcement.

The Columbia River Treaty between the U.S. and Canada was originally negotiated without tribes at the table. We intend to be a part of the treaty modernization when the renegotiation begins this summer.

Also the U.S.-Canada Pacific Salmon Treaty agreement includes new tribal responsibilities, and you know, Mr. Chairman, I want to speak more—speak for a moment about the 31 federally owned tribal fishery sites along the Lower Columbia River. These sites were created to replace river access for tribal members lost when the dams were built. The sites have been in the media over the past several years due to their distressed conditions.

We are working with the Northwest delegation and the Corps of Engineers on housing solutions, but the Bureau of Indian Affairs must play a role in a broader solution. We appreciate that Congress has made two requests of the Bureau of Indian Affairs to provide a needs assessment for the fishing access sites, but to our knowledge, the BIA has yet to deliver that assessment.

I can tell you firsthand what the needs at the sites are. They fall into four main categories—safety, sanitation, law enforcement, and long-term maintenance funds. We request robust and public safety and justice, which supports enforcement of Federal laws at the fishing sites. We also request a one-time recapitalization of the sites' operation and maintenance fund to support annual operation and maintenance funding for the sites through 2045.

I have another fisheries-related request of the subcommittee. We would like a Government Accountability Office evaluation of the Federal requirements to mass marking all hatchery salmon. In the Columbia, this requirement is becoming more and more costly and unnecessary, as we have seen with the summer chinook and fall chinook management. Salmon managers should be provided a latitude to make case-by-case decisions whether to mark fish and, if so, in the appropriate percentages.

I want to thank you for the opportunity to testify today. We will be pleased to provide you any additional information that this subcommittee may require.

That is my testimony. Thank you.

[The statement of Casey Mitchell follows:]

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TESTIMONY OF
The Honorable Casey Mitchell, Chairman
Columbia River Inter-Tribal Fish Commission
Regarding the Bureau of Indian Affairs Fiscal Year 2019 Budget
Appropriations Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
April 27, 2018

Mr. Chairman and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission (CRITFC) is pleased to share its view on the Department of Interior, Bureau of Indian Affairs' (BIA) FY2019 budget. We have specifically identified the following funding needs and one request for review:

1) **$10.2 million for Columbia River Fisheries Management under Rights Protection Implementation,** ($5.6 million above FY2018), to meet the base program funding needs of the Commission and the fisheries programs of our member tribes;
2) **$5.2 million for U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation,** ($920K above FY2017) to implement obligations under the recent agreements adopted by the U.S. and Canada;
3) **$8.0 million for Tribal Climate Resilience under Rights Protection Implementation** to assist tribes in climate change adaptation and planning ($2.6 million above FY 2017);
4) **$352.5 million for Public Safety and Justice,** of which $966,000 supports enforcement of federal laws at In-Lieu and Treaty Fishing Access Sites on the Columbia River; and
5) **$28.0 Million for a one-time investment in a new program within Tribal Management & Development Programs** – *Columbia River Treaty Fishing Sites Operations and Maintenance* - to support work at the 31 In-lieu and Treaty Fishing Access sites through 2045.

History and Background: CRITFC was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe. CRITFC provides coordination and technical assistance to these tribes in regional, national and international efforts to protect and restore our shared salmon resource and the habitat upon which it depends. Our collective ancestral homeland covers nearly one-third of the entire Columbia River Basin in the United States, an area the size of the State of Georgia.

In 1855, the U.S. entered into treaties with the four tribes[1] whereupon we ceded millions of acres of our homelands. In return, the U.S. pledged to honor our ancestral rights, including the right to fish in all Usual and Accustomed locations. Unfortunately, a perilous history brought the salmon resource to the edge of extinction with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA).

[1] Treaty with the Yakama Nation, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957

The CRITFC tribes are now globally-recognized leaders in fisheries restoration and management. We are principals in the region's efforts to halt the decline of salmon, lamprey and sturgeon populations and rebuild them to levels that support ceremonial, subsistence and commercial harvests. Columbia River fish stocks form the core of high value fisheries from the interior West to Southeast Alaska valued in the hundreds of millions of dollars. To achieve these objectives, our actions emphasize 'gravel-to-gravel' management including supplementation of natural stocks, healthy watersheds and collaboration with state, federal and private entities.

Columbia River Fisheries Management within Rights Protection Implementation: The salmon, returning in the greatest numbers since federal dam construction, tell us we're succeeding. But along with success, management increases in complexity, requiring greater data collection and enforcement. Funding shortfalls prohibit the achievement of tribal self-determination goals for fisheries management, ESA recovery effort, protecting non-listed species, conservation enforcement, harvest monitoring and treaty fishing access site maintenance. We request an increase of $5.5 million over FY2018 for a new program base of $10.2 million for Columbia River Fisheries Management.

The BIA's Columbia River Fisheries Management budget supports the core fishery program efforts of CRITFC and our member tribes. Unlike state fish and game agencies, the tribes do not have access to Dingell-Johnson/Pittman-Robertson or Wallop-Breaux funding. The increase will be directed to support the core functions of the fisheries management programs of the Commission's member tribes, namely enforcement, harvest monitoring and renegotiation/implementation support for four primary agreements including Columbia River Treaty modernization.

CRITFC and our member tribes are principal implementers of actions laid out in three landmark agreements: 1) the Columbia Basin Fish Accords with federal action agencies overseeing the federal hydro system in the Columbia Basin[2], 2) a 10-Year Fisheries Management Plan with federal, tribal and state parties under *U.S. v. Oregon*, and 3) a new Chinook Chapter of the Pacific Salmon Treaty [3]. These agreements establish regional and international commitments on harvest and fish production efforts, commitments to critical investments in habitat restoration, and resolving contentious issues by seeking balance of the many demands within the Columbia River basin. While through these agreements the Tribes have committed to substantial on-the-ground projects with some additional resources from the Bonneville Power Administration, the overall management responsibilities of the tribal programs have grown exponentially without commensurate increases in BIA base funding capacity. For example, the tribes' leadership in addressing Pacific Lamprey declines is this species' best hope for survival and recovery. The tribes are also addressing unmet mitigation obligations such as fish losses associated with the John Day and The Dalles dams.

The funding provided through the BIA to support tribal co-management is crucial to the tribes and CRITFC's ability to successfully carry out tribal rights protection, including these agreements. Rights Protection Implementation funding takes on even greater importance as funding for State co-management agencies has become inconsistent or decreased. Below is priority need areas for CRITFC and our member tribes.

***Workforce Development*:** CRITFC's Workforce Development Program helps prepare tribal members of all ages for jobs and careers in Natural Resources Management by providing hands-on, culturally

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[2] The Nez Perce Tribe is not a Columbia Basin Fish Accord signatory
[3] *See* Salmon Win A Triple Crown" at http://www.critfc.org/text/wana_109.pdf

relevant experiences in the Science, Technology, Engineering and Math (STEM) subjects. Since 2010, CRITFC has held a six-day long Salmon Camp for 20 middle school students in collaboration with its member tribes. In 2014, CRITFC began offering paid internship and research experiences for college students interested in fisheries and natural resources. CRITFC strives to build a tribal workforce pool of respected and skilled Native American scientists, policy analysts, technicians and managers that serve the tribes' fisheries and natural resource management program needs.

***Columbia River Treaty Modernization*:** The CRITFC's member tribes are part of a coalition of fifteen (15) Columbia Basin tribes whose rights, as well as management authorities and responsibilities, are substantially affected by the implementation of the Columbia River Treaty. While the Columbia River Treaty is evergreen and continues to provide benefits to both the U.S. and Canada through coordinated flood risk management and hydropower production, the provisions regarding coordinated flood risk management change substantially after 2024 unless the Treaty is amended. The need for this necessary amendment also creates an opportunity to modernize the Columbia River Treaty to integrate ecosystem-based function as a third purpose of this beneficial partnership. By integrating ecosystem-based function into this bilateral Treaty we could address shared natural resource issues in a pro-active, comprehensive approach rather than reacting in a piece meal approach to individual salmon listings under the Endangered Species Act. Rights Protection Funds can allow the Columbia Basin tribes to continue collaborating with the states, federal agencies and regional stakeholders to conduct technical analyses in support of the negotiations with Canada being prepared by the State Department.

U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation: The U.S. and Canada entered into the Pacific Salmon Treaty in 1985 to conserve and rebuild salmon stocks, provide for optimum production, and control salmon interceptions. The treaty established the Pacific Salmon Commission (PSC) as a forum to collaborate on intermingled salmon stocks. The U.S. Section of the PSC annually develops a coordinated budget for tribal, state and federal programs to ensure cost and program efficiencies. The 2008 agreement, which expires at the end of 2018, represented a step forward in ensuring the conservation and rebuilding of the shared salmon resource. The Parties are in the final stages of negotiating a revised agreement that builds on past efforts and which will identify implementation funding.

For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of $5.2 million for the twenty-five participating tribes. These funds provide for direct tribal participation with the Commission, panels and technical committees. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities, which protect trust resources. Our FY2019 recommended level for this program is an increase of $920,000 above the FY 2018 level and correlates to the U.S. Section's recommendation.

Tribal Climate Resilience under Rights Protection Implementation: The Columbia River Treaty Tribes are feeling the effects of Climate Change. Shifts are occurring in salmon run timing, and berry and root ripening cycles. In 2015, climate-related stress in the form of historic forest fires and the loss of up to 400,000 sockeye salmon due to elevated water temperatures illustrate our climate crisis.

Public Safety and Justice, Criminal Investigations and Police Services: Public safety continues to be a high priority for CRITFC and our tribes. Our conservation and criminal enforcement officers are the cornerstone of public safety in the popular and heavily used Columbia Gorge area patrolling 150 miles of the Columbia River, including its shorelines in Oregon and Washington. In this area we are the primary provider of enforcement services at 31 fishing access sites developed pursuant to P.L. 87-14 and

P.L. 100-581 for use by treaty fishers. CRITFC's officers possess BIA Special Law Enforcement Commissions to enhance protection and service to tribal members and federal trust properties along the Columbia River. We are pleased that the BIA has created OJS District 8 and housed it in Portland. CRITFC entered into a P.L. 93-638 contract with BIA in February 2011 for enforcement services along the Columbia River. That contract currently provides funding for two enforcement positions.

Our immediate priority is to add two Patrol officers, one Sergeant, one Investigator and one Dispatcher. Full funding for this Enforcement need is $966,000 which would support a total of four officers, one sergeant, an investigator and a dispatcher.

New Program in Tribal Management and Development Programs – Columbia River Treaty Fishing Sites Operations and Maintenance: Long term reliability of Operations and Maintenance funding for the 31 In-lieu and Treaty Fishing Access sites is in jeopardy. Under the current annual O&M service rate and under current financial market conditions the existing O&M funds will exhaust in 2022, a full twenty-three years short of the projected life of the originally structured O&M account. There are some immediate actions the Administration can and should take to provide stability for the sites. First, the 26 Treaty Fishing Access Sites should be added to the federal property management inventory system and in doing will require additional annual operations and maintenance funding currently provided under contract by the Columbia River Inter-Tribal Fish Commission. Second, we recommend the Administration make a one-year, one-time investment of $28 million to recapitalize the Bureau of Indian Affairs O&M fund. This recapitalization will ensure O&M functions through 2045.

A Request for Review of Salmon Mass-Marking Programs: CRITFC aspires to a unified hatchery strategy among tribal, federal and state co-managers. To that end, we structure hatchery programs using the best available science, regional expertise. A Congressional requirement to visibly mark all salmon produced in federally funded hatcheries circumvents local decision-making and should be reconsidered. We request that federal mass-marking requirements, and correlated funding, be reviewed for compatibility with our overall objective of ESA delisting and with prevailing laws and agreements: *U.S. v. Oregon*, Pacific Salmon Treaty and the Columbia Basin Fish Accords. Salmon managers should be provided the latitude to make localized, case-by-case decisions whether to mark fish and, if so, in the appropriate percentages.

In summary, through the combined efforts of the four Columbia River Treaty Tribes, supported by a staff of experts, we are proven natural resource managers. Our activities benefit the region while also essential to the U.S. obligation under treaties, federal trust responsibility, federal statutes, and court orders. We ask for your continued support of our efforts. We are prepared to provide additional information you may require on the Department of Interior's BIA budget.

Contact: Charles Hudson, Director of Governmental Affairs, CRITFC, 503-731-1257, hudc@critfc.org

Mr. CALVERT. Thank you.

Phil Rigdon, you are recognized. Intertribal Timber Council.

WEDNESDAY, MAY 9, 2018.

INTERTRIBAL TIMBER COUNCIL

WITNESS

PHIL RIGDON, PRESIDENT, INTERTRIBAL TIMBER COUNCIL

Mr. RIGDON. Thank you, Chairman Calvert, members of the subcommittee. Good morning, and thank you for this opportunity. It is an honor to be here.

I am Phil Rigdon, President of the Intertribal Timber Council for who I am testifying this morning for. I also oversee Department of Natural Resources for the Yakama Nation.

First off, I want to thank the subcommittee for its support for timber tribes over the recent years. After the devastating fires of 2015, where the U.S. Government basically walked away from its trust responsibility, your assistance has helped us move forward towards recovery.

I particularly want to thank you for directing a report in fiscal year 2018 from BIA and Interior Department Wildland Fire Office on how they set their priorities for suppressing wildfire on tribal trust forests and for rehabilitating our forests after the fires. We hope we will have an opportunity to at least review the report and comment when it is returned back to Congress.

We also appreciate your continued help and working with our Federal forest neighbors through the Tribal Forest Protection Act and similar laws to protect our resources from the fire and disease from those neighboring lands. The health and economic viability of the broader forest landscape is critically important and is a principal focus of the Intertribal Timber Council.

For fiscal year 2019, we continue to urge the committee to provide more adequate and equitable funding for the BIA's forestry program. At current levels, Federal support for BIA trust management of our timber is still only one-third of that per acre when you compare it to the Forest Service.

Both today and over the past 40 years, this has held down our timber sale. It is still only half of the volume which our plans are approved, and it is costing us jobs and revenue.

We estimate that a $5 million increase in TPA forest funding should add 67 new foresters and increase our national tribal timber harvest by nearly 300 million board-feet. In addition to increasing BIA forestry staffing capacity, existing positions need to be filled. As my councilman from Yakama testified earlier, at my own tribe, the Yakama Nation, the lack of BIA personnel is forcing us—has forced us earlier this year to withdraw timber sales because they weren't ready.

Part of this problem is the BIA's hiring practices. Over the past 2 years, I have noted that 33 of the 55 BIA forestry positions at Yakama are unfilled, and this continues to be unchanged today. The BIA's failure to promptly fill open positions is directly hindering the tribe's ability to benefit from our forest resources. So in

conjunction with funding more forestry personnel, we ask the committee to take a look at the difficulties and delays in the BIA's hiring practices.

For BIA forestry programs, we urge an increase of $5 million over current amounts to help eliminate the BIA's thinning and replanting backlog. These backlogs are long term, dragging our forest productivity. Over the Interior Department on wildland fire management, the rehabilitation of 500,000 acres of tribal forest lands that burned in the catastrophic fires of 2015 is lagging.

After the fires, BIA calculated a need of $55 million over 5 years that will be necessary for the rehabilitation. We are now in our third year, and we have been provided about $18 million, less than half of what is needed for that rehabilitation. Tribes have had to divert our own limited resources or plead with others to help pay for the seedlings we need to get growing as soon as possible.

Adding to this problem is that after 5 years, whatever is not accomplished will simply be pushed into our regular and already unfunded forestry management program, adding to our own thinning and replanting backlogs. To prevent this, we ask that the $35 million rehab balance for the 2015 fires be provided directly to the affected tribes.

Also, in the Office of Wildland Fire, we urge that fields management be restored to fiscal year 2010 level, $206 million, and that the $10 million designated for the tribal projects on non-reservation treaty rights lands be allowed to be spent on tribal lands as well.

For the Joint Fire Science Program, we ask that it be maintained at the fiscal year 2017 levels of $5.9 million. With hundreds of millions of dollars being spent on firefighting every year, it makes no sense to eliminate this program that examines fire behavior and gets information fighting those fires.

Finally, over at the Forest Service, please tell them to start implementing the Anchor Forest field report. The Anchor Forest initiative in Washington State seeks the collaboration of local stakeholders to preserve the active management and processing capacity needed to sustain ecological and economic stability of the forest. The Forest Service was an active participant in the initiative and the final report, but has since done nothing.

Also provide direct Forest Service—or direct the Forest Service to expand Anchor Forest initiatives to other regions where tribes express interest, including the Lake States, the Plain States, Alaska, and the Southwest.

Thank you, Mr. Chairman. On behalf of more than 60 tribes that make up the Intertribal Timber Council, we thank you. That concludes my statement.

[The statement of Phil Rigdon follows:]

TESTIMONY OF PHILIP RIGDON, PRESIDENT, INTERTRIBAL TIMBER COUNCIL, PRESENTED TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON FY 2019 APPROPRIATIONS FOR THE B.I.A., DoI WILDLAND FIRE MANAGEMENT, AND THE U.S. FOREST SERVICE, MAY 9, 2018

Introduction and Summary

Mr. Chairman, members of the Subcommittee, I am Phil Rigdon, President of the Intertribal Timber Council (ITC) and Deputy Director of Natural Resources for the Yakama Nation. The ITC offers the following recommendations for FY 2019 Indian forestry-related activities in the Department of the Interior's (DOI) Bureau of Indian Affairs (BIA) and Office of Wildland Fire Management (OWFM), and the USDA Forest Service (USFS):

BIA

1) With BIA's lack of Forestry personnel – both unfunded and unfilled positions - constraining tribal timber harvest levels to about 50% of approved tribal forest plans, ITC recommends an increase in BIA Forestry (TPA) by $5 million for the directed hiring of 67 additional foresters to increase harvest levels and improve tribal employment, economies, and forest management. ITC also requests that the Committee examine BIA's dysfunctional hiring policies, practices and procedures, particularly as they relate to Forestry positions.

2) Increase BIA Forestry Projects Forest Development by $5 million ($2 for thinning, $3 million for replanting) to reduce BIA backlogs, provide hundreds of immediate jobs, and strengthen long-term tribal economies.

OWFM

3) Provide $35 million in OWFM Burned Area Rehabilitation specifically for Indian trust forests burned in 2015.

4) Increase Fuels Management funding to $206 million; allow RTRL funds on tribal lands.

5) Restore the Joint Fire Science program to its FY 2017 level of $5.9 million.

USFS

6) Encourage expanded USFS support for the ITC *Anchor Forest* initiative, and direct USFS to initiate implementation of the Anchor Forest Final Report, including identification of acres to be included with appropriate management designations, and harvest targets to support maintenance and growth of forest management infrastructure.

Mr. Chairman, Committee members, the ITC appreciates the Committee's support, especially the FY 2018 directed report from OWFM and BIA on how DOI prioritizes fire suppression and rehabilitation on Indian trust forests. Hopefully this report will help stabilize and assure protection and recovery of our forest resource, for which the US has a trust obligation. We hope the timber tribes can participate in the report, at least with review and comment. We also appreciate the Committee's urging DOI to "promote and expand" agreements with tribes to protect our trust forest resources from threats from other DOI lands. Most of our trust forest boundary is with USFS, with whom tribes have 23 Tribal Forest Protection Act projects in varying stages, but tribes do share boundaries with DOI lands (mostly BLM), and while there are no TFPA or similar agreements with DOI at present, there is tribal interest in pursuing them.

BIA

1) With BIA's lack of Forestry personnel – both unfunded and unfilled positions - constraining tribal timber harvest levels to about 50% of approved tribal forest plans, ITC recommends an increase in BIA Forestry (TPA) by $5 million for the directed hiring of 67 additional foresters to increase harvest levels and improve tribal employment, economies, and forest management. ITC also requests the Committee examine BIA's dysfunctional hiring policies, practices and procedures, particularly as they relate to Forestry positions.

Indian forests and woodlands comprise 18.7 million acres, or one third, of the total 57 million acres of Indian land held and managed in trust by the BIA. More than 300 tribes have forest resources, which for many tribes are a principal renewable resource generating more than **$40 million** in national annual tribal governmental revenues, **19,000 jobs** in and around tribal communities, and wildlife habitat, clean water and air, and sources of food and medicine for Indian people.

Six million acres of tribal trust forests support commercial use. Sustainable annual harvest targets set by tribal governments total approximately 750 million board feet. But lack of BIA trust management capacity, combined with increasingly complex federal regulation, has caused actual annual harvest levels to fall steadily over the past forty years, to a current level only about half that amount. Since 1991, this decline has cost tribes **$700 million in foregone stumpage revenue** and tens of thousands of forestry-related jobs. For FY 2015, BIA could only process 46% of the tribally approved annual allowable cut, costing tribes more than $60 million in foregone revenue.

The 2013 Indian Forest Management Assessment Team Report, the third statutorily required (PL 101-630, Sec. 312) decadal independent review on tribal forests and forestry (IFMAT III), finds that federal funding for BIA forestry is only one third of that per-acre for the US Forest Service, that BIA technical forestry staffing is chronically insufficient, that each BIA forester administers more acres than any other federal forester, and that BIA professional forester staffing should be increased by 65%.

Over the past three years I cited an example on my reservation - the Yakama Nation – where 33 of the 55 BIA Forestry positions have not been filled for a long time. Just a couple of months ago, BIA's lack of capacity to process trust harvest forced us to withdraw a significant timber sale, once again causing my Tribe to forego needed revenue and jobs.

Because BIA personnel perform approvals required for trust timber sales, the lack of such personnel directly constrains our timber harvest. $5 million added to BIA TPA Forestry directing the expedited hiring of 67 foresters (@ $75,000 each) could increase tribal harvest by up to 295 million board feet, generate $3 in stumpage revenue for every $1 invested, and create more than 15,000 rural jobs.

As a corollary, the ITC asks the Committee to examine BIA's hiring policies, procedures and practices, particularly regarding Forestry. BIA's continuing difficulties with filling Forestry positions is costing tribes millions in foregone revenue and jobs.

2) Increase BIA Forestry Projects Forest Development by $5 million ($2 for thinning, $3 million for replanting) to reduce BIA backlogs, provide immediate jobs, and strengthen long-term tribal economies.

For decades, insufficient BIA support has allowed significant thinning and replanting backlogs to accrue on tribal trust forest land. In recent years, the thinning backlog has remained around 10% of tribal trust forest acreage, and the replanting backlog has stayed around 4%. With these backlogs, parts of our forests are either underproductive or out of production altogether, depriving our communities of vitally needed jobs and income. The backlogs also contribute to poor forest health, particularly for thinning, where dense stands grow slowly and are especially susceptible to fire, disease and insects.

In FY 2016, Congress initiated an effort to reduce the BIA's thinning backlog. The Committee has maintained this effort with $2 million in FY 2017, and for this year, FY 2018, provided a $238,000 increase for general forestry projects, which can also be of help to the thinning and replanting backlogs. We very much appreciate this support, and for FY 2019 ask that the effort be emphasized with an additional $2 million for the thinning backlog and an additional $3 million for the replanting backlog.

DOI Office of Wildland Fire Management

3) Provide $35 million in OWFM Burned Area Rehabilitation specifically for Indian trust forests burned in 2015.

It is now 2018, and the timber tribes that saw 500,000 acres of our trust forests devastated in the 2015 fire season are now in the important third year into the DOI's customary 5 year post-fire rehabilitation process. The third year is when most of the burned-over acres are supposed to be replanted, and OWFM is still woefully behind. BIA has calculated the five year rehabilitation cost at $55 million. Through FY 2018 to date, ITC roughly calculates that DOI has only provided $17.5 million, including $2 million added by Congress and $4 million shifted in FY 2017 from BLM. This is substantially less than half of the $37.7 million in needed recovery costs calculated by BIA through FY 2018. We understand DOI stops rehabilitation efforts after five years, and any further recovery must then be absorbed into the BIA's regular and already underfunded forest management program. Tribes, desperate to get seedlings in the ground, have dedicated our own resources and sought help from other discretionary sources, but our forests are still way behind. To help get our burned forests back on track and the US to abide by its trust responsibilities, we ask the Committee to provide $35 million in OWFM Rehabilitation specifically toward the completion of our 2015 fire recovery, and that the funds be distributed to participating tribes in multiyear agreements.

4) Increase Fuels Management funding to $206 million; allow RTRL funds on tribal lands.

For FY 2018, ITC urges, as it has for many recent years, that DOI Fuels Management funding be restored to its FY 2010 $206 million level. Proactive reduction of fuels is a proven method to reduce risk to our nation's forests and is a sound investment to reduce the cost of future suppression and rehabilitation. Within the FY 2018 Fuels Management budget, ITC also strongly supports the continuation of $10 million for Reserved Treaty Rights Lands (RTRL) landscape restoration. Currently, tribes can use these funds for proactive fuels and forest health projects on neighboring federal forests to protect tribal treaty assets. To make these RTRL funds more flexible and efficient, we ask that they be authorized for use on both tribal lands and off-reservation lands.

5) Restore the Joint Fire Science Program to its FY 2017 level of $5.9 million.

Mr. Chairman, with wildland fire costing the U.S. hundreds of millions of dollars each year and destroying our forests, you would think we would want to learn all we can about wildland fire, its behavior on the ground, how to better combat it or tame it for beneficial use, and to get that information out to people on fire's front lines. Those are the functions of the Joint Fire Science Program. They are essential and there is nothing like it anywhere else in the country. We oppose the program's proposed elimination. The ITC urges the restoration of the JFSP to its FY 2017 level of $5.9 million.

USFS

6) Encourage expanded support for the ITC *Anchor Forest* initiative, and direct USFS to initiate implementation of the Anchor Forest Final Report, including identification of acres to be included with appropriate management designations, and harvest targets to support maintenance and growth of forest management infrastructure.

ITC requests that the Committee include report language to encourage and expand the Forest Service's continued support of the ITC's *Anchor Forest* initiative, in which tribes and other forest stakeholders pursue long-term collaboration to maintain ecological functions and sustain economically viable infrastructure for management, harvesting, transportation, and processing of forest products as a cost effective management strategy. The final report of the ITC's *Anchor Forest* pilot study of forest lands in central and eastern Washington State, published in March 2016 and available on line at the ITC website, was developed with the participation of tribal, federal and state governments, the conservation community, and local forestland owners and businesses. Tribes in the Lakes States, the Plains States, Alaska, and the Southwest are expressing interest in the *Anchor Forest* concept, and we urge Committee report language supporting expanded application of the *Anchor Forest* concept.

ITC also asks that the Committee direct the USFS to actively initiate implementation of the Anchor Forest Final Report, including identification of acres to be included with appropriate management designations, and harvest targets to support maintenance and growth of forest management infrastructure. The USFS contributed to and actively participated in that *Anchor Forest* study. The study is now complete and published, but USFS has not thus far undertaken any activities to implement its findings and recommendations. To help bring life to the *Anchor Forest* concept and sustain local forest jobs and infrastructure, please direct USFS to begin implementing its portion of the Anchor Forest Final Report, including identification of acres to be included with appropriate management designations, and harvest targets to support maintenance and growth of forest management infrastructure. The inclusion of these specifics will provide clarity and certainty that would considerably speed up the report's implementation.

Intertribal Timber Council background.

The ITC is a 42 year old association of forest owning tribes and Alaska Native organizations dedicated to improving the sustainable ecological and economic management of our 18.7 million acres of timberland and woodland held in BIA trust. We invite you to come visit.

That concludes my statement. Thank you.

Mr. CALVERT. Thank you, and we appreciate your attendance.

Aurene Martin, board member, the National Indian Child Welfare Association. You are recognized.

WEDNESDAY, MAY 9, 2018.

NATIONAL INDIAN CHILD WELFARE ASSOCIATION

WITNESS

AURENE MARTIN, BOARD MEMBER, NATIONAL INDIAN CHILD WELFARE ASSOCIATION

Ms. MARTIN. Is this on? Good morning, Mr. Chairman, Ranking Member, members of the committee.

My name is Aurene Martin, and I am a member of the Bad River Band of Lake Superior Chippewa. I am here today on behalf of the National Indian Child Welfare Association.

NICWA is a national American Indian/Alaska Native organization that addresses Native policy development on children and families. Our mission is twofold. First, we address issues of child abuse and neglect through policy development, research, and community development. Our second mission is to support the implementation of the Indian Child Welfare Act.

The primary focus of my testimony today is going to be two programs within the Bureau of Indian Affairs. But before I get started, I wanted to take the time to thank the members of this committee and your staff for your support of social services programs that address Natives. While we feel there can always be more funding, we know the situation could be worse, and we appreciate your efforts in this regard.

So we all know that Native children are placed in foster care at a higher rate than the general population, sometimes 10 times higher rate than the general population. But tribal governments have some of the most limited access to direct funding to address these needs, such as in the case of the social services block grant, Medicaid, and the mental health care block grant.

We know and studies have shown the surest way to reduce the flow of Native children into the child welfare system is to ensure that tribes have the full capacity to protect their children and families, whether at home or in care. And although Federal law recognizes the tribes' inherent sovereign right to intervene in child welfare proceedings and to provide services for their member children and families, tribal child welfare programs remain seriously underfunded. So we are presenting two recommendations for you today.

The first is with regard to the Indian Child Protection and Family Violence Prevention Act grant programs. This law was passed in 1990, and it has two purposes. One is to identify the scope of incidents of abuse of children and family violence in Indian Country and to reduce those incidents. And the other is to provide for mental health treatment of children who are victims of abuse and family violence.

In the first respect, this law has been very successful. It created mandatory reporting requirements in Indian Country and required background checks for caregivers and teachers and like. In the second respect, it has never been funded. So it had two prongs. One

to identify incidents, and one to treat children who were victims of abuse and neglect. The treatment aspect has never been funded, and so we are recommending that those programs do get funded at their full authorized amount of $43 million.

The second set of programs that I would like to talk about are ICWA programs, and with the passage of ICWA—it has been a very successful act—Congress first provided direct funding to tribes to be able to implement child welfare services. And while child—sorry, tribal child welfare programs work with some of the most at-risk and needy families in America, they have access to fewer resources than anyone.

The current funding level for ICWA programs is just over $18 million, and when you parse that out among all of the tribes that are recognized, it comes out to a little over $30,000. But most tribes, more than two-thirds, get less than $30,000. With that money, they are expected to provide child protective services, family reunification and rehabilitation services, case management, foster care recruitment and retention, adoption services. And that is not even enough money to fulfill one full-time FTE on the reservation.

We also know that children who live off the reservation need these services, but there is no funding for those services. It has been discontinued. Yet they are required to have the same services to be able to be reunified with their families. So we are requesting that you fund Indian child welfare services at $30 million for on reservation and to reinstitute the $5 million for off-reservation ICWA services.

In conclusion, I would just like to note that statistics tell us that both the Native population and the number of Indian families involved in child welfare services has been increasing over the last several years. So we feel it is imperative to address this with increased funding for social service programs.

Again, I would like to express my appreciation for your efforts to support our programs, and I will conclude my remarks here.

[The statement of Aurene Martin follows:]

National Indian Child Welfare Association FY2019 Testimony
United States House of Representatives
Committee on Appropriations, Subcommittee Interior, Environment, & Related Agencies
Department of the Interior; Bureau of Indian Affairs Recommendations

The National Indian Child Welfare Association (NICWA) is a national American Indian/Alaska Native (AI/AN) nonprofit organization. NICWA has provided leadership in the development of public policy that supports tribal self-determination in child welfare and children's mental health systems for over 30 years. This testimony will provide funding recommendations for the following programs administered by the Bureau of Indian Affairs (BIA) in the Department of the Interior: Indian Child Protection and Family Violence Prevention grant programs ($43 million), Social Services ($50 million), Welfare Assistance ($80 million), Indian Child Welfare Act On or Near Reservation Program grant program (Tribal Priority Allocation—$20 million), and Indian Child Welfare Act Off-Reservation Program grant program ($5 million).

In order for AI/AN children to have the full protections and supports they need, Congress must appropriate adequate funds to the basic child welfare programs and services that tribal communities, like all communities, need. States also rely on tribes to help them provide appropriate child welfare services to AI/AN children and families that fall under their jurisdiction.[i] This includes partnering on investigations of child abuse and neglect reports, building case plans for families, providing culturally based family services, and securing appropriate out-of-home placements. Investments in these programs will reduce preventable trauma to children and families, reduce future expenditures for more expensive and intrusive services, and decrease long-term involvement with the child welfare system.

The recommendations below suggest funding increases that will provide tribal communities with sufficient child welfare funding, avoid unnecessary restraint on local tribal decision making, and support established state and tribal partnerships dedicated to the protection of AI/AN children.

Priority Program Recommendation

BIA Indian Child Protection and Family Violence Prevention Act Recommendation: *Appropriate for the first time $43 million for the three discretionary grant programs under this law—$10 million for the Indian Child Abuse Treatment Grant Program, $30 million for the Indian Child Protection and Family Violence Prevention Grant Program, and $3 million for the Indian Child Resource and Family Service Centers Program to protect AI/AN children from child abuse and neglect. Despite overwhelming need these grant programs have never been appropriated funds since their inception in 1990.*

The Indian Child Protection and Family Violence Prevention Act (ICPFVPA), Pub. L. No. 101-630 (1990), was enacted to fill gaps in tribal child welfare services—specifically child protection and child abuse treatment—and to ensure better coordination between child welfare and domestic violence programs. The act authorizes funding for two tribal programs: (1) the Indian Child Protection and Family Violence Prevention Program, which funds prevention programming as well as investigation and emergency shelter services for victims of family violence; and (2) the Treatment of Victims of Child Abuse and Neglect program, which funds treatment programs for victims of child abuse. It also authorizes funding to create Indian Child Resource and Family Service Centers in each of the BIA regional areas. These centers would provide training, technical assistance, and consultation to tribal child protection programs.

There is an incredible need for family violence prevention and treatment resources in AI/AN communities. As recently recognized by Congress in the Violence Against Women Reauthorization Act of 2013, AI/AN women are more likely than any other population to experience intimate partner violence. In fact, more than one in three AI/AN women experience intimate partner violence at some point in their lives.[ii] Further, AI/AN children experience child abuse and neglect at an elevated rate. They are victims of child maltreatment at a rate of 13.8 per 1,000, compared to the national rate of 9.2 children per 1,000.[iii] These problems are intricately intertwined. Studies show that in 49–70% of cases, men who abuse their partners also abuse their children,[iv] while child abuse investigations reveal violence against the mother in 28–59% of all cases.[v]

Child abuse prevention funding is vital to the well-being and financial stability of AI/AN communities. Beyond the emotional trauma that maltreatment inflicts, victims of child maltreatment are more likely to require special education services, more likely to be involved in the juvenile and criminal justice systems, more likely to have long-term mental health needs, and have lower earning potential than their peers.[vi] Financially, child maltreatment costs tribal communities and the United States $210,012 per victim.[vii] Child abuse prevention funding is an investment tribal communities believe in, but need support to fulfill.

Other Program Recommendations

BIA Indian Child Welfare Act Program: *Increase appropriations to the Indian Child Welfare Act On or Near Reservation Program grant program to $20 million and the Off Reservation grant program to $5 million.*

The Indian Child Welfare Act (ICWA) was a response to national findings that public and private child welfare agencies were systematically removing AI/AN children from their homes and communities at horrendous rates, often without due process and under questionable circumstances. To prevent these troubling practices, which unfortunately still occur today, Congress provided protections to AI/AN families in state child welfare and judicial systems under ICWA. It also recognizes the authority of tribal nations to provide child welfare services and adjudicate child welfare matters. To effectuate these provisions, ICWA authorized grant programs to fund child welfare services on or near reservations and for ICWA support in off-reservation, urban Indian programs.

At the time that ICWA was passed in 1978, Congress estimated that between $26 million–$62 million would be required to fully fund tribal child welfare programs on or near reservations.[viii] Even after an important FY 2018 increase, current funding levels falls far short of this estimate—especially after adjusting for inflation.

Appropriate $5 million for the authorized, but unfunded, Off-Reservation ICWA Program to ensure all AI/AN children receive effective services as required by ICWA.

According to the 2010 Census, 67% of AI/AN people lived off-reservation. These children and families are best served when state child welfare systems are not only working with the child's tribe, but also with urban Indian child welfare programs. These programs provide assistance to states and the child's tribe, and provide culturally appropriate child welfare services that can

reduce disproportionality of AI/AN children in state foster care systems and other poor outcomes. For this reason, ICWA authorizes child welfare funding for urban Indian programs. From 1979–1996, funding was allocated to urban organizations serving Native children and families. When funded, off-reservation programs provided important services such as recruitment of Native foster care homes, child abuse prevention efforts, and culturally appropriate case management and wraparound services. When funding stopped, the majority of these programs disintegrated even as the population of AI/AN children off-reservation increased. This funding must be reinstated.

BIA Welfare Assistance Program: *Increase appropriation levels to $80 million to support tribal services that assist families in crisis, prevent child neglect, sustain kinship placements for children placed outside their homes, support adults in need of care, and provide final expenses.*

The Welfare Assistance line item provides five important forms of funding to AI/AN families: (1) general assistance, (2) child assistance, (3) non-medical institution or custodial care of adults, (4) burial assistance, and (5) emergency assistance.

AI/AN child welfare programs and social service agencies need to have the resources necessary to support families in times of crisis and uncertainty. AI/AN adults—including parents and kinship caregivers—are unemployed on reservations at a rate more than two times the unemployment rate for the total population.[ix] Thirty-four percent of AI/AN children live in households with incomes below the poverty line as compared to 20.7% of children nationwide.[x] The crippling of Native economies before the self-determination era left tribal communities overwhelmingly impoverished, with few economic opportunities and high unemployment. The barriers to employment vary region to region in Indian Country, but include geographic remoteness, a weak private sector, poor basic infrastructure, and even a lack of basic law enforcement infrastructure. These conditions make the programs funded under welfare assistance an important safety net for AI/AN families.

The General Assistance Program provides short-term monetary assistance for basic needs like food, clothing, shelter, and utilities to individuals who are actively working towards financial stability and ineligible for all other financial assistance programs. The Emergency Assistance Program provides a one-time emergency payment of less than $1,000 to individuals experiencing property damage beyond their control. These programs are essential to families experiencing unexpected job loss or financial crisis. They often provide the assistance necessary to help a family make ends meet and keep their children safely in their home.

The Child Assistance Program provides payments for AI/AN children on tribal lands who must be cared for outside their homes in foster care, adoptive, or guardianship placements and who are <u>not</u> eligible for other federal or state child placement funds or services.

The current funding for the Welfare Assistance Program falls short of meeting the needs in tribal communities. This leaves families in poverty and caregivers willing to take children who have been abused or neglected into their homes without sufficient financial support.

BIA Social Services Program: *Provide $55 million to fortify child protective services and ensure meaningful technical assistance to tribal social service programs across Indian Country.*

The Social Services Program provides a wide array of family support services, filling many funding gaps for tribal programs and ensuring federal staff and support for these programs. Importantly, the Social Services Program provides the only BIA and tribal-specific funding available for ongoing operation of child protective services in Indian Country. It also funds BIA social workers at regional and agency offices, and funds training and technical assistance to tribal social service programs and workers.

The Social Services Program is drastically underfunded and as a result, AI/AN children and families suffer. Recent increases as part of the *Tiwahe* Initiative are to be commended and their momentum must be continued. This recommended increase will ensure that basic child protective services are provided in tribal communities across the country, that tribes have access to meaningful training and technical assistance, and that the BIA has the resources necessary to fill service gaps. The Tribal Interior Budget Council estimated an unmet need of $32 million based upon FY2015 levels and recent appropriations for FY 2018 are still $25 million below the estimate of need.

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[i] U.S. Government Accountability Office. (2005). *Indian Child Welfare Act: Existing information on implementation issues could be used to target guidance and assistance to states.* Retrieved from http://www.gao.gov/new.items/d05290.pdf

[ii] Black, M. C., & Breiding, M. J. (2008). Adverse health conditions and health risk behaviors associated with intimate partner violence—United States, 2005. (Table. 1) *Morbidity and Mortality Weekly Report, 57*(5), 113–117.

[iii] U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2015). *Child maltreatment 2015.* Rockville, MD: Author.

[iv] White Eagle, M., Clairmon, B., & Hunter, L. (2011). *Response to the co-occurrence of child maltreatment and domestic violence in Indian Country: Repairing the harm and protecting children and mothers [Draft]* (pp. 19–20). West Hollywood, CA: Tribal Law and Policy Institute.

[v] Carter, J. (2012). *Domestic violence, child abuse, and youth violence: Strategies for prevention and early intervention.* San Francisco, CA: Family Violence Prevention Fund.

[vi] Fang, X., Brown, D. S., Florence, C. S., & Mercy, J. A. (2012). The economic burden of child maltreatment in the United States and implications for prevention. *Child Abuse & Neglect, 36,* 156–65. doi: 10.1016/j.chiabu.2011.10.006

[vii] Fang, X., Brown, D. S., Florence, C. S., & Mercy, J. A. (2012). The economic burden of child maltreatment in the United States and implications for prevention. *Child Abuse & Neglect, 36,* 156–65.

[viii] S. Rep. No. 95-597 (p. 19) (1977).

[ix] Stegman, E., & Ebarb, A. (2010). *Sequestering opportunity for American Indians/Alaska Natives* (Para. 1). Retrieved from Center for American Progress website: http://www.americanprogress.org/issues/poverty/news/2013/11/26/80056/sequestering-opportunity-for-american-indians-and-alaska-natives

[x] U.S. Department of Health and Human Services, Health Resources and Services Administration, Maternal and Child Health Bureau. (2013). *Child health USA 2012* (p. 9). Rockville, MD: Author.

Mr. CALVERT. Thank you very much, Aurene. We appreciate your testimony. Appreciate all your testimonies, and we have one more witness here. How do you pronounce that?

Ms. DANA. Maulian.

Mr. CALVERT. Maulian, you are recognized for 5 minutes.

WEDNESDAY, MAY 9, 2018.

PENOBSCOT NATION

WITNESS

MAULIAN DANA, AMBASSADOR, PENOBSCOT NATION

Ms. DANA. Well, good morning. On behalf of the Penobscot Nation, I want to thank the leadership of the subcommittee for continuing to hold these hearings and for continuing to fight against cuts to Federal programs that benefit tribal nations.

Whenever a President, Democrat or Republican, proposes to cut a program that helps tribes, this subcommittee asks for our views, and that is critical for tribes like Penobscot, who rely on Federal programs to assist us with providing essential Government services for our people and in keeping with the government-to-government relationship.

Thank you to Ms. Pingree for being a tireless advocate for the tribal nations in Maine. Our relationship with the Federal Government and State is complicated and different from other tribal nations, and Ms. Pingree has been a huge help in educating Congress about that relationship.

My testimony today will focus on the EPA programs we utilize and the opioid crisis that continues to plague our community. The Penobscot Nation has approximately 2,400 citizens and over 123,000 acres of land holdings, of which nearly 91,000 acres are held in trust by the United States. Within our land holdings are about 200 islands located within approximately 80 miles of the Penobscot River.

Most of our land is undeveloped forest land, and Indian Island is our largest island and contains our seat of government and is our largest housing community. We are a nongaming tribe and rely on the Federal Government to meet its trust responsibility by providing us with Federal funds for certain programs that we use to leverage additional grant funding and economic development.

We are a natural resource-based tribe. Our people continue to hunt moose, deer, bear, and fish on a regular basis. We are also well known for our basketry, which utilizes traditional plants and trees, and we still use our traditional plants for medicinal purposes. Because of this, management of our lands and other natural resources is integral to our survival.

Given the importance of our natural resources to our daily living, we are constantly monitoring for potential contamination of our lands and waters and vigilant about cleaning up any contamination that occurs. Unfortunately, although the Department of the Interior's primary responsibility is to manage natural resources, there is limited funding available for tribal programs at the Department.

We get minimal funding from the BIA to manage our natural resources and water, and the BIA provides no funding for wildlife or fisheries management. What little money we do get from the Interior Department, we use towards employing game wardens to patrol our 123,000 acres of land. We currently have two game wardens and are in desperate need of a third.

Because we receive such little funding from the Interior Department for natural resource and wildlife management, we are forced to apply for competitive grant monies at the Environmental Protection Agency, EPA. A substantial portion of the Federal money we receive to manage our natural resources and water comes from the EPA. Thus, any cuts to EPA programmatic funding would likely negatively impact our nation.

Because this funding is unreliable, because it is competitive and only lasts one to two fiscal years, we just lost an excellent wildlife biologist because we did not have secure funding that covers multiple funding years. For these reasons, we would encourage the subcommittee to consider including set-asides within the EPA budget for tribal governments or direct the EPA to offer more multiyear grants for tribal governments.

The main point I want to convey is that we cannot manage our natural resources and continue our sustenance way of life without EPA programs. We know that the President has proposed cuts to EPA funding for fiscal year 2019, but we ask that you consider the tribal nations when you make funding decisions for these programs.

The last thing I want to talk about is our continuing efforts to combat the opioid crisis in our community. Cancer and opioid abuse are the leading causes of death amongst the Penobscot people. While the entire New England region and State of Maine is facing this epidemic, this problem is exacerbated within our small tribal community where we have lived for hundreds of years.

Like other tribal communities, we are trying to mitigate the impacts of intergenerational trauma, much of which was caused by failed past Federal policies. We have made progress on this front over the past 20 years, but the current opioid and drug crisis is threatening to undo that progress. Two statistics have us deeply concerned.

Almost 80 percent of our child welfare cases within the past 4 years involve parental opioid abuse, and about 160-plus households that were served by our social services programs in 2017, 42 are perceived by staff to have one or both parents with a substance abuse problem.

We know the subcommittee fought hard to make sure that the Interior Department got an increase in funding for fiscal year 2018 to help address the opioid crisis in tribal communities. Thank you for that effort. It did not go unnoticed.

The Penobscot Nation makes three funding recommendations to continue combating this epidemic. First, ensure that the Bureau of Indian Affairs, BIA, puts drug investigators on the ground in tribal communities. This subcommittee directed some of the increased funding for fiscal year 2018 to be used for more drug investigators.

Second, increased funding for tribal courts that focus on drug crimes. Tribal courts are essential to our efforts to combat the

opioid crisis. However, the fiscal year 2018 omnibus appropriations bill failed to provide any increase in funding for these courts. We urge the subcommittee to provide an increase in funding to those tribal courts that focus on drug crimes.

And finally, allow the BIA to provide tribal law enforcement with Narcan. In fiscal year 2018 and 2017, our tribal health facility experienced difficulty in obtaining access to Narcan. This was due to jurisdictional complexities between the tribe and State resulting from the Maine Indian Claims Settlement Act. When our tribal law enforcement reached out to BIA's Office of Justice Services for assistance, we were informed that they could not provide tribal law enforcement with the Narcan.

Given the high rates of opioid abuse in Indian Country, we ask that the committee work with BIA to find a way to provide Narcan to tribal law enforcement entities.

That is my testimony. I thank you for your time today and for considering our requests.

[The statement of Maulian Dana follows:]

TESTIMONY OF MAULIAN DANA, AMBASSADOR, PENOBSCOT NATION

On behalf of the Penobscot Nation, I want to thank the leadership of the Subcommittee for continuing to hold these public witness hearings. While there are many issues that face the Penobscot Nation, my testimony today will focus on funding for the following programs within the Bureau of Indian Affairs: drug investigators, Tribal Courts, the Housing Improvement Program, and Scholarships & Adult Education; within the Indian Health Service budget: the Purchased/Referred Care program; and within the Environmental Protection Agency budget: the Wetlands Program, Brownfields Program, Section 105 of the Clean Air Act program, and Sections 106 and 319 of the Clean Water Act programs.

The Penobscot Nation has approximately 2,400 citizens and over 123,000 acres in land holdings, of which nearly 91,000 acres are held in trust by the United States. Within our land holdings are about 200 islands located within approximately 80 miles of the Penobscot River. Most of our land is undeveloped forest land, and Indian Island is our largest island and contains our seat of government and our largest housing community. We are a non-gaming tribe 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 additional grant funding and economic development.

Impacts of the Maine Indian Claims Settlement Act: Many of the issues that the Penobscot Nation faces today are a result of what we believe to be unintended consequences of the Maine Indian Claims Settlement Act. This federal law was supposed to resolve longstanding land claims by tribal nations in Maine and provide a path forward for productive government-to-government relationships between the tribes and State. Instead, it has resulted in a legal maze whereby we find ourselves in constant litigation spending vital dollars defending our sovereignty and sustenance way of life rather than on critical programs to promote the health, welfare and safety of our citizens. Since passage of the Act in 1980, we have spent half of those years in litigation defending our rights against attacks by the State of Maine. I raise this issue with the Subcommittee because you have recognized the uniqueness of obstacles faced by tribal nations located in Public Law 83-280 states and have included language specific to them in your explanatory reports accompanying previous fiscal year appropriations bills. The Penobscot Nation respectfully requests that you consider including similar language for those tribal nations, such as ours, who face similar obstacles due to congressionally-approved settlement acts.

Continuing to Combat the Opioid Crisis. Opioid abuse continues to be our most urgent public health and safety risk. While the entire New England region and State of Maine is facing this epidemic, the problem is exacerbated within our small tribal community where many families are related and have lived for hundreds of years. Like other tribal communities we are trying to mitigate the impacts of intergenerational trauma, much of which was caused by failed past federal policies. We have made progress on this front over the past twenty years, but the current opioid and drug crisis is threatening to undo that progress. Two statistics have us deeply concerned: almost 80% of our child welfare cases within the past four years involved parental opioid abuse; and of the 160 plus households that were served by our Social Services programs in 2017, 42 are perceived by staff to have one or both parents with a substance abuse problem.

We have the expertise to combat this problem at the local level, but are not receiving adequate federal resources to assist our efforts. The Penobscot Nation has its own law enforcement and tribal court system. Our goals are to focus on getting to the source of the illicit drugs and get those tribal members with addiction problems into structured programs that will assist them in returning to being productive citizens. We run a successful medically-assisted Suboxone Treatment Program and Healing to Wellness Court. Our law enforcement officers are also trained to provide NARCAN to individuals suffering from opioid overdoses. Our Suboxone Treatment Program has treated over 200 individuals over the past few years. The Healing to Wellness Court has been our most successful tool to combat the opioid epidemic. It involves collaboration between ten tribal departments that work together to develop a holistic treatment and wellness plan for each participant. Participants are referred to the program through our criminal or juvenile justice system or through our child custody or abuse proceedings. The costs of these programs are substantially less than the cost of incarcerating people; and the long-term impacts of trauma within the family and community are significantly reduced.

We urge the Subcommittee to focus on these three issues as ways in which to provide much needed assistance to combat the opioid crisis:

- Ensure that the Bureau of Indian Affairs (BIA) puts drug investigators on the ground in tribal communities. We are happy that the FY2018 Omnibus Appropriations bill increased funding for drug investigators, who are key to prosecuting drug dealers and arresting and referring individuals with addiction issues to treatment programs. However, we are concerned that the increase in funding will not result in more drug investigators getting placed on the ground within tribal communities. Having a drug investigator based locally is critical for the Maine tribes. We need a drug investigator specifically designated to our tribal communities and that can work with the Maine State Drug Task Force. We cannot have someone who only comes to the Maine tribal communities on a periodic basis. The BIA region in which we are located currently only employs three drug investigators located in New York and North Carolina to provide drug investigative services for 26 tribes located from Maine to Florida and over to Louisiana.
- Increase funding for tribal courts that focus on drug crimes. Tribal courts are essential to our efforts to combat the opioid crisis. However, the FY2018 Omnibus Appropriations bill failed to provide any increase in funding for these courts. Our Healing to Wellness Court would not exist without our tribal court program and we need additional resources to keep this program working. We urge the Subcommittee to provide an increase in funding to those tribal courts that focus on drug crimes. Additionally, Congress has allowed the BIA to continue the Tiwahe initiative. If this initiative is working, we believe that more tribes should have access to it. Lastly, the FY2018 Omnibus Appropriations bill again included funding targeted towards tribes affected by Public Law 83-280. We ask that the Subcommittee include tribes, such as the Maine tribes, that are subject to congressionally-approved settlement acts in this funding as our tribal courts face similar obstacles of those in Public Law 280 States.
- Allow the BIA to provide tribal law enforcement with NARCAN. In FY2017-2018, our tribal health facility experienced difficulty in obtaining access to NARCAN. This was due to jurisdictional complexities between the tribe and State resulting from the Maine Indian Claims Settlement Act. When our tribal law enforcement reached out to the BIA's Office of Justice Services for assistance, we were informed that they could not provide

tribal law enforcement with NARCAN. Given the high rates of opioid abuse in Indian Country, we ask that the Committee ask BIA whether they have authority to provide NARCAN to tribal law enforcement entities.

Management of Natural Resources and Water. The Penobscot Nation directly manages our 123,000 acres of lands, including the approximately 200 islands within the Penobscot River, which is a critical natural resource for our Nation. Many of our tribal citizens continue to hunt moose, deer and bear and fish on a regular basis and rely on access to traditional plants for medicinal and cultural purposes. Given the importance of our natural resources to our daily living, we are constantly monitoring for potential contamination of our lands and water, and vigilant about cleaning up any contamination that occurs.

We get minimal funding from the BIA to manage our natural resources and water, and the BIA provides us no funding for wildlife or fisheries management. We currently have two full-time game wardens, but are in desperate need of a third game warden. We respectfully ask the Subcommittee to consider including language in its explanatory report for FY2019 language directing the BIA to look for mechanisms to fund additional game wardens for tribal nations that rely on sustenance hunting rights.

Because we receive such little funding from the BIA, we are forced to apply for competitive grant monies at the Environmental Protection Agency (EPA). A substantial portion of the federal money we receive to manage our natural resources and water comes from the EPA. Thus, any cuts to EPA funding would dramatically impact our Nation. While these EPA monies are critical to our ability to manage and protect our resources, the funding is unreliable because it is competitive and only lasts one to two fiscal years. This makes it hard for us to hire and retain good professional staff. We just lost an excellent wildlife biologist because we do not have secure funding that covers multiple funding years. We encourage the Subcommittee to consider including set-asides within EPA programs for tribal governments or directing the EPA to offer more multi-year grants for tribal governments.

The Penobscot Nation relies on the following programs at the EPA:

- Section 106 Clean Water Act, Water Quality Monitoring Program: The Penobscot Nation is responsible for monitoring the water quality of the 80 miles of the Penobscot River within our jurisdiction. We share the data collected with the State so that they can ensure compliance with the Clean Water Act.
- Section 319 Clean Water Act Program: Funding from this program allows us to prevent and reduce non-source point runoff contamination within the portion of the Penobscot River that runs through our territory. This includes runoff from agriculture, road construction, and erosion of the river bank.
- Section 105 Clean Air Act, Air Quality Program: Funding from this program allows us to monitor indoor and outdoor air quality within our territory. Our outdoor monitoring focuses on airborne mercury, particulate matter, and acid precipitation with three monitoring stations within our territory. Our indoor monitoring focuses on mold and radon, with indoor mold contamination being our biggest problem in our climate.
- Brownfields Program: Funding from this program is used to conduct environmental assessments and clean up slightly contaminated properties that can then be

redeveloped. We work closely with our economic development department when cleaning up these lands in order to identify any business purpose when redeveloping the lands. In FY2019, we hope to do a remediation plan for a parcel of land owned in fee status by the Nation that was previously used to manufacture automotive parts.

- Wetland Program: Funding from this program is used to plan and develop wetlands on our territory, with the main focus being on planning so far. Wetlands are a primary source of medicinal plants and wildlife habitat, which is important habitat for moose and deer that are important for sustenance of our tribal members

BIA Housing Improvement Program (HIP). This program located within the BIA is critical to the Penobscot Nation as it supplements the limited federal funding for housing that we receive from the U.S. Department of Housing and Urban Development (HUD). The President's budget request recommends eliminating this program because it is viewed as duplicative of the HUD programs, but it is not. We are viewed as a small tribe and per HUD's funding methodology we do not receive much funding from HUD. The HIP program allows us additional funding to focus on the poorest and neediest people in our community. The program is more flexible than that at HUD. We use these funds primarily for repairing roofs and siding of existing homes, and in some cases we have combined these funds with other federal non-HUD funds to perform major renovations. We do not receive much funding from this program, but the funding that we do receive is immensely important to those tribal citizens living in our cold and wet climate. The BIA is very efficient at administering these funds to need-justified projects. We urge the Subcommittee to continue funding this vital program.

BIA Adult Education & Scholarships. As a non-gaming tribal nation, the Penobscot Nation focuses our efforts on getting our citizens educated. Education is our best chance for economic development. We use the limited federal funding we receive to provide some assistance to every tribal citizen who is attending an educational or vocational institution. This is mostly in the form of helping to pay for books, but also includes tuition assistance. The limited funding we received from the BIA in FY2017 allowed us to provide some assistance to 59 students who are attending four-year programs and 45 students who are attending two-year or vocational programs. These students appreciate any assistance. Our goal is to get as many of our citizens educated in some type of vocation or profession so as to minimize their need for government services and increase their ability to contribute to our community's economy. We ask that the Subcommittee provide some type of increase in this program for FY2019.

Indian Health Services. I want to thank the Committee for increasing the amount of funding for Purchased/Referred Care in the Omnibus Appropriations bill for FY2018. That program has become critical to providing our citizens with health care. Cancer and opioid abuse are becoming the leading causes of death amongst our people. I am not aware of any family that is not being impacted by these two dangers. Our health facility mainly provides primary care and we contract with local non-tribal facilities to provide the secondary care required for cancer treatment. This is expensive, and we are reliant on the Purchased/Referred Care program for covering these costs. Additionally, our clinic provides Suboxone for those addicted to opioids, and this is a costly treatment. Our unmet need for FY2018 is expected to be around $100,000, which is lower than FY2017 but still significant. We urge the Subcommittee to again consider increasing funding for FY2019 given the current unmet needs of Indian Country.

Mr. CALVERT. Thank you, and thank you for your testimony.

Ms. Pingree, did you have a question for any witness?

Ms. PINGREE. I do. Thank you.

Mr. CALVERT. You are recognized.

Ms. PINGREE. Thank you. Caught me off guard there, Mr. Chair.

Mr. CALVERT. That is what I do.

Ms. PINGREE. What is that?

Mr. CALVERT. That is what I do.

Ms. PINGREE. Yes, well, you did it well. Woke me up.

No, but thank you very much to all of you for your testimony. And Maulian, thank you very much for being here and your kind words. I feel very grateful that I have the opportunity to work with the Maine tribes and know that we could do a lot more here and know that you are—you experience a particularly challenging situation because of our land claims settlement.

Let me just quickly mention two things. You brought up the EPA funding, and I am sure you know that this committee also has jurisdiction over that funding. So I appreciate your reminding the committee. And I think you gave us a pretty good understanding of how that funding is used, but if you want to just say anything else about the uses that you are able to put it to. But I think you were explicit about that.

And then just on the opioid crisis, which, as you know, everyone faces. But have there been any best practices that you have come about, and besides the Narcan thing, which I appreciate you bringing that to our attention. Perhaps we can find a way to help through the committee.

But any other ways that the unique relationship that we have with the Indian land claims settlement has affected the ability of the tribe to work with those issues?

Ms. DANA. Certainly. We have had great success with the Healing to Wellness Court Program, which is a holistic approach. It starts with people actually getting arrested and getting into the system, and then they are able to enter this wellness court, which is a mixture of nine different tribal departments. So the issue is since we are kind of piecemealing it together from these departments, we are not able to use funding directly allocated for our tribal court.

So, you know, we have this Public Law 280 for other States with a situation with the tribes, and I think that the committee would think about—thinking about tribes with land claim settlements that are in similar situations. And also we have jurisdictional issues where we have convictions happening, and we can't figure out who has the ball between the State and the BIA and the tribes. So we end up really having dangerous criminals not facing prosecution because nobody can figure out how to prosecute them.

Ms. PINGREE. Mm-hmm, and that is obviously a serious issue. Would you say that is more of a difficulty of working with the State or at our level or just kind of finding some coordination between the two?

Ms. DANA. We need to find some coordination between the two, and I think that comes from fully funding the tribal court and making sure it has the resources.

Ms. PINGREE. Great. Well, I really appreciate your testimony today and hope that I can work with the committee on some of these things that maybe we can solve without fixing every problem in the budget, which is hard to tackle.

Thank you. Thank you, Mr. Chair.

Mr. CALVERT. Ms. McCollum, any questions?

Ms. MCCOLLUM. Thank you.

Ms. Martin, every State is different. Every tribal nation is different. But we all face the same challenges and, let me say, opportunities to address those challenges. One of the things that you mentioned in your testimony was the unequal funding for Native American children who find themselves in urban settings.

It is the case in Minnesota quite often that these children are going back and forth. Sometimes when there is stress in a family on the reservation, they come to be with a family member in the Twin Cities area. Your testimony would clearly indicate to me that funding, that support, is not following the child.

Should not the money be associated with the child and not necessarily where the child is? Would that make a difference? Is that something that would make any sense, or does it just complicate things more? We already have inadequacies in the program and making sure that money follows children and is issued appropriately also means more employees to track that.

We don't want to necessarily fund more employees. We want to get more help to children. What would be some of the solutions maybe that you would look at, or would it be different in each State with each tribal organization, nation to nation? Has there been discussion about doing pilots? Can you enlighten us just a little more, and then I will continue the conversation in our office later.

Thank you.

Ms. MARTIN. Sure. You know, I think in an ideal world, you would be able to have a system where the funding and the services would follow the child. But I think, given the complexities of Indian Country and interjurisdictional issues, that would be very difficult, if not impossible, to kind of implement.

And so one of the things that I talked about earlier was having this urban program be funded, and I think it is similar, but not the same as the Urban Indian Health Program, right, where you have these urban populations, and the kids are going back and forth. When they go to the urban area, the services are just kind of lost, and they go into the general system. And then if the tribe is able and has the ability to track that child, then they can try to keep track of that. But if they don't, then they can't.

And so the idea would be then to provide funding to these urban organizations that would be able to track them and kind of create that point back and forth that they would be able to do that with. I would ask for pilot programs. I think we have a lot of good ideas. I would be happy to follow up with your office.

I have been involved in a very good program at Oneida in Wisconsin, where they have been able to successfully bridge that gap between the urban population, populations outside of their State. But it has taken a lot of their own resources and time and effort

to make that work. But I would love to follow up with you about that.

Ms. MCCOLLUM. Thank you, Mr. Chair.

I think that we are hearing more and more from tribal urban populations, which don't lose their treaty rights just because of where they have moved in the State for employment. At times, and to support those families that are trying to keep family reunification, trying to keep the foster system from continuing to have Native American children being overrepresented but underserved to be culturally appropriately placed at a time of great stress, when they really need the support of their entire community and culture. This is really, really important.

Quite often it is a grandparent stepping up, from my interactions in the Twin Cities, and they could use the support. Mr. Chair, I look forward to continuing the conversation and maybe having our staffs work to see if there are some equitable solutions to make sure children are given every opportunity to heal.

Thank you.

Mr. CALVERT. Sure. Absolutely.

Thank you for your testimony.

One thing, I have got one question on timber. The U.S. Forest Service, are you seeing a slowdown in hiring out there in the country as far as you can see, as far as number of people are out there on the ground?

Mr. RIGDON. As for with them, the thing that we are witnessing is the inability of the Federal Government to fill positions.

Mr. CALVERT. Is that just recently or is that——

Mr. RIGDON. I think that has been going on for——

Mr. CALVERT. For a while.

Mr. RIGDON [continuing]. At least the last decade and for quite a while.

Mr. CALVERT. All right. Yes, I am just curious just on that point.

Okay. Thank you very much. Appreciate you coming here. Have a great day.

[Pause.]

Mr. CALVERT. Thank you. This is our last panel for this morning. We are going to start off with Kirk Francis, who is the president of the United South and Eastern Tribes Sovereignty Protection Fund. And you are recognized for 5 minutes.

WEDNESDAY, MAY 9, 2018.

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

WITNESS

KIRK FRANCIS, PRESIDENT, UNITED SOUTH AND EASTERN TRIBES SOVEREIGNTY PROTECTION FUND (USET SPF)

Mr. FRANCIS. Thank you, sir. Good morning, Chairman Calvert, Ranking Member McCollum, Representative Pingree—it is good to see you again—and members of the subcommittee.

Thank you for the opportunity to testify today and for your consistent commitment to holding Native American public witness hearings.

My name, as you mentioned, is Kirk Francis. I serve as President of United South and Eastern Tribes Sovereignty Protection Fund. I am also Chief of the Penobscot Indian Nation, located at Indian Island, Maine.

As was acknowledged by the 100th Congress, the United States owes a historical debt to tribal nations. This debt includes the many injustices that Native peoples have suffered as a result of Federal policy, including Federal actions that sought to terminate tribal nations and assimilate Native people.

Federal appropriations to Indian Country are simply a repayment of this debt. This is not merely a question about addressing poverty and needs. Our relationship is more than this. This is ultimately a question about honor, about fulfilling commitments and promises. A great nation does keep its word.

We are being told that the request is just a messaging document and that if Indian Country does not agree with its proposals, we should look to Congress to ensure the trust responsibility is delivered upon. While we understand that only Congress has the power to appropriate funds, the administration is sending a powerfully negative message to Indian Country in reducing, eliminating, and calling into question the constitutionality of Federal Indian programs.

This administration is ignoring and undermining its trust responsibility to tribal nations, and this is simply unacceptable. Because of our history and unique relationship with the United States, the trust obligation of the Federal Government to Native peoples, as reflected in the Federal budget, is fundamentally different from ordinary discretionary spending and should be considered mandatory in nature.

Recently, some in Congress have called for the mandatory funding of the IHS. We strongly support this proposal, which is more consistent with the Federal trust obligation and urge that this be expanded to include all Federal Indian programs.

Continued underfunding results in tribal nations having to subsidize greater and greater levels of this obligation, a violation of our sacred agreement that has persisted regardless of administration. We urge this subcommittee and all congressional appropriators, as you previously have, to reject these deep cuts found in the President's request and work fully to fund this trust obligation.

Now I would like to turn to some of the specific comments we have on the President's budget. Regarding proposals for an infrastructure package, it is critical that tribal nations have direct access to any funding available. While we acknowledge that the President's infrastructure plan does state that some funding will set aside for tribal nations, additional details remain unclear.

The President's plan also proposes to streamline infrastructure permitting. We are concerned that without strong tribal consultation and cultural review requirements, these proposals could serve to undermine tribal sovereignty and the protection of cultural resources and public health.

The request also allocates funding from the BIA budget for the reorganization of the Department of the Interior. The Secretary has yet to significantly consult with or provide much detail to tribal nations on the reorganization of the Department, although we are

aware of meetings being held with employees and other units of Government as well as some draft regional plans. The request for Indian affairs is a 15.6 percent decrease from the fiscal year 2018 CR and a 20 percent decrease from the omnibus.

Nearly every line-item in the BIA budget would see reductions. However, Interior's budget justification describes the request in the following way. The 2019 budget supports the administration's commitment to help promote tribal nation building and self-determination, empower tribal communities, foster tribal self-sufficiency, create educational and economic opportunities, ensure safe Indian communities, preserve and foster cultural heritage, and steward natural resources.

From our perspective, it is difficult to see how any of this can be true, considering these deep reductions and eliminations found in this request. The fiscal year 2019 budget request for IHS is 8 percent above the fiscal year 2018 CR, but a slight decrease from the omnibus. We strongly support increases to this chronically underfunded agency.

Despite these increases, we and others in Indian Country are strongly opposed to the elimination of the Community Health Representative Program, as well as other eliminations and decreases found in the request.

Finally, the request also proposes to move the Special Diabetes Program for Indians from mandatory to discretionary funding. From our perspective, this proposal represents the exact opposite of what we are trying to achieve, which is mandatory funding for all Federal Indian programs.

In closing, while we take a firm position that all Members of Congress have an obligation to tribal nations, the members of this subcommittee have a greater role in understanding and working toward fulfillment of that obligation. As leaders who have consistently demonstrated a true understanding of this commitment, we implore this subcommittee to lead the change within Congress that is necessary to improve how the United States 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 and fight and seek to deliver upon this Nation's first promise to its first peoples and its trust obligation.

Thank you all very much.

[The statement of Kirk 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 2019 Native American Public Witness Hearings, May 9, 2018

Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, thank you for allowing me to be here today and for your consistent commitment to holding Native American Public Witness Hearings. 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 programs at the Bureau od Indian Affairs (BIA), the Indian Health Service (IHS), and beyond.

USET SPF represents 27 federally-recognized Tribal Nations from Texas to Florida to Maine. USET SPF member Tribal Nations are within the Eastern Region and Southern Plains Region of the Bureau of Indian Affairs and the Nashville Area of the Indian Health Service, covering a large expanse of land compared to other regions. Due to this large geographic area, USET SPF Tribal Nations have great diversity in cultural traditions, land holdings, and resources. From an economic standpoint, some of our member Tribal Nations have highly developed economies, while others remain dependent upon the federal government to provide essential services to their citizens.

As was acknowledged by the 100th Congress, the United States owes a "historical debt" to Tribal Nations. This debt includes the many injustices that Native peoples have suffered as a result of federal policy, including federal actions that sought to terminate Tribal Nations and assimilate Native people. It also involves the ceding of our land holdings and natural resources, oftentimes by force, to the United States resulting in a perpetual trust obligation to Tribal Nations. These resources are the very foundation of this nation, and have allowed the United States to become the wealthiest and strongest world power in history. Federal appropriations to Indian Country are simply a repayment on this debt. This is not merely a question about addressing poverty or needs. Our relationship is more than this. This is ultimately a question about honor, about fulfilling commitments and promises.

The President's FY 2019 Request for Indian Programs Violates the Trust Responsibility. In his 2017 Native American Heritage Month proclamation, the President stated,

> *"My Administration is committed to tribal sovereignty and self-determination. A great Nation keeps its word, and this Administration will continue to uphold and defend its responsibilities to American Indians and Alaska Natives. Together, we will strengthen the relationship between the United States Government and Native Americans."*

A great nation does keep its word. The first step toward fulfillment of America's promises is not just words, but action. While this Administration professes to prioritize Indian Country, this Budget Request reveals otherwise. At all levels of the Administration, from the Office of Management and Budget (OMB) to BIA to IHS, Tribal Nations and others objecting to this draconian budget request are being told that the request is just a "messaging document."

While we understand that only Congress has the power to appropriate funds, the Administration is sending a powerfully negative message to Indian Country. In reducing, eliminating, and calling into question the constitutionality of federal Indian programs, this Administration is ignoring and undermining its trust responsibility to Tribal Nations. Moreover, the message that this sends to all American citizens is one of disregard and dishonor, further exacerbating the challenges we face in educating the nation on our history, sovereignty, and the continued obligation to Tribal Nations. Finally, the agencies most directly charged with delivering on the fiduciary trust responsibility—BIA and IHS—are demonstrating no accountability for

budget request numbers and instead, are directing Tribal Nations to advocate for funding with Congress. This is a failure on the part of the Administration to take seriously its role as trustee.

Funding Requests and Mechanism do not Reflect Trust Obligations. Because of our history and unique relationship with the United States, the trust obligation of the federal government to Native peoples, as reflected in the federal budget, is fundamentally different from ordinary discretionary spending and should be considered mandatory in nature. Inadequate funding to Indian Country needs to be viewed as unfilled treaty and trust obligations and should not be vulnerable to year to year "discretionary" decisions by appropriators. Recently, some in Congress have called for mandatory funding for IHS. USET SPF strongly supports this proposal, which is more consistent with the federal trust obligation, and urges that this be expanded to include all federal Indian programs.

We further note the long-lasting effects of continued underfunding for federal Indian programs. The FY 2019 Budget Request fails to reflect a prioritization of trust obligations and the related promises that are at the core of our special and unique relationship. These unfulfilled treaty and trust obligations will ultimately lead to hearings by this very Subcommittee, as the consequences of this Request results in the problems and difficulties that SCIA is charged with addressing.

Constitutionality of Federal Indian Programs. Several times now, this Administration has called into question the constitutionality of programs or targeted accommodations for American Indians and Alaska Natives (AI/AN). As this Subcommittee well knows, all federal Indian programs are based on a political, government-to-government relationship between the U.S. and Tribal Nations. Appropriations that support programs and services such as this are provided in perpetuity in exchange for the millions of acres of land and natural resources ceded, often times by force, to the U.S. In addition, the Executive Branch, regardless of party, has a decades-long history of policy-making that includes exemptions or accommodations from federal actions for Tribal Nations and Native people.

Infrastructure Plan. If this Congress and Administration intend to modernize and repair infrastructure throughout the country, the chronically neglected obligations to Indian Country must be addressed. It is critical that Tribal Nations have direct access to any funding available via an infrastructure package. We must not be restricted to partnering or competing with another entity in order to be in receipt of infrastructure dollars. Additionally, in support of Tribal self-determination, these dollars should be eligible for inclusion in Self-governance contracts and compacts. While we acknowledge that the President's infrastructure plan does state that some funding will be set aside for Tribal Nations within its proposed Rural Infrastructure Program, it remains unclear exactly how much funding is being proposed and whether Tribal Nations would have access to other parts of the President's plan.

The President's plan also proposes to streamline infrastructure permitting processes. While there remain many unknowns associated with these streamlining measures, USET SPF is concerned that these proposals could serve to undermine Tribal sovereignty, and the protection of cultural resources and public health. We note that the Federal Communications Commission is already planning to move forward, over the strong objections of Tribal Nations, with a Report and Order that restricts Tribal cultural reviews and illegally redefines the meaning of 'federal undertaking' under the National Environmental Policy Act and the National Historic Preservation Act.

Department of the Interior (DOI) Reorganization. USET SPF is deeply concerned that the reorganization of the Department of the Interior is moving forward in the absence of Tribal consultation. Although Interior

Secretary Ryan Zinke recently stated, "we're going to go into consultation, as we should, and it's really up to the tribes whether they're going to participate or not, and I respect sovereignty," a consultation has yet to be initiated on the specifics of the reorganization plan. The Secretary has yet to significantly consult with or provide much detail to Tribal Nations on the reorganization of the Department, although we are aware of meetings held with federal employees and other units of government. Yet, we note that new DOI regions have been proposed and there is $900,000 set aside in the BIA Budget Request for its share of initial pre-planning responsibilities (with the knowledge that this figure will increase significantly in the out years). USET SPF urges this Subcommittee and this Congress to withhold any funding for Interior reorganization pending confirmation that the Reorganization will not impact funding to Tribal Nations or inherent federal functions, as well as meaningful consultation with Tribal Nations resulting in consent for or an exemption from the reorganization.

Bureau of Indian Affairs (BIA). The FY 2019 President's Budget Request for Indian Affairs is $2.4 billion, a 15.6% decrease from the FY 2018 CR level and a 20% decrease from the FY 2018 Omnibus. Nearly every line item in the BIA budget would see reductions in the FY 2019 budget request. However, Interior's Budget Justification describes the Request in the following way,

> "The 2019 budget supports the Administration's commitment to help promote tribal nation-building and self-determination, empower tribal communities, foster tribal self-sufficiency, create educational and economic opportunities, ensure safe Indian communities, preserve and foster cultural heritage, and steward natural resources."

It is difficult to see how any of this could be true, considering the deep reductions and eliminations found in the Request. Moreover, on a February 12th conference call, Tribal leaders and advocates were told that the BIA budget request supports the "core mission" of the Agency, but with nearly every line item receiving a decrease, it is impossible to determine what the Administration deems its "core mission." According to the BIA's website, its mission is, "to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives." By any measure, this Budget Request fails to uphold these words.

Overall, Human Services programs would fall by 27%, Natural Resource programs by 23%, Public Safety and Justice by 9%, and the Bureau of Indian Education by 16%. Similarly, the top priorities identified by the Tribal Nations of the Eastern Region for FY 2019 would all see drastic reductions or eliminations: Social Services—cut by 37%; Scholarships and Adult Education—eliminated; Indian Child Welfare Act—cut by 27%; Tribal Courts—cut by 28%; and Aid to Tribal Government—cut by 10%.

One of the few increases would be $2.5 million in the Law Enforcement Special Initiatives budget to fight the opioid epidemic by, "expand[ing] BIA capacity to address the increase in drug-related activities through interdiction programs to reduce drug use, distribution, and drug related crime." While USET SPF welcomes any funding provided directly to Indian Country to combat the opioid epidemic in our communities, including for law enforcement, $2.5 million in what may be one-time funding falls short. To increase the number of BIA drug enforcement officers, USET SPF has requested no less than $11 million annually.

Indian Health Service (IHS). The FY 2019 Budget Request would include $5.4 billion for IHS, 8% above the FY 2018 Continuing Resolution, but a slight decrease from the FY 2018 Omnibus. While we acknowledge and support increases to this chronically underfunded agency, we also note that for FY 2019, the Tribal Budget Formulation Workgroup (TBFWG) which meets annually and is comprised of Tribal leader representatives from each of the 12 IHS Areas, recommended $6.4 billion.

USET SPF strongly supports increases to several critical IHS line items: an increase for clinical services, including an increase of $268 million for Hospitals and Clinics for a total funding amount of $2.1 billion; increase of $32 million for purchased/referred care (PRC) for total funding of $955 million; and increase of $340 million for Mental Health, and Alcohol and Substance Abuse Programs, which is $30 million above current spending levels. These line items were the top four funding priorities of Tribal Nations in the Nashville Area of IHS. However, as with overall funding for IHS, it is important to recognize that these increases fall far short of IHS' obligation to the health of Tribal Nations, as well as the TBFWG's recommendations. We continue to support and urge the adoption of a plan to phase-in full funding for IHS. USET SPF maintains that until Congress fully funds the IHS, the Indian Health System will never be able to fully overcome its challenges and fulfill its trust obligations.

Despite these increases, the President's Budget also proposes cuts and eliminations to other parts of the IHS budget. USET SPF and others in Indian Country are strongly opposed to the elimination of the Community Health Representatives program, as well as other eliminations and decreases found in the Request.

The Budget Request proposes a total $10 billion in new funding to combat the opioid epidemic. Under the proposal, IHS would receive $150 million "to provide multi-year competitive grants based on need for opioid abuse prevention, treatment, and recovery support in Indian Country." Considering the disproportionate levels of opioid abuse and mortality in Tribal communities, a small amount of funding delivered through competitive grants, while welcome, does not even begin to scratch the surface. USET SPF calls upon this Subcommittee and this Congress to prioritize substantial direct funding to Tribal Nations as it seeks to address the opioid crisis.

The Request also proposes to move the Special Diabetes Program for Indians (SDPI) from mandatory to discretionary spending. When asked for an explanation on an "All-Tribes" call, IHS indicated that all health extenders are proposed to be moved from mandatory to discretionary. This proposal has not received any Tribal consultation, in violation of IHS' & HHS' Tribal consultation policies. From USET SPF's perspective, this proposal represents the exact opposite of what we are trying to achieve—which is mandatory funding for all federal Indian programs.

Other FY 2019 Budget Proposals: While outside of IHS and BIA, USET SPF is deeply concerned with reduction in funding, elimination, and radical changes in policy of the following agencies and programs: within the President's FY 2018 Budget Blueprint. As members of the full Committee on Appropriations and advocates for Indian Country, USET SPF is confident that you understand how these changes would negatively impact Tribal Nations. With this in mind, we implore the Subcommittee to ensure that these cuts, eliminations, and changes are not enacted:

- Deep cuts to the Environmental Protection Agency (including cuts to state and Tribal assistance grants), the Centers for Disease Control & Prevention, the Substance Abuse and Mental Health Services Administration, Minority Business Development Agency, Tribal Historic Preservation, and Native American Housing Block Grants, as well as block granting the Medicaid program to states.
- Elimination of the following programs and agencies: Good Health and Wellness in Indian Country (CDC), Rural Community Facilities (ACF), Community Development Financial Institutions Fund grants, the Indian Community Development Block Grant, the Economic Development Administration, USDA Rural Business Development grants, the Department of Labor's Division of Indian and Native American Programs and the Low Income Home Energy Assistance Program (LIHEAP).

Mr. CALVERT. Thank you.

Next, Brandon Yellowbird Stevens, vice chairman of the Oneida Indian Nation. Welcome.

WEDNESDAY, MAY 9, 2018.

ONEIDA INDIAN NATION

WITNESS

BRANDON YELLOWBIRD STEVENS, VICE CHAIRMAN, ONEIDA INDIAN NATION

Mr. STEVENS. Good morning, Chairman Calvert, Ranking Member McCollum, and members of the committee.

I am Brandon Stevens, vice chairman of the Oneida Nation, and thank you for the opportunity to represent over 17,000 Oneidas.

I would also like to thank the committee for its commitment to Indian Country, which we saw demonstrated by the much-needed increases in Federal funding for the many tribal programs in the omnibus bill earlier this year.

In my testimony today, I will identify three priorities to the committee which impact not just Oneida Nation, but other tribes and communities—self-governance funding, the opioid epidemic, and the Great Lakes Restoration Initiative.

We were pleased to host Interior Secretary Ryan Zinke this past March when he joined our business committee for a discussion of these topics. We look forward to working with the Secretary and the committee to strengthen and improve tribal programs in the coming years.

The self-governance portion, the Oneida Nation has assumed increasing levels of responsibility. For nearly 25 years, we have been a self-governance partner with the Department of the Interior. We now administer nearly 40 programs, ranging from social services and law enforcement to job training and scholarships. Self-governance not only ensures that scarce Federal resources are used as efficiently as possible, but it also helps to build the capacity within tribal governments to address many of their members' needs.

However, of the $4.5 million that we at Oneida direct to self-governance activities, only $1.2 million is federally funded. That is why we find it particularly concerning that the President's budget proposes a reduction in self-governance funds, which would harm the progress we have made and prevent other tribes from beginning their own self-governance programs.

We encourage you to support the additional self-governance agreements between tribes and both BIA and non-BIA agencies. The Self-Determination and Education Assistance Act provided tribes with the opportunity to enter into agreements with non-BIA agencies. But some Interior agencies and offices have made those agreements difficult to negotiate.

We ask that you encourage non-BIA agencies to enter into self-governance agreements with tribes and direct additional resources towards the Office of Self-Governance. The nation recently encountered a situation where a tribal mother was in an abusive relationship and abusing opiates, which resulted in her being unable to care for her children. The Indian Child Welfare Department

stepped in and provided intensive support and facilitating wrap-around services, including counseling, substance abuse assistance, transportation to and from appointments, and cultural ceremonies to aid in her recovery.

The combination of traditional practices with clinical treatment proved to be very successful, and within 6 months, she was again able to care for her child. It is this close alignment of the tribal government and community programs that has allowed us to provide overlapping, coordinated services that led to positive outcomes like this. The Oneida Nation thanks this committee for its consistent support of tribal sovereignty and its determination to ensure that tribes and Congress continue to have a government-to-government relationship.

This leads me to our next topic, an increased Federal support in opiate issues in Indian Country. Sadly, Indian Country has not been immune to the opiate abuse epidemic sweeping the Nation. I have just identified one instance in which opiates negatively impact an Oneida family, but this crisis is impacting tribes across the Nation. Oneida Nation conducted an assessment within our community and launched a tribal action plan to address opiates and other substance abuse. We worked to develop the strategy that doesn't focus solely on law enforcement but provides supportive services and treatment to help our members remain control of their lives.

While law enforcement is certainly part of the formula for success against opiates, at Oneida, we believe that mental health treatment and addiction support must be part of the equation. We hope, as you consider funding for the coming years, you will recognize that those impacted by opiates need Federal resources to help break the cycle of addiction and include mental health and addiction support and diversion program eligibility.

We were pleased to see in the omnibus bill that included significant funding directed specifically to Indian tribes for opiate treatment. However, we remain concerned that Interior and other agencies will focus on competitive grants. We would instead urge that Interior award base funding increases, allowing tribes to build internal capacities and comprehensive programs to meet the need of these challenges over the long term.

And lastly, the Great Lakes Restoration Initiative. In short, the Great Lakes Restoration Initiative has been the single most successful Federal program designed to help restore lands. Yet these improvements benefit not just Oneida, but the entire region.

Given the enormous successes of the program at Oneida and across the Midwest, it is deeply concerning that the President's budget proposing to reduce Federal funding for the program by 90 percent. A funding cut of this magnitude will not only hurt our fishing, tourism, and agriculture industries, but would jeopardize hundreds of millions of dollars of investments from State and local governments, as well as the private sector. Oneida Nation of Wisconsin strongly urges the committee to reject the proposed cuts to this program and continue funding it at the level approved in this omnibus bill.

Thank you once again for the opportunity to join you today and showcase just a fraction of the ability of tribes to manage their own programs while recognizing tribal sovereignty.

Thank you.

[The statement of Brandon Stevens follows:]

Testimony of Oneida Nation of Wisconsin
Vice-Chairman Brandon Stevens
To the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
May 9, 2018

Chairman Calvert, Ranking Member McCollum, Members of the Committee, thank you for the opportunity to represent the 17,000 members of the Oneida Nation of Wisconsin today.

I'd also like to thank the Committee for its commitment to Indian Country, which we saw demonstrated by significant increases in federal funding for many tribal programs in the omnibus bill passed earlier this year.

In my testimony today, I will identify three priorities to the Committee which impact not just the Oneida Nation, but other tribes and communities:

1. Protect Self Governance funding and expand the types of programs which are eligible for Self Governance.
2. Ensure that Indian Country has access to funding to fight the opioid epidemic, particularly through diversion and mental health programs.
3. Allocate adequate funding toward the Great Lakes Restoration Initiative, which has a demonstrated success in improved environmental and water quality across the Great Lakes region.

We were pleased to host Interior Secretary Ryan Zinke in March when he joined our Business Committee for a discussion of these topics and expressed support for our objectives, with a particular emphasis on the opioid crisis. We look forward to working with the Secretary and this Committee to strengthen and improve tribal programs in the coming year.

Self Governance

Self Governance, or tribal administration and delivery of programs, funding, and services previously managed by the Department of the Interior, has been an success across Indian Country and serves as a recognition of the sovereign status of tribes.

The Oneida Nation has assumed increasing levels of responsibility over the nearly 25 years we've been a Self Governance partner with the Department of the Interior and now administers nearly 40 programs and services, ranging from social services and law enforcement to job training and scholarships. This means that our government, the most accountable to those affected, makes decisions about how to manage these programs and services, not the Bureau of Indian Affairs. It also means that when we need to adjust to new challenges we can do so rapidly, without waiting for Washington to act.

Self Governance not only ensures that scarce federal funds are used as efficiently as possible, but it also helps to build the capacity within tribal governments to address many of their members' needs. However, of the $4.5 million that we at Oneida direct to Self Governance activities, only $1.2 million is federally funded. That's why we find it particularly concerning that the President's budget proposes a reduction in Self Governance funds, which would harm the progress we've made and prevent other tribes from beginning their own Self Governance programs. We urge the Committee to reject this proposed cut and continue supporting this successful, cost-effective program.

We also encourage you to support additional Self-Governance Agreements between Tribes and both BIA and non-BIA agencies. Title IV of the Indian Self Determination and Education Assistance Act currently provides Tribes the opportunity to enter into agreements with non-BIA agencies, but some DOI agencies and offices have made those agreements difficult to negotiate, set unrealistic expectations, or fail to allocate appropriate funding for Tribes to assume additional responsibilities. Furthermore, in the Office of Self Governance, just 15 staff are available to process and negotiate annual and multi-year agreements with the 350 tribes which participate in Self Governance programs. We ask that you encourage and, perhaps, incentivize non-BIA agencies to enter into Self-Governance Agreements with Tribes and direct additional resources toward the Office of Self Governance.

One particular Self Governance success story I'd like to highlight is our Indian Child Welfare Department, which serves over 100 children and provides a full spectrum of services to ensure that child are raised in safe, supportive environments. In a recent instance, after learning that a mother was in an abusive relationship, abusing opioids, and unable to safely care for her child, the Department stepped in with intensive support. We provided wraparound services including counseling, substance abuse assistance, transportation to and from appointments, and coordinated with her family to provide cultural ceremonies that aided in her recovery. The combination of traditional practices with clinical treatment was very successful, and within six months she was again able to care for her child.

It is the close alignment of the tribal government and community programs that has allowed us to provide overlapping, coordinated services that lead to positive outcomes like this, but it could not occur in the absence of Self Governance.

Opioid Epidemic

This leads my to my next topic, increased federal support to address opioid issues in Indian Country.

Sadly, Indiana Country has not been immune to the opioid abuse epidemic sweeping the nation. I've just identified one instance in which opioids negatively impacted an Oneida family, but this crisis is impacting tribes across the nation. A study by the National Congress of American Indians found that as many as 31% of Indian youth in the Great Lakes region had misused prescription opiates, a startling figure that will lead to a plethora of negative impacts in the future unless we take action.

To address this challenge, the Oneida Nation conducted an assessment within our own community and launched a Tribal Action Plan to address opioid and other substance abuse. We've conducted interviews with a broad spectrum of our membership and worked to develop a strategy that doesn't focus solely on law enforcement, but provides supportive services and treatment to help our members regain control of their lives.

While law enforcement is certainly part of the formula for success against the opioid crisis, at Oneida we believe that mental health treatment and addiction support must be part of the equation. We hope that as you consider funding for the coming year, you will recognize that those impacted by opioids need federal resources to help break the cycle of addiction and include mental health, addiction support, and diversion program eligibility.

We were pleased to see the FY18 omnibus include significant funding to address the opioid crisis, within $50 million directed specifically to Indian tribes for opioid treatment, and this down payment will help many tribes build the capacity to address the challenge.

However, we remain concerned that Interior and other agencies will focus on competitive grants, which mean some tribes receive funding and some don't. We would instead urge that Interior award base funding increases, allowing tribes to build the internal capacity and comprehensive programs needed to meet these challenges over the long term.

Great Lakes Restoration Initiative

Oneida Nation's creation story teaches us that everything is connected, and that there must be balance for the environment to thrive. The belief that all living beings are important is instilled into the conscious of our Tribe, and we are committed to environmental conservation and stewardship. It is this ethos that led us to our partner, the Environmental Protection Agency (EPA).

Among the most important long-term projects Oneida is working on with the EPA is the Great Lakes Restoration Initiative. Launched in 2010, the Initiative is designed to protect and restore the largest system of fresh surface water in the world--which happens to be in our backyard.

Over the last nine fiscal years, the Oneida Nation has been awarded approximately $4.8 million for hundreds of Great Lakes watershed improvement projects. Some examples include:

- Creating adaptive management system in the Silver Creek Watershed to meet the new federal and State phosphorus regulations.

- Removing and replacing blocked culverts and dams at Brown County Golf Course and Pamperin Park, opening up 214 miles of streams for fish passage.

- Founding a natural resources technology program that has now trained and hired seven Oneida tribal members.

In short, the accomplishments of the program have been astounding. The Great Lakes Restoration Initiative has been the single most successful federal program designed to help restore our lands, yet these improvements benefit not just Oneida, but the entire region.

Given the enormous successes of the program at Oneida and across the Midwest, it is deeply concerning that the President's budget proposes to reduce federal funding for the program by about 90% in FY19. A funding cut of this magnitude would not only hurt our fishing, tourism and agriculture industries, but would jeopardize hundreds of millions of dollars of investments from state and local governments, as well as the private sector. The Oneida Nation of Wisconsin strongly urges the committee to reject the proposed cuts to this program and continue funding it at the level approved by the FY18 omnibus bill.

Mr. CALVERT. Thank you.

Next, William Harris, chief of the Catawba Indian Nation. Close. [Laughter.]

Mr. CALVERT. All right. Good.

Mr. HARRIS. Let us go with Catawba Nation.

WEDNESDAY, MAY 9, 2018.

CATAWBA INDIAN NATION

WITNESS

WILLIAM HARRIS, CHIEF, CATAWBA INDIAN NATION

Mr. HARRIS. Thank you, Chairman Calvert, Ranking Member McCollum, and subcommittee member Pingree. I appreciate the opportunity to testify on critical funding needs for American Indian and Alaska Native programs.

My name is William Harris. I am the Chief of the Catawba Indian Nation, the only federally recognized tribe in the State of South Carolina.

My written testimony sets four specific funding recommendations. I will just touch on some of the major themes here.

Let me begin by saying that this subcommittee's hard work is paying off, and we encourage you to continue your fight to address the great needs in Indian Country. Just as the Catawba people stood side by side with the American patriots during the revolution, this subcommittee has stood side by side with Native peoples today. And just as the Constitution acknowledges tribal governments, so, too, does it provide for the work of this subcommittee in fulfillment of trust responsibilities to tribal nations and tribal peoples.

I am here to speak on behalf of many tribes, mostly smaller or more remote who have limited economic development opportunities and, in our case, no gaming enterprise. Many tribes are economic engines in such areas as tourism, energy, small business development, commercial services. However, limited access to capital investment financing remains substantial barriers to economic development in Indian Country. We struggle with uniquely burdensome Federal restrictions and regulations, poor infrastructure, and other challenges that limit our economy from flourishing.

It is important to create avenues of investment, funding resources, and business models that are mutually advantageous to tribes and potential partners for economic advancement, stability, and diversification. We encourage this subcommittee to provide increased support for investment opportunities in Indian Country.

The Catawba Indian Nation depends on IHS for the delivery of health services. Access is limited, however, due to local service units' restricted operating hours and lack of emergency and urgent care services. For its part, the Catawba Nation is planting the seeds for healthy generations of tribal members through our Wellness Warrior program.

The mission of the Wellness Warriors is to improve overall community health through cross-cutting programs, health education, physical activity, nutrition, and tobacco cessation. We know that

you already recognize the importance of the Indian Health Service and urge you to continue to work towards full funding of IHS in the fiscal year 2019 budget and continue to support preventive health services and programs.

We are working with the Department of Justice and the Bureau of Indian Affairs in the creation of a healing to wellness alternative drug court, law enforcement agency, and related justice services. Please fund Indian Country public safety across the board.

Since before recorded history, the Catawbas have lived in the Piedmont area, what is now called North and South Carolina, along the life-giving waters of the river bearing our name. We seek to protect this river and, indeed, all of our surrounding environments, working in concert with the Federal and State governments.

For example, we partner with the State to generate air quality forecasts for a three-county area, and we established a water monitoring program using Clean Water Act funding. We urge Congress to maintain adequate funding for EPA environmental programs serving Indian Country.

In recent years, an increasing number of tribal governments have established tribal historic preservation offices, equivalent to State programs under the National Historic Preservation Act. This is the front line for protecting our cultural heritage. Although funding was increased for THPOs in fiscal year 2018, we urge Congress to hold the course and provide an increase in THPO funding for the fiscal year 2019.

We also urge you to maintain expanded funding for enactment of related law enforcement activities. With a secure and dedicated funding stream, BIA and tribal officials will have an enhanced capacity to combat and deter illegal trafficking in tribal cultural patrimony.

I thank you for the consideration of my testimony.

[The statement of William Harris follows:]

Testimony of William Harris, Chief of the Catawba Indian Nation, South Carolina
"Public Witness Testimony: FY 2019 Appropriations"
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
April 30, 2018

Recommendations:

1. Provide necessary funding to support tribal self-determination and economic development.
2. IHS - Provide full funding and parity to the Indian Health Service.
3. IHS – $71.292 increase in funding for Preventive Health services.
4. BIA OJS - $113.7 million for tribal court development and support services.
5. BIA - $200 million for tribal law enforcement development and support services.
6. BIA – $35 million for the BIA Road Maintenance Program.
7. EPA – Maintain adequate funding to protect environmental quality in Indian Country.
8. BIA - $30 million for the Tribal Climate Resilience Program.
9. DOI - $30 million for Department-wide Landscape Conservation Cooperatives.
10. BIA - $1 million in dedicated funding for NAGPRA implementation.
11. BIA - Increase funding for tribal historic preservation efforts to protect sacred sites.

Introduction. Thank you Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee for the opportunity to testify on critical funding needs for American Indian and Alaska Native programs under your jurisdiction. The people of the Catawba Indian Nation thank you for your hard work on behalf of Indian Country and for inviting tribal leaders to submit witness testimony on their communities' behalf. As you are aware, these programs are based on the political relationship that exists between the federal government and tribal nations. My name is William Harris and I am the Chief of the Catawba Indian Nation, the only federally recognized tribe in the state of South Carolina. Since before recorded history, the Catawba have lived in the Piedmont area of South Carolina, east of the Nantahala National Forest and along the life-giving waters of the river bearing our name. Like our traditional pottery, the Catawba have been created from southern soil, to be shaped and fired over time by unimaginable hardship, and now stand tall as a living testament to our ancestors and to the land we call home. To advance the socioeconomic development and well-being of my Nation and other Native communities, I offer the following budget recommendations for fiscal year 2019.

I. Sustainable Economic Development for Smaller Tribes

Increased Support for Non-Gaming Tribes. As a sovereign nation and industrious people, we are committed to achieving economic self-sufficiency. For the Catawba Indian Nation, this goal is immeasurably complicated by the terms of our 1993 Settlement Act with the State that inhibit meaningful tribal economic development. For example, our Nation is currently prohibited from establishing gaming operations on tribal lands under the terms of our Settlement Act. Instead, we are allowed to operate just two bingo halls—neither of which ever turned even a marginal profit for the Nation due to the mandatory 10% fee on gross bingo revenue that must be first transmitted to the state. It is our hope to come back to the Congress and ask for amendments to our Settlement Act that would restore some of our lost sovereignty and free-up our economic potential. In the interim, we continue to explore innovative avenues for economic growth. **We urge Congress to invest in economic development programs for non-gaming tribes to further the federal government's policy of promoting tribal self-determination and economic self-sufficiency.**

Expanded Access to Investment Opportunities in Indian Country. Given adequate support and the appropriate resources, the majority of tribal nations would likely become—assuming they are not already—significant contributors to their local and regional economies. Tribal nations are economic engines of the tourism industry, renewable energies, small business development, commercial services, among many others. However, limited access to capital and investment financing remain substantial barriers in Indian Country. We struggle with uniquely burdensome federal restrictions and regulations, poor infrastructure, and other challenges that limit their economies from flourishing. It is important to create avenues for investment funds, financial resources, and business models that are mutually advantageous to tribes and potential partners for economic advancement, stability, and diversification. **We encourage Congress to provide increased support for investment opportunities in Indian Country in the FY 2019 budget.**

II. Promoting Health and Wellness in Indian Country

Provide Full Funding and Parity for the Indian Health Service. Indian health programs continue to suffer from the effects of annual budget cuts due to sequestration under the Budget Control Act of 2011 (Pub. L. 112-25). While other critical healthcare agencies such as Veterans Affairs were exempt from federal sequestration in 2013, the IHS was not. The disruption in federal funding resulted in a loss of over $219 million from the IHS budget that was never recouped in subsequent fiscal cycles through appropriate increases in the IHS budget. The compounding, negative effect of this lost funding translated into immediate and long-lasting negative health impacts on tribal citizens through lost resources for primary and preventative health care services, staff recruitment and training, and other specialized health programs serving Indian Country. These losses are exacerbated every year due to the lack of full IHS funding. **We urge Congress to provide the IHS with full funding in FY 2019, as well as with parity to other federal healthcare agencies through an exemption from any reductions in the federal budget.**

Plan for the Future with Dedicated Funding for Preventative Health Services. The Catawba Indian Nation depends on the IHS for the delivery of healthcare services in our community through the local Catawba Service Unit. Access is limited, however, due to the Service Unit's restricted operating hours and lack of emergency and urgent care services. When combined with the disproportionately high rates of chronic illness – including diabetes, heart disease, and behavioral health and substance use disorders – it becomes clear that innovation in healthcare is urgently needed to uproot these negative outcomes in Indian Country. For its part, the Catawba Indian Nation is planting the seeds for healthy generations of tribal members through our Wellness Warriors program. The mission of the Wellness Warriors is to improve overall community health through crosscutting programs, health education, physical activity, nutrition, and tobacco cessation. The program serves as a trellis for life-long community fitness and engagement.

We believe that increased federal funding for preventative care services as an IHS sub-activity would enable other tribal nations to cultivate and sustain similar programs in their communities. The result would be significant long-term savings for the Federal Government by reducing future incident rates of chronic illness and associated medical costs, as well as increased life-savings by promoting the vitality of tribal members. The President's FY19 proposal would fund Preventive Health programs at $89.1 million – *almost half* of the FY 2018 Annualized CR level of $158.645 million. **We urge Congress to invest heavily in the future health and well-being of our country by providing an increase of $71.292 million for Preventive Health.**

III. Public Safety and Justice Services

Advance Public Safety with Increased Support for Tribal Courts and Law Enforcement Services. At the Catawba Indian Nation, we are proud to provide our members with governmental services designed to address their myriad socioeconomic, educational, spiritual, and other needs. Missing from this panoply is a robust tribal justice department. We are working with the Department of Justice and Bureau of Indian Affairs to fill this critical gap through the development of a tribal court, Healing to Wellness alternative drug court, law enforcement agency, and related justice services. We have entered into a 638 contract with the BIA to develop tribal court services, once established we will then satisfy the necessary requirements to apply for DOJ grants. The process is long, complicated, and costly for our Nation. However, building the internal infrastructure to address these needs is a fundamental aspect of our tribal sovereignty and one that we are dedicated to fulfilling. **To advance public safety, we recommend Congress allocate $113.7 million for tribal court services in the BIA Office of Justice Services. We also urge Congress to provide an additional $200 million for law enforcement and detention services.**

Connect Tribal Communities to Essential Services through Increased BIA Roads Construction and Maintenance Funding. Adequate and well-maintained roads are essential to connecting our tribal members with essential on-reservation programs and services, as well as with nearby urban centers. Funding for the BIA Road Maintenance program, however, has been level-funded at approximately $30 million for several fiscal year cycles, despite the accumulation of over $290 million in backlogged needs. The Catawba Indian Nation has 33 miles of roads included on the BIA Roads Inventory. Maintaining these roads costs $215,000 annually, but we receive only $25,000 in federal assistance. The $190,000 difference is taken from our Tribal Transportation Roads Program allocation, which in turn reduces the amount available for new roads construction to support our housing and economic development projects. We also have several pressing roads construction and maintenance needs, such as an access road to the Veterans Cemetery, that will require significant tribal investment. These unmet needs place our tribal members in harm's way due to the unnecessary risks posed by unstable and unsafe roads that impair access, damage vehicles, and obstruct the timely arrival of emergency assistance. **We urge Congress to provide at least $35 million for the BIA Road Maintenance program to protect the health, safety, and welfare of Indian Country.**

IV. Natural Resources Management

Maintain Adequate EPA Funding to Protect the Environmental Quality of Indian Country. We depend on the EPA's fulfilment of its trust responsibilities and partnership obligations to protect human health and our shared environment. Currently we receive funding for the General Assistance Program, Clean Air Act, Clean Water Act and Brownfield 128a Program. We have used and leveraged these resources to advance our environmental programs with benefits at the tribal, local, and state levels. For example, we developed an ambient air monitoring program that measures ozone and particulate matter 2.5 micron and smaller. The data is posted on Air Now South Carolina, providing tribal members and state residents with accurate air quality information. We also partner with the State to generate air quality forecasts for a three county area. Moreover, for water equality, we established a water monitoring program using Clean Water Act funding. This program has enabled us to monitor and conduct analysis of pathogens in the water and inform tribal members and leadership of potential health risks. Through these programs, we have

cultivated an environmental presence that we have not had through history to ensure to the best of our abilities, that Catawba Tribal members have access to clean water, air, land and fish that are safe for consumption. The job is not finished. **We urge Congress to maintain adequate funding for EPA environmental quality programs serving Indian Country so that we can achieve a cleaner, healthier and more prosperous Nation today and for future generations.**

Maintain Funding for the Tribal Climate Resilience Program and Interior Landscape Conservation Cooperatives. Today, across the United States, American communities are facing increasing public health, safety, and natural resources management challenges associated with our progressively unstable natural environment. Water availability, catastrophic wildfires and floods, invasive species, disappearing tree lines, and accelerated rates of erosion are only limited examples of the ways in which our world is changing. Tribal nations are often among the first to feel the effects of these developments on our subsistence, hunting, and gathering activities. The BIA Tribal Climate Resilience Program – along with Department-wide Landscape Conservation Cooperatives run in agencies such as the BLM, FWS, NPS, BIA, and BOR – is intended to provide tribal nations with the tools to manage resource stressors and develop adaptive management plans in coordination with federal, state, and local actors, to mitigate and prevent environmental degradation. Maintaining and furthering this progress is critical, not only for tribal nations but for all Americans. **We urge Congress to provide $30 million for the BIA Tribal Climate Resilience Program and $30 million for Interior Cooperative Landscape Conservation programs.**

V. Protection for Tribal Cultural Patrimony

Maintain the $1 Million in Dedicated Funding for NAGPRA Implementation. The Catawba Indian Nation would like to take this opportunity to thank Congress for providing $1,000,000 to implement the Native American Graves Protection and Repatriation Act (NAGPRA) in the FY 2019 Omnibus. This directed funding within BIA Criminal Investigations and Police Services supports Bureau-wide trainings and the salary of a dedicated FTE on this issue. Because of your support, the Federal Government is undergoing a paradigm shift on the way that it views and understands the importance of safeguarding tribal objects of patrimony. When aligned with the federal protections of the PROTECT Patrimony Resolution, passed by the Congress in December 2016, we can see a positive path forward in ensuring that the next generation will have access to these important cultural and ceremonial resources. **We strongly encourage Congress to maintain the $1 million in dedicated funding for NAGPRA enforcement in FY 2019.**

Tribal Historic Preservation Offices (THPOs). The landscapes and features that qualify as tribal sacred sites are as diverse as the 573 tribal nations currently recognized by the federal government. Each individual tribal nation must decide for itself what does or does not constitute a sacred site. In recent years, an increasing number of tribal governments have established THPOs equivalent to state programs under the National Historic Preservation Act. Federal funding, however, has not kept up with the expansion of THPO programs and, as a result, it is difficult for tribal governments to meet their preservation compliance duties and responsibilities. For FYs 2018 and 2019, the President proposed to eliminate all funding for tribal historical preservation. We were and continue to be encouraged by Congress's steadfast refusal to do so – in fact, Congress provided a $1,000,000 increase in funding for FY 2018. **We urge Congress to hold the course and provide an increase in THPO funding for FY 2019 to better protect tribal sacred sites.**

Mr. CALVERT. Thank you.

And next, Joseph P. Crowley, president of the American Dental Association. I am sure our colleague Mike Simpson wishes he was here.

Dr. CROWLEY. He might have made me feel a little more comfortable. [Laughter.]

Dr. CROWLEY. I have to say I am impressed and jealous with the technology use. That is pretty good.

Mr. CALVERT. Yes, there you go.

WEDNESDAY, MAY 9, 2018.

AMERICAN DENTAL ASSOCIATION

WITNESS

JOSEPH P. CROWLEY, DDS, PRESIDENT, AMERICAN DENTAL ASSOCIATION

Dr. CROWLEY. Well, good morning, Chairman Calvert and Ranking Member McCollum and Ms. Pingree.

I am Joe Crowley. I am President of the American Dental Association. I am a practicing dentist in Cincinnati, Ohio.

On behalf of the American Dental Association, I want to thank you for the opportunity to testify on the oral health issues that affect the American Indians and the Alaska Natives and the dentists who serve this group through the IHS programs and the tribal programs.

For fiscal year 2019, the ADA requests $199 million for the IHS Division of Oral Health. We thank the committee for the strong commitment you have made to improve the oral healthcare of the Native Americans. Your support for many years has resulted in an improvement, especially amongst their children.

You are strong backers of the dental program's Early Childhood Caries Initiative, which aim to reduce tooth decay among children under the age of 5. Through this program, the IHS has been able to significantly increase prevention and early intervention with these children.

However, more is needed to overcome the disparity of oral disease in the tribal communities. Over 80 percent of the American Indian and Alaska Native children ages 6 to 9 and 13 to 15 suffer from dental decay, while less than 50 percent of the U.S. population in that same age is affected. Also, American Indians and Alaska Native adults have more than double the prevalence of untreated tooth decay as the general U.S. population.

One of the most important accounts in the administration's fiscal year 2019 IHS dental program budget is for clinical services. This funding is used to provide direct dental services, including emergency, prevention, and complex restorative care. The administration is proposing an increase of only $1.7 million, which we believe is an unrealistic request.

In 2017, the IHS dental program provided over 3 million basic dental services in 404 dental programs in 35 States. The administration's current request would be less than $1 per visit. The ADA recommends that the IHS dental clinic services line be increased by at least $3 million.

The ADA applauds the IHS for its excellent dentist recruitment program that begins focusing on dental students. Each year, the IHS offers an externship program to third-year dental students. In 2016, 115 students were placed in 23 different sites. Despite the success of the extern program and other recruitment efforts, the dental vacancy rate in IHS hovers above 20 percent.

While dental students' debt averages more than $250,000 when they leave school, the Loan Repayment Program has proven to be an effective mechanism for recruitment and retention. There are more healthcare providers who are willing to serve in the IHS than there is loan repayment money.

In 2017 alone, 788 providers, including 18 dentists, were turned down for loan repayment. The service estimates that it would take an additional $39 million to meet these requests. We strongly encourage the committee to fully fund this program to ensure all interested healthcare providers can serve the IHS.

The ADA is pleased that the IHS is making progress on the centralized credentialing system, and we thank the committee for supporting this effort. It is our understanding that credentialing software has been implemented across all IHS direct service areas. This will streamline credentialing process and can help fill the dental vacancies with quality healthcare professionals. Expansive, but secure credentialing will also allow private dentists to provide care in a timely manner for the IHS.

Additionally, the ADA strongly opposes the administration's proposal to eliminate the Community Health Representatives, or the CHR. We are currently working with the Navajo CHR outreach program to produce a guide for adding oral health components to their work.

Educating Navajo CHRs and dental assistants to become community dental health coordinators will enable greater outreach to community oral health education and prevention services. Most CDHCs have grown up in the communities they serve, allowing through cultural competence to better understand the problems of limited access to dental care.

The ADA has invested $7 million of our money in development and expansion of the CDH program. There are currently 16 CDHCs in tribal facilities in the Chickasaw and the Navajo Nation communities in Oklahoma and Arizona. Their successes have been just unbelievable what they are doing.

I thank you for the opportunity for the ADA to testify. We are committed to working with you, the IHS, and our tribal nations to aggressively reduce the level of oral disease in the Indian Country.

Thank you.

[The statement of Joseph Crowley follows:]

ADA American Dental Association®

Dr. Joseph P. Crowley, D.D.S.
President
American Dental Association

On behalf of the American Dental Association (ADA) and our 161,000 members, thank you Chairman Calvert and Ranking Member McCollum for the opportunity to testify on the oral health issues that affect American Indians and Alaska Natives (AI/ANs) and the dentists that serve in the Indian Health Service (IHS) and tribal programs. I am Dr. Joseph Crowley, President of the ADA and a practicing dentist in Cincinnati, Ohio. For fiscal year 2019, the ADA requests $199 million for the IHS Division of Oral Health.

We thank you and the Committee for the strong commitment that you have made to improve the oral health care of Native Americans. Your support for many years has resulted in improvement especially among children.

The Committee were strong backers of the dental program's Early Childhood Caries initiative, which aimed to reduce tooth decay among children under the age of five. Through this program, the IHS has been able to significantly increase prevention and early intervention for these children. The IHS reported that:

- The placement of dental sealants increased by 65%,
- The number of children receiving fluoride varnish increased by more than 68%, and
- The number of therapeutic fillings increased by 16%.

These interventions resulted in a net decrease of dental caries prevalence from 54.9% in 2010 to 52.6% in 2014. But there was an even more dramatic decrease in tooth decay from 33.4% to 27.1% in 1-2 year olds. This is one of largest decreases in caries experience reported in dental literature over such a short time span.

Wanting to build off this success, the IHS Dental Program last year held a strategic planning meeting with tribal organizations, IHS dentists, researchers, and dental organizations to further address oral health disparities among AI/ANs. The groups explored ways to apply the most recent scientific interventions and prevention methods for specific age groups. The approach and materials used for toddlers differs from those needed for teenagers.

We were heartened by this meeting and look forward to working with the IHS and tribal organizations to implement the ideas and approaches put forth in the meeting as there is still more to overcome to erase the disparity of oral disease. This includes the innovative work being done surrounding the use of silver nitrate and silver diamine fluoride as secondary prevention measures to early childhood caries as evidenced by the work being done by Dr. Frank Mendoza on the Warm Springs Indian Reservation in Oregon, who received an ADA Presidential Citation for these efforts in 2017.

Over 80% of AI/AN children ages 6-9 and 13-15 years old suffer from dental caries, while less than 50% of the U.S. population in the same age groups have experienced cavities. It isn't just

AI/AN children who suffer from oral disease. AI/AN adults have more than double the prevalence of untreated tooth decay as the general U.S. population. Native American adults also have double the rate of severe periodontal disease than the general U.S. population.

The most critical account in the Administration's FY 19 IHS dental program budget is for clinical services. This funding is used to provide direct dental services, diagnostic, emergency, preventive and simple and complex restorative care.

The Administration is proposing an increase of only $1,728,000. This request is unrealistic to significantly reduce oral disease in Indian Country. In FY 2017, the IHS dental program provided 3,828,214 basic dental services through 1,371,172 dental visits in 404 dental programs in 35 states. The Administration's FY 19 request would be less than $1.00 per visit. The ADA recommends that the IHS dental clinical services line be increased by at least $3 million.

The eight Dental Support Centers (DSCs) are an integral component of the IHS dental program. While they do not provide direct dental care, their primary purpose is to provide technical support, training and assistance in clinical and preventive aspects of the dental programs. Many IHS dentists practice in isolated areas without immediate access to specialty services. A good number of these dentists are just beginning their professional careers. These Dental Support Centers provide them with the necessary expertise and experience they need to best address the challenging oral health demands presented before them.

The Support Centers have been instrumental in tracking the incidence of prevention procedures AI/ANs receive. Several DSCs provided oral health education materials or designed materials customized to the specific needs of the tribes they serve. Since being established in 1999, the IHS has only been able to support DSCs in 8 of the 12 IHS service areas. Their funding has been frozen at $250,000 throughout that time. To reach all 12 areas and increase their support to $350,000, the ADA request funding for the DSCs be increased by $2.5 million.

The ADA applauds the IHS for its excellent dentist recruitment program that begins by focusing on dental students. Each year the IHS offers an externship program to third year dental students. In 2016, 115 students were placed in 23 different sites. They were recruited from 34 of the 62 U.S. dental schools. Since the program's inception 18 years ago, it has produced approximately 6,000 applicants with 2,000 externs selected. To extend their reach among dental students, the IHS is working to build a presence on social media through Facebook and LinkedIn to create recruitment multipliers. Also, those 2,000 externs selected now serve as ambassadors who currently work at IHS and other public health settings, in private practice and academia. These ambassadors are the best recruiters because they share their stories with others. Due in great part to their efforts, 63% of the dentists hired in recent years were influenced by the externship program.

Despite the success of the extern program and other recruitment efforts, the dental vacancy rate in the IHS hovers around 20%. Dentists have one of the highest student loan rates, averaging more than $250,000. The IHS loan repayment program has proven to be an excellent mechanism for recruitment and retention.

However, there are more dentists who are willing to serve in the IHS than there is loan repayment. In FY 2017, 18 dentists were turned down for loan repayment. The IHS reports that overall 788 health care providers were turned down for loan repayment. The Service estimates that it would take an additional $39 million to meet these requests. Yet, the Administration is recommending that this account be decreased by almost $6 million in FY 19. We strongly urge the Committee to ignore the Administration's proposal and instead work to fund the requests by committing to an increase of $8 million each year for 5 years.

For many years, this Committee has supported installing an electronic dental record system for the Service. We thank you and are pleased to tell you that 235 dental centers have been brought into the system. But because this effort was begun 10 years ago, funding will continue to be needed for upgrades. Additionally, dentists would like to be linked into the IHS medical record system to allow for greater patient-centered interdisciplinary health care. This would also allow dentists and pharmacists to communicate regarding opioid prescriptions for oral pain. It would be a vital addition for addressing the opioid crisis in Indian country which is double the rate of the rest of the nation. The IHS dental program estimates that it would need an additional $1 million each year for 5 years to make such upgrades to the current electronic record system.

The ADA is pleased that the IHS is making progress on developing a centralized credentialing system and we thank the Committee for supporting this effort. According to the IHS FY 19 budget justification, the credentialing software has been implemented across all IHS Direct Service Areas as of January 31, 2018. This will streamline the credentialing process and help fill dental vacancies with quality healthcare professionals in a timely, efficient manner. The Office for Quality Health Care in the IHS oversees this program and adequate funding is needed to ensure efficiency in further implementation, consistency and uniformity in application across service units and quality management in continued use of the new credentialing system. The ADA also encourages IHS to develop procedures in order to centralize privileging across service units for health care providers who want to volunteer their services.

In 2012, the South Dakota Dental Association (SDDA), working with Delta Dental of South Dakota, made a serious attempt at placing volunteers in IHS dental clinics. The SDDA surveyed its membership of 400 practicing dentists and approximately 70 indicated a willingness to volunteer or contract with IHS. All of these dentists were sent the IHS credentialing packet and the instructions needed to complete them. Due in part to the fact that the packet is quite large and intimidating for the uninitiated, out of the 70 dentists who indicated interest in volunteering ultimately only two members, both pediatric dentists, became credentialed to work in an IHS facility. SDDA ultimately abandoned this project and established a partnership with the Jesuit Mission on the Rosebud Reservation, just eight miles down the road from the facility where the two pediatric dentists volunteered. In order to volunteer at the Mission, dentists must only have a current license to practice dentistry in South Dakota or, if they are from outside of the state, obtain a volunteer license issued by the South Dakota State Board of Dentistry. Of course, private charities are not subject to the same quality control constraints as those placed on federal facilities. This example is cited merely as a means of showing that many dentists are more than willing to help address the oral health care needs of the AI/AN population and that streamlining and centralizing the privileging process will facilitate those efforts.

Having more dentists available to provide care will also greatly enhance access to oral health services through the utilization of existing resources. The ADA is encouraging and assisting the Navajo Community Health Representative (CHR) Outreach Program to produce a guide to adding an oral health component to the CHR existing work across the lifespan, thus further integrating oral health into overall health for better outcomes. Other Arizona tribes (approximately 21) have asked for this technical assistance. The Administration's proposal to discontinue the CHR outreach program undermines efforts to expand integrated access to overall health care in tribal communities.

Utilizing both the *Smiles for Life* oral health curriculum and educating a number of Navajo CHRs and dental assistants with Community Dental Health Coordinator (CDHC) certification will enable greater community outreach, community education and preventive services. The role of the CDHC is threefold: educating individuals and the community about the importance of oral health to overall health across the lifespan; providing limited preventive services, such as fluoride varnish and dental sealants; and connecting the community to oral health teams that can provide needed dental treatment. CDHCs work in inner cities, remote rural areas and Native American lands. Most grew up in these communities, allowing them, through cultural competence, to better understand the problems that limit access to dental care.

There are currently 16 CDHCs working in tribal facilities, including clinics serving the Chickasaw Nation Division of Oral Health, Wewoka Indian Health, and the Muskogee Nation in the Oklahoma City area. More are currently in training to serve the tribal community.

Mr. Chairman, thank you for this opportunity to share with you and the members of the Subcommittee the oral health issues that affect American Indians and Alaska Natives and the dentists that serve in the Indian Health Service and tribal programs. We look forward to working with the Subcommittee to address these concerns.

Mr. CALVERT. Thank you, and thank you for your testimony.

Ms. McCollum, questions?

Ms. MCCOLLUM. Well, thank you, Mr. Chair.

It is wonderful to have you here, Mr. Crowley. I have questions for everyone, but to have you in the room when we are talking about healthcare is helpful. Because lots of times when people talk about healthcare, they don't think about your eyes, ears, your teeth, or your mental health.

If you don't have good oral health, having good physical health becomes a real challenge. So I am so pleased that you are here.

You touched on a couple of things that this committee and a bipartisan working group—I am going to say nonpartisan actually, with some of our folks from the authorizer's committee has focused pretty much on physical health, but there has also been some discussions about oral health. So any more that you can give us in supporting documentation would be helpful in moving forward and making sure that oral health is fully funded.

I want to touch on the fact that you talked about the loan repayment, that you had 18 dentists were turned down for loan repayment. IHS reports that 788 healthcare providers were turned down for loan repayment. That is huge, especially with what we are trying to do in Indian Country. One of the other things that we are hearing from our tribal nations is if we recruit someone, how do we retain them.

We are turning a lot of people away, but if there are things that we should be aware of in retaining those dentists and those healthcare professionals, that would be appreciated if you would share that with me.

You also touched on medical records in your full testimony and the linking between the dental medical record as well as the health medical record and providing a holistic approach is important. So anything more that you would like to share with us on that as we move forward to try to increase the amount of financial support for medical records.

Something that I found was very troubling—and I am going to ask the staff to look into this more—on page 3 of your testimony was something that happened with the South Dakota Dental Association. They were trying to come up with a pilot program, especially with pediatric dentistry, where the focus is on early intervention, and there was red tape, whether on the South Dakota side, the Federal side, whatever it was.

This should have been a get up and running program that could have been held up around the country. And instead, it didn't turn out so good, and it wasn't due to lack of people from your profession wanting to volunteer. So I would like to learn more about how we can work with you on that.

My only other comment would be to Mr. Stevens from the great State to the east of us, Wisconsin, east of Minnesota. I know that you said that Secretary Zinke had been out to meet with you. I know that the Oneida Nation, as well as many of the Anishinaabe Nations in Minnesota are struggling with making sure that there is full tribal consultation when it comes to sulfide ore mining.

I am wondering, do you know if that came up with the Secretary at all? I know that is something you have been struggling with at

a State level. Some of my tribes are struggling, not as much, I don't think, as Wisconsin tribes, to make sure that they are at the table.

Our tribes are really trying to make sure that they are at the table on some of these Federal mining leases and that there is full tribal consultation. Can you maybe enlighten me what is going on in Wisconsin or put me in contact with someone?

Thank you.

Mr. STEVENS. Yes, it is pretty much the same thing. You know, we are being treated as a local, you know, I guess, individual, and so we want the prior consent. We want the consultation. We want someone there with some discretion. I guess, it is failing with the sulfur mining, and we are not asking for it.

Dealing with the watersheds, we don't get a lot of that because some of that comes down by the lower tribes, and so we don't get the notifications, and they go out and they are not—it is always inconsistent. And so we would always like stronger consultation across the board, at least a framework of how it is done agency to agency. And we are not seeing that in Wisconsin with the mines.

Ms. MCCOLLUM. Okay. Well, I would like to work with MAST on that and the Wisconsin and Minnesota tribes in particular because it can affect fishing treaty rights, as well as just the quality and protection of wild rice.

Thank you, Mr. Chair.

Dr. CROWLEY. May then—was I to answer some questions? Or you would just like—you loaded up a lot.

Ms. MCCOLLUM. I know, I gave you so much homework.

Dr. CROWLEY. You loaded up a lot.

Ms. MCCOLLUM. I am so excited you are here.

Dr. CROWLEY. And for your deliberation, if I may just quickly, number one, I think you have expressly cited the fact that oral health and total health now are so connected and where we can do that. And with our CDHC programs on the tribal lands, helping people prevent disease instead of just treat disease is critical.

The loan repayment I would like to just answer something quickly there, and it is about the millennials. We understand the millennials, our dental students don't even like to be called millennials except that we know millennials have a social conscience that far exceeds anything that we have had in previous generations.

You couple that with loan repayment and maybe moving them into help the tribal lands for a 5-year period. That becomes a consistent place. And we also know that these young people will, with the loan repayment, go into communities and want to stay.

So I think your answer to longevity I think can be looked at. I know it is money, but the Loan Repayment Program has some tremendous successes. So I appreciate your recognition of that and certainly will provide you with any information you need moving forward.

Mr. CALVERT. Thank you. Ms. Pingree.

Ms. PINGREE. Thank you, Mr. Chair.

Thank you to everybody for being with us today and your testimony. And Chief Francis, appreciate seeing you in your other role and just a couple questions around that from your USET perspective.

Everyone today has been bringing up the opioid crisis, and we heard a little bit about how things are working in the Penobscot Nation and some of the unique programs that are going on there. But when you are looking at it from the USET perspective, can you tell us a little bit more about how you are working on that sort of across the board?

And let me just throw out my second question. I think this issue around the Department of Interior reorganization is still somewhat confusing to many of us because it is not completely clear, although we have had at least one presentation about it. But you mentioned your concerns about how that would affect the multiple tribes that would be within the USET region. And so can you help me to better understand that as I am looking at the overall proposal?

Mr. FRANCIS. Sure. Thank you. And it is good to see you as well.

The—in terms of the opioid, this is probably going to be a recurrent theme for the committee over the next few days. It is a highly concerning issue and something that within member tribes of USET is at the top of our priority list. We have an opioid task force. So when we say things like the $150 million doesn't really scratch the surface, it is not that we are not appreciative of those efforts, but this is a problem and a magnitude I don't think that we have really seen in a long time.

And we honestly believe the more effectiveness we have when you see billions of dollars off the reservation, the more effectiveness we have off the reservation and the lack of effectiveness on the reservation is just going to grow the problem within Indian Country because it will create havens. You know, a lot of tribes are on international borders. There is just a lot of opportunity for that to grow within tribal communities.

So what we really are saying is there is no real cookie cutter approach. You heard Ambassador Dana earlier talk about healing to wellness, for example, and the ability to collaborate with departments.

Also, in Maine, we have a unique opportunity through working with Maine drug enforcement agents. So our problem is having the resources to provide an agent, simply one agent to MDEA to get focus on the reservations. You know, we have seven BIA drug enforcement officers for an entire region. So we just need to get more effective.

Without those types of investigative efforts and enforcement and parity and funding, it is hard to get people in those good programs you have. So I would just say that on that.

And in terms of the reorganization, you know, when we see $900,000 for pre-planning for this, we are hearing they are going to break the eastern region, for example, up into four regions. We think that is going to lead to highly ineffective service delivery when you are talking about an agency in the Department of the Interior that has so many disciplines in it, and the one that predominantly really deals with humans is the Bureau of Indian Affairs.

And so rotating leadership, for example, through four regions dealing with Native issues is just going to be a perpetual education process and, again, lead to a lot of ineffectiveness in service delivery. And there are examples that can be modeled. You know, if you look at HHS, for example, we are serviced by four regions under

HHS, but one IHS. So these regional directors are extremely important from a subject matter expertise standpoint.

Ms. PINGREE. Thank you.

Thank you, Mr. Chair. That is very helpful.

Mr. CALVERT. Thank you. Chief Harris, you mentioned capital investment financing, and that is something we are going to be looking into in fiscal year 2019. So I just wanted you to know that.

Mr. HARRIS. Glad to hear that.

Mr. CALVERT. Yes. And I want to have everybody rest assured, this committee will keep our treaty obligations, I know we get recommendations from folks down the street. But we will work together and work this out, and I am sure we will have a positive outcome.

With that, I appreciate your all coming here today, and we are adjourned for this morning.

WEDNESDAY, MAY 9, 2018.

AFTERNOON SESSION

Mr. CALVERT. Good afternoon. Welcome to this public witness hearing on American Indian and Alaska Native programs under the jurisdiction of the Interior and Environment Appropriations Subcommittee.

I especially want to welcome distinguished Tribal elders and leaders testifying today and in the audience. Most of you have traveled a long way to be here this week. I hope you will seize the opportunity to meet with other Members of Congress outside of this subcommittee to remind them that honoring the Nation's trust obligations is a responsibility shared by all Members of Congress, regardless of our State or congressional district.

I can assure you that your voices are heard by this subcommittee, but we need your help to continue to build awareness and support amongst our colleagues here in the House of Representatives.

For those new to the process, today's hearings are just a start of a dialogue we have come to depend upon to help us make smart choices in the budget and to earn the votes of our colleagues. Be assured, the American Indian and Alaska Native programs will continue to be a nonpartisan priority for this subcommittee, just as they have been in recent years under chairmanships of both Democrats and Republicans alike.

Before we begin, I have a little bit of housekeeping to share. The committee rules prohibit the use of outside cameras and audio equipment during the hearings. The hearing can be viewed in its entirety on the committee's website. The official hearing transcript will be available at gpo.gov.

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. Finishing in less than 5 minutes may even earn you a few brownie points. So don't be shy about that.

We will be using a timer to track the progress of each witness. When the lights turn yellow, the witness will have 1 minute remaining to conclude his or her remarks. When the light blinks red, we will ask you to please stop.

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 in order to stay on schedule and respect each other's time.

I am sure many of you have planes to catch later today, so we want you to get there.

With that, I thank you all again for being here, and I am happy to now yield time to the distinguished ranking member, Betty McCollum, for her opening remarks.

Ms. MCCOLLUM. Thank you, Mr. Chairman. And I am so proud that this committee under your leadership has continued this public testimony from our Tribal nations. And with that, I am anxious to hear what they have to say.

Mr. CALVERT. Great. Thank you very much.

And with that, I think I will recognize Mr. Floyd, James R. Floyd, principal chief, the Muscogee Creek Nation. You are recognized.

WEDNESDAY, MAY 9, 2018.

MUSCOGEE CREEK NATION

WITNESS

JAMES R. FLOYD, PRINCIPAL CHIEF

Mr. FLOYD. Good afternoon, Mr. Chairman.

Thank you, Congressman Cole and Congresswoman McCollum. I appreciate the time. I did submit written testimony, and I won't cover that again.

Mr. CALVERT. That will be submitted for the record.

Mr. FLOYD. And, unfortunately, I think most of my time this afternoon may be going for healthcare issues, but I do feel it is important to raise them for the committee.

Particularly concerning to Muscogee Creek Nation is the decision back in January by the Centers for Medicare & Medicaid Services to designate Tribal governments as a racial group. We find that particularly offensive to the Muscogee Creek Nation. We have had a government-to-government relationship with the United States with our first treaty back in 1775 in Georgia, and we have continuously had those through 1906.

And so we find that extremely disturbing to us, and to be considered a racial group, I think, just undermines the integrity of the both legal and government-to-government relationship that has been experienced for, you know, 240 years approximately.

So taking that into practice, yesterday, the Governor of the State of Oklahoma signed the work requirement on Medicaid. Oklahoma, I think, is a 40 percent match of Federal funds to State funds, and for American Indians, it is 100 percent passthrough. So we did speak with our legislators during this process. Unfortunately, you know, the bill passed, it was signed yesterday.

Where it hits us particularly hard within the Muscogee Creek Nation, I will talk about that in a minute, further is in counties such as McIntosh County, Oklahoma, where we are just completing the joint venture program with the Indian Health Service to build—to have the clinic, which will be open in July. McIntosh County, Oklahoma, is either the first or second highest unemployment county in the State of Oklahoma, between 9 and 10 percent regularly, and we are going to be crippled in that county in that

new facility with resources from the outset due to the fact that we are going to find citizens reluctant to apply for Medicaid with a work requirement when there is no work there in that county. So it is extremely frustrating. I urge the committee to take a deep look at that, and we would be glad to provide more information as necessary on that.

The second point that I have today deals with contract support costs. You know, we are grateful for their 2018 appropriation. I am not going to complain about that at all. The area that I feel that needs attention for us specifically as well is contract support costs. As a growing healthcare system, you know, we rely on contract support costs, and to see that being not fully funded is causing us a problem.

It is unfortunate and I regret to say this but, you know, we did retain an attorney and filed suit against the department, the Indian Health Service, in a matter of a backlog claim of $94 million worth from the Muscogee Creek Nation. So we hated to take legal action, but after 3 years as principal chief, I have not even had a response from the area office, the regional office, or here in Washington. And so we felt that we had to take it to the next level and address it. And it just kind of indicates that there is no decision-making vertically within the department in regard to this matter. So I think that is something maybe the committee should take a look at. I urge you to take a look at that because it needs to be addressed so that there aren't others in similar situations, which I am sure that there are. Ours is just a longstanding, growing issue.

And third, I would just like to ask that the committee look at the expansion of the joint venture program. I know that Chief Baker is here. He is going through a joint venture program with the Cherokee Nation. We are about to finish a joint venture program in McIntosh County in the town of Eufaula where that joint venture has allowed us to go from 5,000 square feet to 70,000 square feet. Being a self-governance tribe, we do have the resources that we could easily support two more joint venture projects, in Okmulgee and Sapulpa, Oklahoma. And we just feel that it needs to be opened up. For Tribes who do have the resources to engage with the Indian Health Service, I think it is a way that we can raise the level of healthcare for all American Indians.

Sir, with that, I will conclude my remarks.

[The statement of James Floyd follows:]

Muscogee (CREEK) Nation

Executive Office

Testimony of the Principal Chief James R. Floyd for the House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
American Indian and Alaska Native Public Witness Hearing

May 9, 2018

Good Afternoon Chairman Calvert, Ranking Member McCollum, and Subcommittee Members. I want to thank each of you for your continued commitment to Indian Country and Tribal programs. The Fiscal Year (FY) 2018 Omnibus provided important increases for the Bureau of Indian Affairs and the Indian Health Service – none of which would have been possible without your leadership. Your continued partnership will be critical to meeting the needs of Tribal governments and communities moving forward.

It is my pleasure to testify before you today regarding the Muscogee (Creek) Nation's appropriations priorities and requests. The Muscogee (Creek) Nation and the United States Congress have a relationship more than 200 years old resulting from the exchange of millions of acres and removal from our southeastern homelands. Today, the Muscogee (Creek) Nation is the fourth largest federally recognized Tribe in the United States with a total population of 85,501 tribal citizens across the United States. As a government, Muscogee (Creek) Nation (MCN) has a responsibility to provide essential government services such as health, public safety, social services, and natural resources management. My testimony today will focus on those programs that are central to the Nation's operation as a local government.

DEPARTMENT OF THE INTERIOR

Prioritize funding increases for public safety. MCN appreciates the additional $9.5 million that Congress provided for law enforcement and tribal courts in the FY18 Omnibus. However, these funds do not adequately represent the vast lands tribes must police and govern. The National Congress of American Indians (NCAI) estimates that an additional $636 million is necessary for law enforcement, detention facilities, and tribal courts. Significant investments are necessary, because MCN receives less than one million dollars annually to patrol, police, and protect an area larger than New Jersey. Congress should continue to prioritize investments in law enforcement as tribes work to assert their sovereign authority throughout their jurisdiction.

Continue to invest in Tribal government support programs through base funding. In the FY 18 Omnibus, Congress provided a slight increase to base tribal government program. MCN uses these funds to support a number of central tribal programs, including our administration, self-governance office, and realty department. MCN requests that Congress continue to provide increases and urges

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those increases are made through tribal base funding instead of grants. Permitting the Administration to distribute increases through grants erodes Self-Governance and allows the Department of the Interior to set priorities for Tribal governments. Grants also create additional administrative burden and costs that result in less services or citizens.

Provide $80 million for the Bureau of Indian Affairs (BIA) Welfare Assistance Program. MCN primarily uses BIA Welfare Assistance funds to provide financial assistance for burial services. The funds provided by the BIA do not cover even a third of the amount needed to provide proper burial arrangements for tribal citizens and are limited to the most under resourced in our communities. Even with the small pool of those eligible for services, the federal resources are typically exhausted by the third quarter, so families who lose loved ones after July are left with a greater financial burden than others. Additional funds are needed to properly support and operate these programs.

Increase funding for the Indian Child Welfare Act (ICWA) Program by $25 million. MCN invests more than $2 million dollars to provide ICWA services to MCN families and state and county governments. In FY16, MCN's ICWA program provided services to nearly 500 families, worked hard to keep 67% of children removed in Indian homes, and facilitated 38 family reunifications. The work these social workers do on a day-to-day basis is critical to ensuring the safety and well-being of MCN youth and families. Additional, resources are critically needed to increase the number of Indian foster families and homes and to focus on risk prevention earlier in the case process.

Fully invest in the Johnson O'Malley (JOM) Program. The MCN JOM Program provides educational and cultural support to American Indians and Alaska Natives across the Nation's eleven-county jurisdiction. In FY17, MCN provided services to nearly 18,000 students and the need continues to grow due to budget constraints in Oklahoma. The funding has become so limited that MCN provides nearly one-third of the total funding necessary to operate the program. As such, the Nation asks that Congress continue to invest in this program as it provides a critical source of funds to allow students to pursue educational and cultural opportunities within the public school setting.

Support Higher Education Scholarships. MCN has operated the higher education scholarship program on behalf of the federal government for more than twenty years. These funds support MCN tribal citizens attend technical, trade, and traditional post-secondary institutions and provide and educated, experienced workforce from which the Nation can recruit the next generation of employees.

Instruct the Administration to properly support the Office of Self-Governance. The Office of Self Governance is responsible for distributing $450 million annually to the 271 Tribes participating in Self-Governance and negotiating annual funding agreements among other time intensive statutory requirements. Despite this workload, Indian Affairs currently provides just $1.5 million on a recurring basis for an office that requires at least $1.9 million to support a full staff and to meet the needs of new and expanding Tribal programs. We request that the Subcommittee increase the budget line item for OSG staffing or include language that instructs Indian Affairs to internally transfer recurring funding to OSG.

INDIAN HEALTH SERVICE

MCN supports the FY19 Budget Request developed by the Indian Health Service (IHS) Tribal Federal Budget Formulation Workgroup and would like to note the following priorities for MCN as well.

Support additional Joint Venture Program applications and fully fund Staffing Packages. The Muscogee (Creek) Nation has invested more than $20 million to replace an old IHS facility in Eufaula, OK. This facility is one of the only outpatient facilities for American Indians and Alaska Native patients within 30 miles and is desperately needed as rural health care facilities limit services or close all together. Despite the commitment from the Nation, the President did not request funds to fully support many facilities set to open in just a few months. It is essential that this Subcommittee, just as it did for FY18, continue support Tribal investments in health care delivery and respect our partnership by providing the funding to support staffing packages associated with the Joint Venture Program.

The success of the Joint Venture Program depends on the Service's decision to open a solicitation and approve applications. However, IHS has not reopened the solicitation since 2014 and is now treating applications similar to the failed facilities construction waiting lists. MCN request that the Committee urge IHS to reopen the solicitation regularly so that Tribes can anticipate the solicitation and leverage the opportunity more routinely.

Maintain Contract Support Costs indefinite appropriation. MCN appreciates the hard work and commitment this Subcommittee put forth to fully fund Contract Support Costs (CSC) and to create an indefinite appropriation. Proper funding of CSC allows tribal governments to fully devote the funded appropriated by this Committee to direct medical services while utilizing CSC funds to support administrative and overhead costs. Your continued prioritization of CSC is necessary to protect the underlying funds provided to support services.

MCN also asks that this Committee encourage the IHS to follow the law in its interpretation of the Indian Self-Determination and Education Assistance Act (ISDEAA). This Committee has made it very clear that it is committed to full payment of CSC. However, Tribes have noticed a growing agency trend to interpret ISDEAA so narrowly that it negatively impacts Tribes – flouting their fiduciary responsibility and your partnership with Tribes to resolve a longstanding issue for Tribes.

Continue to provide funding for the Indian Health Care Improvement Fund (IHCIF). The IHS Oklahoma City Area Tribes continue to rank among the lowest level of need funded tribes across the country. Funds provided to through the Indian Health Care Improvement Fund are distributed to those programs and service units that need it the most and, perhaps more importantly, provide recurring and stable funds for all programs. These funds can be used to make systematic changes that benefit program and service unit patients. In an era of limited funding IHCIF provides this Subcommittee to make the largest impact for the most underfunded programs in the IHS System.

Increase funding for Purchased/Referred Care Program. The Purchased/Referred Care (PRC) Program pays for urgent, emergent, and other critical services that are not directly available through IHS and Tribally-operated health programs. MCN uses these funds to secure critical care needed to treat serious injuries, cardiovascular and heart disease, and cancer, among other medical needs. MCN limits referral services to the highest priority cases and contributes significant tribal funding to meet the needs of our citizens. The current strain on PRC programs is not likely lighten as the industry trend

to construct smaller, outpatient ambulatory care centers grows. MCN urges this Committee to continue to support increases to the PRC program.

ENVIRONMENT PROTECTION AGENCY

Increase funding for the Indian General Assistance Program (IGAP). The IGAP provides flexibility for Tribes to leverage environmental programs to best serve their communities. However, funding distributed to Tribes through this program is limited. In 1999, $110,000 was set as the average cost for a Tribe to sustain a basic environmental program. However, this amount has not kept up with inflation, leaving Tribes with just sixty-seven percent (67%) of the buying power today. An additional $98 million is needed to close the inflationary gap so that these funds can provide meaningful assistance Tribal communities.

Increase the Tribal set-aside for the Safe Drinking Water State Revolving Fund (SRF) to five percent of the national Drinking Water SRF. Access to basic modern amenities such as running water, sewage, or electricity, are an afterthought for many American citizens, however many AI/ANs do not have the same luxury. According to the U.S. Census Bureau, approximately 12% of Tribal homes do not have safe or basic sanitation facilities, which is twenty times as high as non-Native homes. The lack of access to basic sanitation facilities poses a serious risk to the public health of Tribal communities. The 2008 IHS Sanitary Deficiency Service Database estimated the Tribal water and sewer infrastructure needs at almost $2.4 billion, while the Tribal set-aside under the Safe Drinking Water SRF was funded at $27 million nationally in 2010. Therefore, MCN asks that the Subcommittee increase the Tribal set-aside to provide additional opportunities to build necessary infrastructure to support safe drinking water and to require all agencies with similar funding to coordinate, with IHS as the lead agency, to ensure that AI/ANs have access safe water. MCN Further recommends that the Committee encourage IHS to initiate and complete Tribal consultation on the distribution of these funds, because recent agency action is redirecting funds away from areas like Oklahoma.

In its history, this Committee has consistently supported Tribal sovereignty and respected the unique government-to-government relationship Tribes have with Congress. Thank you for the opportunity to provide the Nation's funding priorities for FY19. I look forward to working with Committee as the appropriations process progresses.

Mr. CALVERT. Thank you very much. I appreciate that.

Cynthia Boone, the council member of the Osage Minerals Council. You are recognized.

WEDNESDAY, MAY 9, 2018.

OSAGE MINERALS COUNCIL

WITNESS

CYNTHIA BOONE, COUNCIL MEMBER

Ms. BOONE. Good afternoon, Mr. Chairman and members of the subcommittee. My name is Cynthia Boone. I am a member of the Osage Minerals Council. We are an eight-member governing body for the tribe that oversees development of the Osage minerals estate.

I want to start by thanking each of you for including $3 million in the new funding in the 2018 omnibus for BIA to plug abandoned wells. In most places, the BLM does this work, but on our reservation, the BIA is responsible, and the work was not getting done.

Our mineral estate is one of the oldest oil and gas fields in the United States. After almost 130 years of continued development, there are about 2,000 unplugged abandoned wells on our reservation. These wells are an environmental and health hazard. Some are near schools and playgrounds.

We are meeting with the Bureau of Indian Affairs this week to ensure that this $3 million in new funding gets put to work plugging wells on our reservation.

We also support your request for an inventory of unplugged, abandoned wells under BIA oversight. This inventory will show that the BIA needs additional funds in fiscal year 2019 and beyond to plug these wells.

BIA has already identified 1,602 wells that need plugging. 1,400 of those have already been identified as a priority. Some are poorly plugged and need repair. Based on our experience, it costs $10- to $100,000 to plug an abandoned well.

In fiscal year 2019, we request an additional $5 million to continue this work. BIA needs serious funding to address this health and safety liability. BIA's failure to plug abandoned wells is just one example of the shortfall of the BIA energy budgets. BIA lacks the funding needed to support development of Indian energy resources in the best interests of Indian trustees.

We all know that Indian energy development creates jobs and supports tribal, regional, and the national economy. In 2015, it was estimated that the Osage mineral owners would receive about $14 billion in royalties over the next 15 years. That is about $1 billion a year.

Imagine the economic impact we could have if the BIA was properly funded. BIA's energy budget should be increased by 10 times to provide the staff expertise and resources to support Indian energy development. These increases would give us the petroleum engineers, accountants, and professionals we need to manage the Osage minerals estate in the best interest of the Osage.

Unlike other Tribes, the 1906 Osage Allotment Act creates special legal requirements for leasing on our lands. Interior also has Osage-specific leasing regulations. The Bureau of Indian Affairs is the only agency involved in approving oil and gas permits for our minerals estate. The BIA does not get any help from the BLM or the Office of Natural Resources Revenue.

The Osage Minerals Council also has the unique management responsibilities, but our funding is limited as well. We currently manage the estate with an annual drawdown from royalties that should be distributed to the minerals owners.

Meanwhile, ever since the year 1921, the State of Oklahoma collects a 5 percent gross production tax on our minerals, minerals that are held in trust for the Osage. In many years, the State collects more than $5 million from this tax, but provides us with no benefits.

With this impact from State taxes and many responsibilities from managing the minerals estate, we request that the subcommittee provide direct funding to the Osage Minerals Council to help us hire the staff and experts we need to manage the estate and promote drilling and production.

As highlighted in our written testimony, we need about $2 million in funding to hire experienced staff, create a digital database of oil production, and monitor environmental hazards. We also ask that the subcommittee take action to sunset the Office of the Special Trustee and return its staff to the BIA as Congress originally had intended.

OST was created to guide Interior through the Cobell litigation. That litigation is over, and OST now has taken a role advising the Bureau of Indian Affairs in the management of our minerals estate. The results have been disastrous. Our minerals are no longer managed in our best interest. Now they are managed according to OST's mission, which is to limit the liability of the United States. OST has served its purpose. It is time to return these accounting positions to the BIA where they can simply oversee the electronic accounting systems created to manage the Indian revenues.

Finally, we ask that the subcommittee refuse to fund Secretary Zinke's Interior reorganization until he consults with Indian tribes on his plans. It has been more than a year since Zinke announced his reorganizational plans, and not a single meeting has been held with the Tribes.

Every single executive order and Tribal consultation policy requires early and often consultation on issues affecting Indian tribes, and for good reason. Tribal involvement is needed to make sure that any reorganization is a success.

Thank you again for the $3 million in new funding in fiscal year 2018 to plug abandoned wells. This is a health and environmental liability that must be addressed.

And I am available now to answer any questions that you may have.

[The statement of Cynthia Boone follows:]

Osage Minerals Council

Everett Waller-Chairman
Cynthia Boone
Galen Crum
Kathryn RedCorn

Joseph Cheshewalla
Stephanie Erwin
Talee Redcorn
Andrew Yates

U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
April 30, 2018

Thank you Mr. Chairman, Ranking Member and Members of the Subcommittee for the opportunity to share the funding priorities of the Osage Mineral Council (OMC). The OMC is the tribal governmental body recognized under the Osage Allotment Act of June 28, 1906, 34 Stat. 539, as amended (1906 Act) and by the Osage Nation Constitution to administer, develop, and protect the Osage Mineral Estate. My name is Cynthia Boone. I am a member of the OMC.

FY 2018 FUNDING FOR PLUGGING ABANDONED WELLS

We are grateful for the Subcommittee's inclusion of $3 million in funding in the FY 2018 Omnibus Appropriations Act for plugging abandoned wells on lands overseen by the Bureau of Indian Affairs (BIA) and which do not fall under Bureau of Land Management (BLM) well plugging authority. This special category of abandoned wells needs attention and the Subcommittee's action is an important first step.

This funding will begin to address impacts that could cause health and safety issues in Osage County. As provided in the FY 2018 Omnibus Report language, we look forward to working with BIA to complete an inventory of abandoned wells on Osage and other Indian lands that fall into this special category. We ask for the Subcommittee's support and increases in this funding to address the approximately 1,602 abandoned wells already identified.

We estimate that it could cost approximately $16 million to plug and abandon these wells properly. We hope the Subcommittee will agree that this is a small price to pay to resolve more than a century of neglect for the health, safety and other problems caused by these abandoned and unplugged wells. The funds that we are requesting from Congress will correct BIA's mismanagement and avoid risks to the citizens of Osage County.

SPECIAL BIA MANAGEMENT OF THE OSAGE MINERAL ESTATE

Oil was first discovered below the Osage Reservation in the 1890s. As a result of that discovery, the Osage Mineral Estate was reserved in trust by the United States for the benefit of the 2,229 Osage tribal members when the Osage Reservation was allotted under the 1906 Act. The 1906 Act established the right of each of the 2,229 tribal members to receive one headright share (1/2,229) of future royalties from the Osage Mineral Estate. Since the 1906 Act, leasing and development of the Osage Mineral Estate is governed by unique and separate laws from the rest of Indian Country. The Mineral Estate has been excluded from the Indian Mineral Leasing Act, BLM and the Office of Natural Resources Revenue. Congress also added to the United States' general trust responsibility over the Osage Mineral Estate by directing the Secretary to approve mineral leases "as may be deemed for the best interest of the Osage Tribe of Indians ..."

to ensure "that the highest percentage of ultimate recovery of both oil and gas [is] secured." The Osage Mineral Estate still contains proven reserves and was estimated by the Office of the Inspector General in 2015 to generate $13.6 billion in royalties for the headright owners between Fiscal Years 2012 and 2027.

FY 2019 FUNDING NEEDED TO FULFILL CONGRESSIONAL MANDATES

Given the special acts of Congress governing the management of the Osage Mineral Estate, the Osage are much more dependent on BIA's budget to fund the management and development of the minerals estate. We do not receive any benefit from BLM's or ONRR's comparatively massive budgets.

We need BIA's energy budget to be increased by 10 times the current level of funding for BIA to carry out its mandates and responsibilities for energy development as set forth in the 1906 Act. Increases are needed for real estate services, energy development and the Indian Energy Service Center. Only with full funding by Congress will development of our mineral estate meet the requirements set by Congress for the "highest percentage of ultimate recovery" of the Osage Mineral Estate. Currently, development of the Osage Mineral Estate is limited by the BIA Osage Agency's lack of sufficient staff, expertise, and resources to effectively manage and oversee energy development. For example, the OMC estimates that it takes the BIA Osage Agency, on average, more than one year to approve a simple workover permit—required before an operator is allowed to perform maintenance and/or remedial operations in an existing oil or gas well.

The need to properly plug abandoned wells is a good example of the shortfall in funding we received to manage the Osage Mineral Estate over the last 100 years and the impacts this shortfall has had on our community. There are several thousand unplugged and abandoned wells in the Osage Mineral Estate. BIA identified roughly 1,400 priority wells for plugging. Each well can cost between $10,000 to over $100,000 to properly plug and repairing an improperly plugged well costs $50,000 on average.

Improperly plugged and unplugged wells pose obvious health, safety and other hazards. By plugging wells correctly, future health and safety hazards that could result in liability related to fluid or gas leakage can be avoided. In FY 2019, we request $5 million to continue to plug abandoned wells not under BLM authority due to the unique situation of the Osage Mineral Estate.

We also request $2 million dollars in FY 2019 funding to digitize our oil and gas leases and other related records. This funding will allow the BIA Osage Agency and OMC to bring the records system into the 21st century and to modernize the management of oil and gas leases and the Osage Mineral Estate. The result of this digitization will greatly improve the BIA and the OMC's ability to monitor, improve and develop the Osage Mineral Estate. The digitization of the oil and gas leasing, drilling, and seismic information will greatly assist the OMC, the BIA and developers in the development of drilling programs necessary to develop leases in Osage County. Congress needs to direct the BIA to make available all information generated from the development and management of the Osage Minerals Estate so that the OMC and its energy

partners can negotiate lease development in the areas of Osage County that have the highest prospects for oil and gas development.

Currently, the office of special trustee (OST) is advising the BIA to withhold information on the existing Oil and Gas development because OST is concerned that BIA may be sued if they release proprietary information. The information generated from existing development of oil and gas has always been available to OMC and its energy partners to identify the prime areas to develop. OST seems to believe that the risk of litigation outweighs the Congressional mandate in the 1906 Act to obtain the highest yield of oil and gas possible. We ask Congress to direct BIA to make this information available so that the OMC has the information necessary to make good decisions on future development of the Osage Minerals Estate.

In addition, we respectfully request that the Subcommittee provide direct funding to the OMC so that we can properly manage the Osage Mineral Estate. Specifically we seek:

- $650,000 to employ experienced technical staff such as a petroleum engineer to act as a technical advisor, geomatics engineers or geologists to advise the OMC;
- $500,000 to employ an accountant or auditor to monitor lessee payments and fines; and
- $350,000 to hire professionals and consultants to develop a Reservation-wide energy management analysis and remediation program.

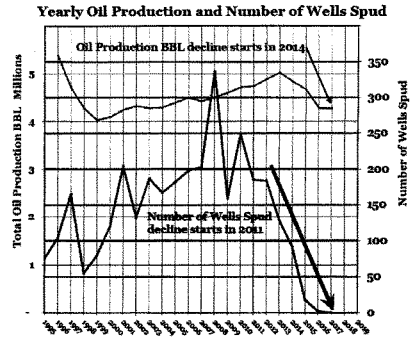
This additional funding is needed given current demands on the royalties we collect. First, the OMC's only source of management revenue is an annual drawdown from the mineral royalties trust fund that would otherwise be distributed to Osage headright owners. Second and frustratingly, every year since 1921 the State of Oklahoma has assessed and collected a five percent (5%) gross production tax on the Osage Royalty Interest. In many years this tax has generated in excess of five million dollars to the State with no benefit returned to the Osage Mineral Estate. These funds should be used by the OMC to manage and promote development of the Osage Mineral Estate.

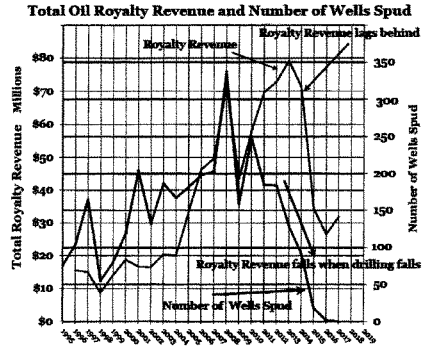
Energy development in the Osage Mineral Estate is a major economic engine for northeastern Oklahoma. Each year, Osage oil and gas production results in tens of millions of dollars in economic activity on the Osage's reservation, in nearby towns, and throughout the region. It is time for Congress and the State to recognize the value we bring to the regional economy and properly fund OMC's management of the Osage Mineral Estate.

OST MANAGEMENT RESULTS IN ROYALTY AND PRODUCTION DECLINES

Following the $3.4 billion Cobell Trust Settlement in December of 2010, OST maneuvered its way into the management of the Osage Mineral Estate and the results have been disastrous. OST frequently influences BIA management of the Estate, not for the benefit of the Osage or to maximize oil and gas production, but in furtherance of OST's mission—to limit the liability of the U.S. to Indians. The result is a stifling of oil and gas production, as well as other minerals, within Osage County. This significant decrease in production, coinciding with the general time frame of the Cobell settlement, is revealed in the graphs created by Interior's Office of Indian Energy and Economic Development (OIEED) and based on BIA data.

These graphs demonstrate that the decline in oil and gas production and well-spudding in Osage County coincides with the Cobell trust settlement in 2010, they also illustrate the significant affects that the decline in oil and gas production had on the royalties payable to Osage headright holders. It is simply unacceptable for the Federal government, our trustee, to protect itself from liability at the cost of oil and gas production in Osage County. The Federal government reserved the Mineral Estate for the use and benefit of the Osage people, and is now turning it back on Osage oil and gas production to protect itself from litigation and financial liability. We need and deserve more from our trustee. Furthermore, we need OST sunsetted as Congress directed and all their staff returned to BIA so they can manage the non-monetary trust assets of Indian tribes in a manner that allows for maximum development and revenue. Only then will BIA be able to act as a true trustee to Indian tribes. It is imperative that BIA be given adequate funding to manage the nonmonetary trust assets as Congress recognized in the legislation directing that OST be sunsetted.





The monetary assets were accounted for and now have an electronic accounting system. These monetary assets do not need the same staffing as during the Cobell litigation. The monetary asset accounting system should be reviewed and cut back so that more emphasis can be put on the nonmonetary trust assets. As these graphs created by OIEED show, the Osage Minerals Estate in free-fall and must be corrected so that Osage headright holders receive lease bonuses and royalties based on sound management practices. If BIA does not correct the management of the Osage Minerals Estate, we will seek any and all remedies to hold the BIA accountable for the mismanagement of the Estate.

TRIBAL CONSULTATION NEEDED ON INTERIOR REORGANIZATION PLANS

Finally, Secretary Zinke announced plans to reorganize Interior about a year ago and has not held any tribal consultation. We ask that the Subcommittee refuse to appropriate funding for reorganization until proper and required government-to-government tribal consultation is held.

Thank you for the opportunity to provide this testimony.

Mr. CALVERT. Thank you.

Ms. BOONE. Brownie points.

Mr. CALVERT. You had about a second left.

Ms. BOONE. Does that mean you are going to write me a check?

Mr. CALVERT. Melanie, you are recognized for 5 minutes. Melanie Fourkiller, policy analyst, National Tribal Contract Support Cost Coalition.

WEDNESDAY, MAY 9, 2018.

NATIONAL TRIBAL CONTRACT SUPPORT COST COALITION

WITNESS

MELANIE FOURKILLER, POLICY ANALYST

Ms. FOURKILLER. Thank you, Mr. Chairman and members of the committee. My name is Melanie Fourkiller. I am with the Choctaw Nation of Oklahoma, and I am testifying today on behalf of the National Tribal Contract Support Cost Coalition.

The Coalition is comprised of 21 Tribes in 11 States, and administers about $500 million in IHS and BIA programs on behalf of 250 Native American Tribes. Over the past year, we have seen IHS and BIA implementing their new policies as a result of full funding for contract support costs, and we, clearly, want to recognize your efforts in making that a reality.

We do, however, have some concerns with how particularly IHS is moving forward with implementing their policy.

First of all is the grant making matter. IHS has taken a recent pattern of moving recurring appropriations of a certain type over into competitive grant making. Unfortunately, what happens when that occurs is that contract support costs are not paid on such funds. Grants are not eligible for additional contract support costs. Grant bureaucracies have to be constructed both on our end as well as the Federal side to administer these grants.

So we particularly were encouraged with the language that came out in the 2018 appropriations that urges IHS to consider moving those into self-determination awards. We have yet to see how IHS will respond to that language, but we will be watching that carefully.

We are also concerned about IHS's contract support cost policy. Back in December, IHS unilaterally without Tribal consultation suspended a portion of the policy dealing with how to determine duplication in funding. They were unable to provide data that really supported, we think, the rationale for making that suspension. However, the contract support cost workgroup came together and together found a consensus amendment that they would recommend to the acting director of IHS to address IHS' stated concerns on that.

IHS has now issued a 30-day consultation on that amendment to the policy, however, at the same time, also sent out two additional options that were developed by IHS themselves without Tribal consultation for consideration as well. So we are somewhat concerned

that IHS may choose to do something that has not been recommended by its Tribes.

A last example that I would like to share with you is the larger matter of determining duplication between contract support costs and direct program funds. There has been a fundamental dispute between Indian Health Service and the Tribes in terms of how that is to be done. And unfortunately, after all the years of not receiving appropriate funding and contract support costs, now IHS is often taking the position that they are paying us too much in contract support cost, which is ironic.

So, unfortunately, their position is really an extreme one, eliminating whole categories of contract support cost, rather than taking an amount to offset for duplication. And so what it has forced Tribes to do is either accept IHS' position on this or sue IHS, and that is what some Tribes have chosen to do. Unfortunately, if Tribes don't have the resources for a long court battle, IHS, you know, fairly wins on those matters.

So we often remind IHS that they are required to facilitate the transfer of programs, services, functions, and activities to the Tribes, rather than putting up barriers or making it difficult or undermine the ISDA.

So in contrast, I just want to quickly note about BIA, their process on the converse is very streamlined and efficient, and we have no comments or issues with BIA at this time.

So while we have made a lot of progress, we have got some way to go. The ISDA is the clearest support of the government-to-government relationship I have seen in a statute in my lifetime. Unfortunately, with the HHS recent determination that Tribes are instead a race-based classification rather than government, is totally unacceptable. So we are going to continue the dialogue with HHS to correct this ill-fated or ill-determined decision. And I wanted to express my particular gratitude to the bipartisan effort that you all have made to support us on this matter. Thank you.

[The statement of Melanie Fourkiller follows:]

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
CONCERNING THE PRESIDENT'S 2019 BUDGET REQUEST
FOR THE BIA AND IHS
Testimony of Melanie Fourkiller
Representative, National Tribal Contract Support Cost Coalition
May 9, 2018

My name is Melanie Fourkiller. On behalf of the National Tribal Contract Support Cost Coalition (NTCSCC), I am pleased to submit written testimony concerning the FY 2019 budget for the Indian Health Service (IHS) and Bureau of Indian Affairs (BIA). The Coalition is comprised of 21 Tribes and tribal organizations situated in 11 States, including my own tribe the Cherokee Nation, and the tribe I work for, the Choctaw Nation. Collectively, these 21 tribal organizations operate contracts to administer roughly $500 million in IHS and BIA programs on behalf of over 250 Native American Tribes.[1]

The NTCSCC Coalition was created to assure that the federal government honors the United States' contractual obligation to add full contract support cost funding to every contract and compact awarded under the Indian Self-Determination and Education Assistance Act.

Over the past year, the IHS and BIA have been implementing their new CSC policies for calculating and reconciling CSC payments. These policies were developed in the wake of two Supreme Court cases which declared that full contract support cost funding is a statutory right, and this Subcommittee's excellent work to cement those hard-fought victories by putting in place an annual indefinite appropriation. The days of unpredictable payments and uncertain program funding levels are behind us, and we thank Congress for working in partnership with Tribes to achieve this result. Clearly Congress supports tribal self-governance, tribal self-determination, and the importance of working with tribes on a government to government basis.

But over the past year, we have been concerned that IHS at times has not shared Congress' goals. A few examples illustrate this point well.

Up until 2012, IHS routinely transferred certain funding to Tribes through our self-governance compacts and self-determination contracts. I am talking principally about Methamphetamine and Suicide Prevention Initiative Funds (MSPI) -- now called Substance

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[1] The NTCSCC is comprised of the: Alaska Native Tribal Health Consortium (AK), Arctic Slope Native Association (AK), Central Council of Tlingit & Haida Indian Tribes (AK), Cherokee Nation (OK), Chickasaw Nation, Chippewa Cree Tribe of the Rocky Boy's Reservation (MT), Choctaw Nation (OK), Confederated Salish and Kootenai Tribes (MT), Copper River Native Association (AK), Forest County Potawatomi Community (WI), Kodiak Area Native Association (AK), Little River Band of Ottawa Indians (MI), Pueblo of Zuni (NM), Riverside-San Bernardino County Indian Health (CA), Shoshone Bannock Tribes (ID), Shoshone-Paiute Tribes (ID, NV), Southeast Alaska Regional Health Consortium (AK), Spirit Lake Tribe (ND), Tanana Chiefs Conference (AK), Yukon-Kuskokwim Health Corporation (AK), and Northwest Portland Area Indian Health Board (43 Tribes in ID, WA, OR).

Abuse and Suicide Prevention Funding (or SASP) -- and Domestic Violence Prevention Initiative Funding (DVPI). During this period, IHS also calculated contract support cost requirements on these funds, even if IHS didn't always find the money to pay those costs.

But ironically, just months after the Supreme Court ruled in *Salazar v Ramah* that tribes were entitled to these costs in full as a matter of law, IHS under former Director Roubideaux reversed course. Director Roubideaux announced that these funds were suddenly only be paid though grants, and no contract support costs would be added to carry out these critical programs. This change caused Tribes to cut into vital program operations to fund the administrative costs of running these programs, including for grant administrators, while adding extraordinary complexity through the parallel grant funding and reporting process. Nationwide, ***IHS's change in position annually reduces behavioral health program funding by 25% from what it would be if full CSC funding were paid.***

In the FY 2017 appropriation, Congress removed the so-called "notwithstanding" clause which IHS had relied upon as justification for sweeping aside the Indian Self-Determination Act, and ignoring that Act's mandate to add CSC funding to all IHS funds. To be sure, Congress expected the agency to use its best judgment in how to allocate this funding among the tribes, but Congress did not expect the agency to continue refusing to pay these funds through existing compacts and contracts, and to continue refusing to add contract support costs to these funds.

Yet, in this last funding cycle, that is exactly what IHS did again. Nothing changed. In fact, things got worse as the use of grants proliferated. In a February 16, 2018 letter IHS was unmoved by Congress's action, saying "***IHS reaffirms its position that grants, including the IHS SASP and the DVPP, are not eligible for CSC.*** Grants are not programs, functions, services, or activities (PFSAs) funded through the Secretarial amount, as defined by the ISDEAA." We are therefore particularly grateful for Congress's action in the Omnibus Appropriations Act for FY 2018. In the Manager's Report accompanying the Act, Congress was clear as a bell:

> **ISDEAA Contracts.**—The Committees encourage the transfer of amounts provided to tribal organizations for the Substance Abuse and Suicide Prevention Program, for the Domestic Violence Prevention Program, for the Zero Suicide Initiative, for aftercare pilots at Youth Regional Treatment Centers, and to improve collections from public and private insurance at tribally-operated facilities to such organizations ***through Indian Self-Determination Act compacts and contracts, and not through separate grant instruments. This will ensure that associated administrative costs will be covered through the contract support cost process.***

As of this date, we have still not heard whether IHS will abide by Congress's instruction. It would be most unfortunate if yet another round of contract support litigation became necessary to bring IHS to heel.

IHS has also disrespected the government-to-government relationship when it comes to setting contract support cost policy. In December 2017, IHS defied its own Manual mandating that advance tribal consultation must occur before any change could be made about CSC policy.

With no notice whatsoever, IHS announced it was immediately suspending a key provision for calculating CSC deductions for so-called duplicate Service Unit funding (Service Unit funding that IHS asserts goes toward administrative overhead). In February 2018, IHS refused to budge, and in March IHS explained at a CSC Work Group meeting that the actions had been taken because of illegal overpayments to various tribes. But when we examined IHS's "data," we learned—and IHS admitted—that no overpayments had occurred, and that only one tribe—not a multitude of tribes—had even raised an issue of concern to IHS. Eventually the tribal work group members worked through a Policy amendment to address IHS's obscure concern. But it was a bitter lesson about how far IHS will go in derogation of the government to government relationship—claiming an emergency requiring action when, in fact, there was no emergency at all.

And to make matters worse, when IHS did eventually announce tribal consultation, it included multiple other language "options" IHS had developed unilaterally without any tribal input that IHS is considering adding to the Policy instead of that jointly developed by the Workgroup. These IHS options attempt to limit the rights of Tribes that had been preserved in the original policy.

A last example of IHS's continuing disregard for the law is its attitude about "duplication." Again, it is bitterly ironic that, just when we've entered the era of full CSC funding, IHS chooses to adopt an aggressive position that tribal CSC payments are actually too high. IHS today asserts in various negotiations that CSC payments cannot cover all manner of costs if the Secretarial program amount could lawfully have been spent on that those costs were the program being run by IHS. This position is extreme and would wipe out most CSC funding. When IHS asserted this position to refuse to pay some facility costs, the Citizen Potawatomi Nation sued in federal court and in short order IHS folded. Yet IHS continues to raise this issue in other settings, and less assertive Tribes are losing out in the process.

This agency attitude is all wrong. IHS should be defending and advancing self-governance and self-determination; not trying to find new and creative ways to undermine it.

Going forward, we hope the Subcommittee will instruct IHS—once again:

- to pay all IHS funds (other than the Special Diabetes grants controlled by other law) through ISDA compacts and contracts. The practice of using grants much stop;
- to return to its core mission of supporting Tribes in achieving greater self-determination and self-governance;
- to conduct itself honorably and with due regard for the government to government relationship.

More generally, IHS must abandon the invention of ever new theories for reducing contract support cost requirements, and refocus its efforts on supporting tribes to provide better and expanded health care for their citizens.

More broadly, we bemoan the complexity of the IHS process, which has created a considerable and unsustainable bureaucracy backed by high-priced non-government accountants and auditors. Somehow the BIA system, which annually pays out some $300 million dollars in contract support costs, works just fine at a fraction of the cost and with far many more contracts and tribal contractors.

The BIA genuinely embraced the Committee's instructions three years ago to adopt policies that are simple and straightforward, and to streamline the process for determining and reconciling contract support cost requirements. Tribes and agency personnel, alike, easily understand the BIA's new policy, and the BIA's simple approach leads to accurate CSC estimates. It also doesn't require extensive training, and therefore has already led to improved agency business practices.

The IHS approach, by contrast, seems to strive for maximum complexity. Consider that today, halfway through FY 2018, IHS has yet to make all CSC payment adjustments for FY 2017. In fact, **IHS hasn't made all its CSC payment adjustments for 2016, 2015 and *even 2014*.**

The IHS Policy is terribly over-complicated. It contains several complex calculations, requires Tribes to submit additional documentation to the agency each year, and necessitates two separate CSC negotiation processes each year. Indeed, the policy is so complicated that the agency apparently still has only one staff person across the entire country who can answer policy questions and guide the agency's policy interpretation. The agency's approach to training on the new policy is also telling—instead of partnering with Tribes that asked to be involved, IHS developed a series of YouTube videos that completely ignore the tribal position on "duplication" and "allocation" issues. The result is even more conflict in individual negotiations.

As the Subcommittee is well aware, the policy is so complicated that IHS personnel were unable to get a firm grasp on CSC calculations last year, overstating the national CSC requirement by $90 million. Clearly, the agency's failure to simplify the CSC calculation process is impacting IHS, too.

In sum, while both agencies have made real progress in improving their management of their CSC accounts, we respectfully urge the Subcommittee to repeat its instructions to IHS to further simplify its calculation and reconciliation processes, and to instruct the agencies not to seek to reduce tribal contract support cost entitlements.

To further simplify and streamline contracting activities, we also respectfully suggest that the Subcommittee urge the agencies to explore using multi-year arrangements for fixed rates or fixed lump-sum amounts subject to inflationary adjustments.

I thank the Subcommittee for the opportunity to provide this testimony on behalf of the National Tribal Contract Support Cost Coalition.

Mr. CALVERT. Thank you.

We are going to recess in a minute and then come back, I think, probably for questions because we only have 1 minute left in the vote, so I guess we ought to go vote. If you will stay right here. Tom will be coming back as the chair, and I have got something else I have to do this afternoon and I will be back. I promise, Betty.

Ms. MCCOLLUM. I am going to hold you to it.

Mr. CALVERT. Okay. So we will recess for a moment. Thank you.

[Recess.]

Mr. COLE [presiding]. Again, we will reopen the hearing, and I want to thank our guests for indulging us. You get paid to vote around here so we needed to go. And thank you for letting us do that and coming all this way.

I just want to make a couple of quick remarks and then whatever questions my good friend and colleague, Ms. McCollum cares to.

First, I really want to thank you, Chief, and I did this earlier this morning, for bringing up this really lamentable CMS decision on defining Tribes as racial categories as opposed to governments, which they clearly are.

As I said earlier, and I am going to put this in the record multiple times in the next couple days, a lot of us have protested that on a bipartisan basis very strongly. My colleague Ms. McCollum and I co-chair the Native American Caucus. We have got a letter circulating. I think our chairman has signed on to that as well. So there is a lot of Republican and Democratic angst over this.

I sent the legal opinion from our Tribe there, and I know other Tribes have certainly done the same thing. I just think there is absolutely no justification for that. And, you know, if you want to be generous, you can say it speaks of an ignorance about the nature of the relationship, and that would be putting it as kindly as you possibly could, quite frankly.

So I just want to assure you, and I won't pretend to speak for every member of this committee, although I suspect I do, on a bipartisan basis, we will push really hard back against that. I am not exactly sure how we will proceed. I happen to have CMS under my jurisdiction on another committee, and one way or the other we are going to make it clear that Congress on this has a very, very different view than this particular agency does.

To be fair to HHS, they have said they are reconsidering this. They are looking at it again, so I think the pushback is helpful. And I would just encourage all of you, whether you are here representing a Tribal nation as you are, or you are representing an organization, Ms. Fourkiller, as you are, then I think this is a really important one for Indian Country to be very united in their voice. So the more they hear, I just think the better off we are in terms of them understanding that.

Ms. Boone, I hope we do continue down this road of providing money to do the environmental cleanup that we are obligated to do. We are a trustee of those resources for the Tribe, and I thought your suggestions were excellent across the board. So again, it is always tough. I know this is going to be a static budget, so we will see what can be done, but I think there is considerable sympathy here. And thank you for fighting so hard on contract support. You shouldn't have to fight so hard. We have gone to the Supreme

Court and won this thing once, you know, twice; that ought to be enough. Then to make people jump through hoops to get what the Supreme Court says the Federal Government is obligated to, I think is really not appropriate.

So hopefully, we will continue to be—and I know this committee will continue to be very supportive of your position and very anxious that we fulfill our obligations under the trust relationship. So thank you very much.

With that, I yield to my good friend from Minnesota.

Ms. MCCOLLUM. Thank you, Mr. Cole.

I just wanted to echo the comments that Tom made on CMS' decision. It is an outrage, and it is one that unites us in this Chamber speaking up and speaking out on it, and as I know as Mr. Cole said, particularly on this committee.

Discussing cleanup costs—and I appreciate the EPA sometimes is not the most popular conversation to have in this committee or with some of my friends on the other side of the aisle—but having money for cleanup in communities and neighborhoods is vitally important, because when this toxicity sits around, it doesn't get any better, it only gets worse. Or if it becomes diluted in the area it is in, it means it has spread the pollution some other place. So thank you for bringing that up.

Two things have come to mind in some of the testimony on consultation. One, is on the reorganization that Secretary Zinke is looking at. We brought it up. We have, I think—I am not stepping out of line—we have some concerns going forward. We want our questions answered on a whole host of issues, but Tribal consultation is something that has come up repeatedly. And I think we are setting up a call for me to speak with the Secretary next week. Before the call happens, I am going to send him some things that I am concerned about so he knows my concerns ahead of time so we can have a fruitful discussion. But I really think we need to have a face-to-face discussion at a staff level and then at a member level about where we are going on this. There are just too many questions, it is too much money, and it could cause too much disruption.

The other thing that came up, and, Mr. Cole, I think our staffs will probably work on this together, I am wondering in some of these authorizations, if the authorizers wrote a program with the intent that it would be formula driven, and then all of a sudden it was changed to grant, that is not how Congress authorizes something. So I have asked our staffs to work with our folks over at the Library of Congress that do our research for us to find out how these authorizations went through, what was the legislative intent. That might be one way to address them. They might be different. They might be written differently, but we won't know until we do our due diligence on it. So thank you for bringing that up.

With that, Mr. Chairman, I yield.

Mr. COLE. Thank you very much.

And our witnesses are excused. Thank you very much. Again, thank you for your patience.

And if we could, we will bring our next panel forward: Jefferson Keel, president of the National Congress of American Indians, which is a pretty important title, but the lieutenant governor of the Chickasaw Nation is a much more important title; and then we

have the principal chief of the Cherokee Nation, good friend and a great leader in Indian Country as well, Chief Bill John Baker.

It is good to have both of you here as my friends and friends of this subcommittee.

So if we can, Lieutenant Governor Keel, we will start with your testimony first and then, Chief Baker, we will go to you.

WEDNESDAY, MAY 9, 2018.

NATIONAL CONGRESS OF AMERICAN INDIANS

WITNESS

JEFFERSON KEEL, PRESIDENT

Mr. KEEL. Thank you.

Mr. Chairman, I really appreciate you and Ranking Member McCollum holding this, and it is good to see you again.

On behalf of National Congress of American Indians, I thank you for holding this Native public witness hearing.

We in Indian Country have appreciated the fact that members of this subcommittee have worked to protect the Federal trust and treaty responsibility and the obligations in the budget in a nonpartisan way.

We urge Congress to restore the eliminations and reductions and build on the increases made in the fiscal year 2018 omnibus appropriations bill.

Tribes seek only those things promised to us and every citizen by the Constitution and the solemn treaties and agreements reached between our Tribal nations and the United States of America.

At the founding, the United States dealt with our Tribal governments as sovereign entities and sovereign equals. In exchange for Federal protection and the promise of certain benefits, our ancestors gave up forever to the people of the United States title to the very soil of our beloved country.

The proposed budget cuts to Tribal services, if enacted, would represent a clear retreat from the Federal commitments and treaty promises made to the Tribes.

The 2019 President's budget for Indian Affairs would be a 15.6 percent decrease from the fiscal year 2018 CR level. Nearly every line item in the BIA budget would see reductions in the fiscal year 2019 budget request. NCAI urges Congress to reject the steep reductions in the BIA's proposed budget and instead invest in the programs ranked as most in need of increases as a part of the 2019 Tribal budget formulation process as described below.

As part of the fiscal year 2019 budget formulation process, Tribes identified the top programs needing increases. Unfortunately, most of these programs would receive reductions in the 2019 President's budget request. Four programs in the top 15 identified by Tribes were proposed to be eliminated in the President's budget: scholarships and adult education, housing improvement programs, the Johnson O'Malley program, and small and needy Tribes.

I want to address some of the top areas identified in the budget consultations. For public safety and justice programs, Indian Coun-

try faces funding shortfalls in a number of areas, while at the same time facing increased need due to a climbing trend in drug use. The BIA submitted a report to Congress in 2016 estimating that to provide a minimum base level of service to all federally recognized Tribes, based on recent appropriation levels, BIA is generally funding Tribal law enforcement at about 20 percent of estimated need, Tribal detention at about 40 percent of estimated need, and Tribal courts at 3 percent of estimated need.

In 2016, OJS had an increase in methamphetamine seizures of 106 percent over the year before, and an increase in opioid seizures of 56 percent. With about 30 BIA criminal investigators nationwide to address that, the opioid and meth trends require a much higher level of staffing to adequately address the issue.

NCAI recommends an increase in funding for BIA law enforcement and detention of $353 million for fiscal year 2019.

Similarly, BIA social services helped to address the underlying conditions, such as drug addiction, poverty, and violence that tend to create and perpetuate the circumstances that produce victims.

Sub activities include services in the areas of family and domestic violence, child abuse and neglect, protective services. However, many Tribal social services departments are understaffed and experience high turnover rates. With child welfare, the Indian Child Welfare Act (ICWA) funding is the foundation of most Tribal child welfare programs. Even after recent increases in fiscal year 2015, current funding levels fall far short of a need estimate.

The need for every other program identified in budget consultations has similar levels of shortfall. NCAI urges Congress to invest in these areas as well as providing an overall increase to the BIA's budget to support the base budget for core Tribal programs.

Related to proper consultation, NCAI requests a pause on the reorganization of Indian programs, including BIA and BIE, Bureau of Indian Education, for fiscal year 2019. A pause on the reorganization is required because proper Tribal consultation has not begun yet. We have not seen any.

Finally, Tribal leaders strongly oppose, as you have heard from other Tribal leaders and I am sure you will hear from across the country, where Tribal leaders are strongly opposed to CMS' misinformed suggestion that Tribal governments have a racial rather than political status. This suggestion is inconsistent with Tribal sovereignty, the U.S. Constitution, Supreme Court decisions, and longstanding statutory and regulatory policies recognizing the government-to-government relationship between Tribes and the United States.

I thank you, and we look forward to working with this subcommittee on a nonpartisan basis to protect the Federal trust and treaty obligations in the budget. Once again, thank you for your consideration, and I will be happy to answer any questions.

[The statement of Jefferson Keel follows:]

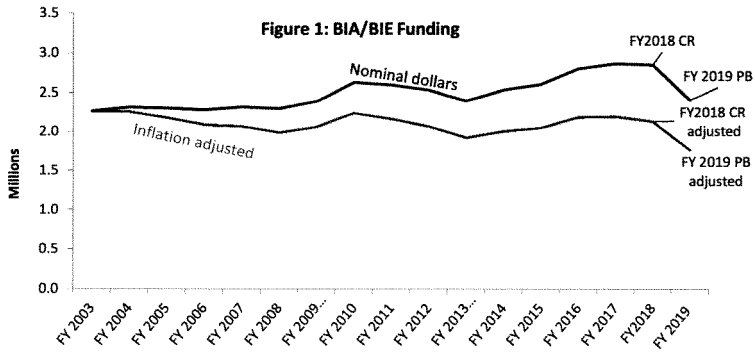
Testimony to the House Appropriations Committee - Subcommittee on Interior, Environment, and Related Agencies

Written Testimony of the National Congress of American Indians for Fiscal Year 2019
April 30, 2018

On behalf of the National Congress of American Indians (NCAI), thank you for holding this American Indian and Alaska Native Public Witness Hearing. Tribes seek only those things promised to us and every citizen by the Constitution, and the solemn treaties and agreements reached between our tribal nations and the United States. At the founding, the United States dealt with our tribal governments as sovereign equals. In exchange for Federal protection and the promise of certain benefits our ancestors gave forever to the people of the United States title to the very soil of our beloved country. Many of the proposed deep reductions in the President's Budget threaten to limit this protection and these benefits. The proposed budget cuts to tribal governmental services, if enacted, would represent a clear retreat from the federal commitments and treaty promises made to tribes. NCAI appreciates that the President's budget is just the starting point and that Congress will have the final say. We in Indian Country have appreciated the fact that members of this subcommittee have worked to protect the federal trust and treaty obligations in the budget in a nonpartisan way. We urge Congress to restore the eliminations and reductions and build on the increases made in the FY 2018 Omnibus appropriations bill.

Bureau of Indian Affairs

The 2019 President's budget for Indian Affairs is $2.4 billion in current appropriations, a 15.6 percent decrease from the FY 2018 CR level. Nearly every line item in the BIA budget would see reductions in the FY 2019 budget request. The BIA's budget provides funding for tribal base operations, including social services, education, road maintenance, water resources, forestry, law enforcement, tribal courts, and many other core governmental services.

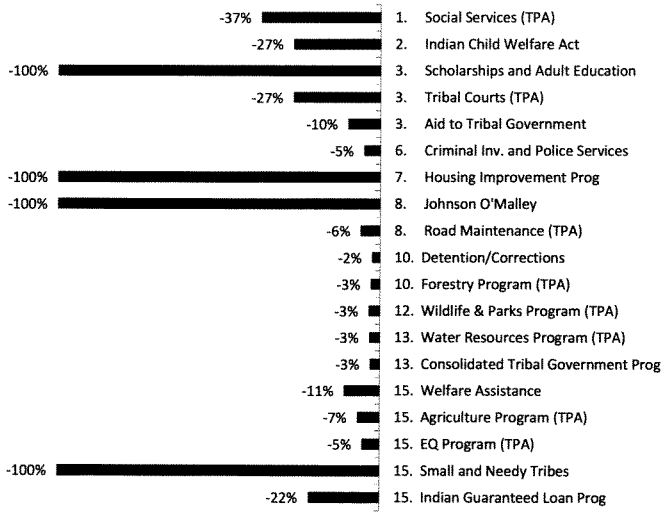


The proposed overall level for BIA/BIE would take funding in nominal dollars back to the FY 2013 sequestration levels. However, adjusted for inflation, the proposed funding is lower than any enacted amount going back to FY 2003, and 21 percent lower than the level in FY 2010.

NCAI urges Congress to reject the steep reductions in the BIA's proposed budget and instead invest in the programs ranked as most in need of increases as a part of the FY 2019 tribal budget formulation process as described below.

Figure 2 shows the proposed decreases to the top preferred programs identified by tribes as part of the Tribal Interior Budget Council (TIBC).[1]

Figure 2: PROPOSED DECREASES IN FY 2019 to TOP RANKED PROGRAMS



As part of the FY 2019 budget formulation process, tribes from each BIA region completed a survey to outline which 10 budget lines they would prefer to provide increased funding to and why. The results of this process show that BIA Social Services, Indian Child Welfare Act (ICWA), Scholarships and Adult Education, Tribal Courts, and Aid to Tribal Government made up the top five. Unfortunately, most of the programs identified by tribes as needing increases in FY 2019 would receive reductions in the FY 2019 President's Budget Request.

Four programs in the top 15 identified by tribes were proposed to be eliminated in the President's Budget: Scholarships and Adult Education, Housing Improvement Program, Johnson O'Malley Program, and Small and Needy Tribes.

Social Services and ICWA would be cut 37 percent and 27 percent respectively, both cuts disproportionately larger than the overall reduction for the Department of the Interior, which would see a reduction of 16.8 percent.

[1] Indian Affairs Fiscal Year 2019 Budget Formulation Guidelines, October 2016

For **Public Safety and Justice Programs**, Indian Country faces funding shortfalls in a number of areas while at the same time facing increased need due to a climbing trend in drug use. The BIA submitted a report to Congress in 2016 estimating that to provide a minimum base level of service to all federally-recognized tribes, $1 billion is needed for tribal law enforcement, $1 billion is needed for tribal courts, and $222.8 million is needed to adequately fund existing detention centers. Based on recent appropriation levels, BIA is generally funding tribal law enforcement at about 20 percent of estimated need, tribal detention at about 40 percent of estimated need, and tribal courts at a dismal 3 percent of estimated need.

The BIA Office of Justice Services (OJS) reports that at the end of 2014 and into 2015, Indian Country faced a drastic increase in violent crime, partially due to a change in Uniform Crime Reporting (UCR) definitions, but also due to increasing drug trends.[i] Anytime the drug trend climbs, so does violent crime and property crime. In 2016 OJS had an increase in methamphetamine seizures of 106 percent over the year before and an increase of opioid seizures of 56 percent. With about 30 BIA criminal investigators nationwide to address that, the opioid and meth trends require a much higher level of staffing to adequately address the issue. NCAI recommends an increase in funding for BIA law enforcement and detention of $353 million for FY 2019.

Similarly, **BIA Social Services** help to address the underlying conditions such as drug addiction, poverty, and violence that tend to create and perpetuate the circumstances that produce victims. Sub-activities include services in the areas of family and domestic violence, child abuse and neglect, and protective services. However, many tribes' Social Services departments are understaffed and experience high turnover rates. As an example, in FY 2017, Osage Nation case workers averaged 25-30 cases a month each. This exceeds the standard of one case worker for every 15 cases administered. A lack of increased yearly funding tends to hinder these protective services.

With **child welfare**, tribal governments receive approximately one-half of one percent of all federal child welfare funds while their children represent approximately 2 percent of the United States population under the age of 18 and 4 percent of the child welfare population.[ii] ICWA funding is the foundation of most tribal child welfare programs. In order for AI/AN children and families to get the best possible services at home and in state systems and allow tribes to assist state agencies and courts, adequate funding must be provided to tribal governments to support their child welfare programs. At the time that ICWA was passed in 1978, Congress estimated that between $26 million–$62 million would be required to fully fund tribal child welfare programs on or near reservations.[45] Even after recent increases in FY 2015, current funding levels fall far short of this estimate—especially after adjusting for inflation.

The need for every other program listed in Figure 2 has similar levels of shortfall. NCAI urges Congress to invest in these areas as well as providing an overall increase to the BIA's budget to support the base budget for core tribal programs.

Indian Health Service

One agency that would receive increases in the President's budget is the Indian Health Service (IHS). Overall, IHS would receive $5.4 billion, $413 million over the FY 2018 CR (an 8 percent increase). Although the proposed increases are certainly welcome, it is important for context to note that the IHS Tribal Budget Formulation Workgroup recommended $6.4 billion in FY19.

Additionally, the proposal would cut or eliminate several important programs at IHS.
One such troubling proposal would be to move the Special Diabetes Program for Indians (SDPI) from mandatory to discretionary—meaning Congress would provide funding to SDPI through the annual appropriations process. This proposal moves in the opposite policy direction of what tribes have been calling for – to make the entire IHS budget mandatory instead of discretionary.[iii]

While the opioid crisis is plaguing communities across the country, studies indicate that American Indians and Alaska Natives are impacted at a higher rate than other groups. According to the Centers for Disease Control, the drug overdose death rates for AI/ANs in nonmetropolitan areas increased by more than 500 percent between 1999 and 2015. In addition, pregnant AI/AN women are nearly 9 times more likely than others to be diagnosed with opioid dependency or abuse. The epidemic has even led several tribal communities to declare public health emergencies.

The President's Budget includes $10 billion to combat the opioid epidemic. IHS would receive $150 million "to provide multi-year competitive grants based on need for opioid abuse prevention, treatment, and recovery support in Indian Country."[iv] NCAI considers competitive grants as not the best way to administer this funding. NCAI strongly encourages Congress to allocate funding directly to tribal communities in order to address this crisis in a flexible and culturally relevant manner.

Environmental Protection Agency

NCAI requests funding for the Tribal General Assistance Program at $99.5 million. The Indian General Assistance Program (IGAP) is unique among federal programs in that it provides a foundation which tribes can leverage to support other greatly-needed programs. GAP funding is particularly critical to Alaska Native villages, where it provides 99 percent of the overall funding to address their often dire needs. GAP funding has not kept pace with the growth of tribal environmental programs over the years: the average cost for tribes to sustain a basic environmental program was set at $110,000 per tribe in 1999, but tribal demand for implementation across various media includes the need to establish climate change plans. A $175,000 per tribe distribution, totaling $99.5 million, reflects an equitable adjustment.

Conclusion

We look forward to working with this subcommittee on a nonpartisan basis to protect the federal trust and treaty obligations in the budget. Thank you for your consideration of this testimony.

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[i] Bureau of Indian Affairs, Office of Justice Services, Nov. 8-9, 2017 to the Tribal Interior Budget Council
[ii] Stoltzfus, E. (2014). Child welfare: An overview of federal programs and their current funding. CRS
[iii] NCAI Resolution MKE-17-011, Reclassification of IHS Budget to Mandatory Spending Program
[iv] U.S. Department of Health and Human Services FY 2019 Budget in Brief

Mr. COLE. Thank you very much.

If we could now, Chief Baker, we will move to you for your testimony.

WEDNESDAY, MAY 9, 2018.

CHEROKEE NATION

WITNESS

BILL JOHN BAKER, PRINCIPAL CHIEF

Mr. BAKER. Osiyo. Thank you so very much for having us here today. Acting Chairman Cole and Ranking Member McCollum, it is good to be here.

I am Bill John Baker, principal chief of the Cherokee Nation. Thank you for the opportunity to share our appropriations priorities for fiscal year 2019.

The Cherokee Nation is truly one of the great success stories in Indian Country. Fifty years ago, our annual budget was $1.1 million. Today, we have an economic impact of over $2 billion. We are the undisputed economic engine in the region. Our government is increasing access to quality healthcare, education, jobs, and housing. Our businesses are employing men and women across the United States, including in each of your districts. However, there is much work to be done.

The Cherokee Nation is not in business simply to be in business. We are in business to serve our 360,000 citizens and to give them and every resident in northeastern Oklahoma the opportunity to create a better life. I believe the first step to reach this goal begins with excellent healthcare and education.

We are currently building a new health facility under the IHS joint venture construction program. When it opens in 2019, this new 469,000 square-foot facility will be the crown jewel of the largest tribally operated health system in America. The center will provide primary care and integrated behavioral health, preventative care, and a wide array of medical specialties.

We are finalizing negotiations with Oklahoma State University to bring a new medical school to the complex. It will be the first medical school located in Indian Country. This project is critical to the future of healthcare in the Cherokee Nation and our region, and I cannot say enough about its importance.

IHS shares this view. The President's fiscal year 2019 budget request included $159 million for staffing and operation cost for newly constructed healthcare facilities.

This funding will support staffing and operations at seven new IHS facilities, including ours. We applaud the administration for prioritizing funding for our facility.

Today, we urge the subcommittee to support and fully fund the administration's request for fiscal year 2019 appropriations bill.

Moving to education, I am pleased the subcommittee directed the BIA to investigate establishing joint venture construction programs for schools that are modeled after Indian Health Service joint venture program in last year's spending measure.

As I have testified previously, Cherokee Nation strongly supports the creation of a joint venture program for schools. We operate a BIE school that is in dire need of repairs, and we cannot continue to wait for the agency to work its way through a long list of schools with similar needs.

I encourage you to continue to push BIA toward innovative solutions to address the significant construction backlog.

Finally, I thank you, Congressman Cole, and Ranking Member McCollum, for the efforts to address CMS' incorrect decision to classify Tribal governments as a racial group.

We strongly oppose this ill-conceived action. It undermines Tribal sovereignty, ignores Supreme Court decisions, and longstanding policies that put Federal Tribal relations on a government-to-government basis.

Our health budget relies on Medicare reimbursements to care for at-risk users. In 2017, Medicaid patient visits totaled more than 94,000 at our facilities. Without Medicaid reimbursement, we would lose as much as $46 million this year alone.

I urge the Appropriations Committee to take prompt action and exercise oversight through the fiscal year 2019 appropriations process. Such oversight should emphasize the government-to-government relationship between the Federal Government and Tribes and directs CMS to revisit the incorrect decision.

Thank you again for this opportunity, and I am happy to answer any questions you might have.

Wado.

I almost gave you your 30 seconds back.

[The statement of Bill John Baker follows:]

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Office of the Chief

Bill John Baker
Principal Chief
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S. Joe Crittenden
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Testimony of Bill John Baker, Principal Chief, Cherokee Nation
House Interior Appropriations Subcommittee
May 9, 2018

Chairman Calvert, Ranking Member McCollum, and members of the subcommittee:

Osiyo. My name is Bill John Baker, and it is my true honor to serve as Principal Chief of our country's largest Native American tribe, the Cherokee Nation. I deeply appreciate the opportunity to testify before you today.

The Cherokee Nation is one of the great success stories in Indian Country. We are the economic engine of northeast Oklahoma, with an economic impact that exceeds $2.2 billion annually. The Cherokee Nation and Cherokee Nation Businesses have a combined annual budget of about $2 billion, and directly employ more than 11,000 men and women.

But there is still so much work to do.

We are not in business just to be in business. We are in business to give our 360,000 citizens and all the residents of northeast Oklahoma a chance at a better life.

And in my estimation, a better life begins with better healthcare and better education.

Staffing and Operations Costs for Newly-Constructed IHS Facilities

The President's fiscal year 2019 budget request includes $159,096,000 for Staffing and Operations Costs for Newly-Constructed Healthcare Facilities. This funding will support staffing and operations at seven newly-constructed Indian Health Service projects, including the Cherokee Nation Regional Health Center in northeast Oklahoma, and we urge the subcommittee to provide the full amount in its FY 2019 appropriations bill.

The Cherokee Nation oversees the largest tribally-operated health system in the U.S, and the new health center will be the crown jewel of this system. When it opens in 2019, the 470,000-square foot facility will serve as the primary health access point for American Indians and Alaska Natives residing in the Tahlequah Service Area, and help transform the healthcare landscape for the entire region.

The center—which, when completed, will be the largest tribal healthcare center in the U.S.—will provide primary care with integrated behavioral health, preventive care, and a complement of medical specialties with support services. Outpatient services will relocate to the new facility from W.W. Hastings Hospital, which, when constructed more than three decades ago, was designed to serve 60,000 patient visits annually. In 2017, this facility handled more than 500,000

patient visits—nearly half of the 1.1 million patient visits to Cherokee National Health Services facilities.

Inpatient operations, emergency services, labor and delivery, diagnostic imaging, and inpatient pharmacy will remain at Hastings Hospital. Negotiations are underway to convert the vacated space in the hospital into a new medical school in partnership with Oklahoma State University. It will be the first medical school located in Indian Country.

More than 850 new health care professionals and support staff will bring new and enhanced medical services to our community. The new ambulatory surgery center, with five operating suites and two endoscopy suites for patients with surgical needs, will enable current hospital operating rooms to focus on inpatient surgery and obstetrical needs.

Cherokee Nation Regional Health Center further demonstrates the Nation's ongoing commitment to the health and well-being of its citizens and AI/ANs. In recent years the Nation has prioritized the expansion and modernization of its healthcare facilities, and at the heart of this effort is a $260 million investment toward the construction and equipping of the new health center. This federal-tribal partnership saves money and helps ease the significant IHS construction backlog.

This project is critical to the future of healthcare in the Cherokee Nation and all of northeast Oklahoma, and its impact cannot be overstated. We are very appreciative that the Indian Health Service prioritized funding for the health center in its fiscal year 2019 budget request, and ask that you appropriate the requested amount of funding in your fiscal year 2019 spending measure.

Proposed Elimination of CHR and Health Education Programs

The Community Health Representative (CHR) and Health Education Programs were established in 1968 under the authority of the 1921 Snyder Act (25 U.S.C. § 13). These programs are integral to our communities, as they focus on health care that is culturally sensitive and promote the highest possible health level to American Indians by providing medically-guided primary health care services where no other resources are available. Services offered by the CHR program include patient advocacy, patient education, health promotion, and disease prevention, and the program also may act as a liaison between clients, tribal and community resources.

The Health Education Program provides preventive health education, emergency response and public health, and chronic and communicable disease education. The program specifically assists in building healthy communities by promoting health and ultimately increases the life expectancy of tribal communities. Health Education is essential for prevention and prevention is essential to turn the tide for chronic health conditions and worsening health disparities seen across the United States in American Indian communities. The CHR and Health Education Programs have contributed to lowering mortality rates; and in short, are part of the direct provision of health services, especially for the most vulnerable American Indians.

We oppose the elimination of the CHR and Health Education Programs as requested in the President's fiscal year 2019 budget request and urge the subcommittee to continue providing funding for the CHR and Health Education programs.

BIE School Construction

In recent years we have strongly urged the subcommittee to support the creation of a BIE equivalent of the IHS joint venture program, and therefore we were quite pleased to see Congress take a great first step in the FY 2018 omnibus.

The Joint Explanatory Statement accompanying the bill reiterates the directive found in House Report 115-238 regarding the establishment of joint venture programs for schools:

> *Joint Ventures.—The Committee has embraced the joint venture construction model for the Indian Health Service because of the significant savings to the Federal government. It is time to explore the same approach for justice centers and schools. Expanding the joint venture approach acknowledges the reality that the Federal budget has not kept pace with immediate needs. Indian Affairs is directed to investigate establishing joint venture construction programs for justice centers and schools that are modeled after the Indian Health Service joint venture program. Indian Affairs should consult with the Indian Health Service and Tribes to develop proposed models for implementation. Tribes are urged to consider the use of existing Federal tax credits as a way to support the joint venture concept.*

I strongly applaud your efforts on this front, and request that you to continue to push BIA toward the creation of a Joint Venture program for schools.

As I have testified previously, the Cherokee Nation operates Sequoyah High School, a BIE school in Tahlequah, OK. Sequoyah has an enrollment of 367 students from 24 tribes and has a strict focus on academic success. Sixty-five of these students are housed on campus.

Our students achieve in spite of Sequoyah's aging and generally insufficient facilities. Sequoyah consists of 17 structures, 13 of which are more than 40 years old. The concessions and bathroom facilities at Sequoyah are 101 years old. The main high school and the science classrooms are 52 years old, and the robotics classroom is 88 years old and located more than a quarter-mile from the main high school. In the face of these challenges, the robotics team recently as two years ago captured a state championship.

Aged plumbing systems have caused leakage issues at the Sequoyah complex and continues be a problem. This greatly contributes to the mold concerns that require extensive abatement and repair.

In addition, security and safety concerns have become a critical concern for the school. The layout of the current school infrastructure, as well as a lack of space, has increased security risks on campus. Currently, classes are being held in the campus storm shelter, which could lead to a capacity issue in the event of severe weather.

BIE's Operation and Maintenance funding is not enough to meet the needs of the school, and, as such, the buildings continue to degrade, space continues to be an issue, and enrollment continues to fall.

Like so many BIE schools, Sequoyah requires immediate assistance, as the needed repairs to our campus are widespread. And we cannot simply wait for funding that is unlikely to come anytime soon. The challenges are too great, and the consequences of delay are too grave.

This is why we need new ideas and solutions. If tribes were able to incur construction costs for these facilities in exchange for fixed operations and maintenance costs—like the IHS joint venture—we might be able to begin to alleviate some of the significant backlog and create new educational opportunities in Indian Country. If we maintain the status quo and wait for BIE to go through the entire construction list, we'll be in the same place year after year.

So we urge the subcommittee and all of Indian Country to continue to rally around new solutions to the problem of school construction, including a new joint venture-like program for BIE.

Proposed Elimination of the Johnson O'Malley Program

The Johnson O'Malley (JOM) program provides books, fees, equipment and other necessities to American Indian students that would not otherwise be provided through the school districts. The program incorporates unique tribal culture and heritage lessons in the base education curriculum.

Cherokee Nation currently serves more than 26,000 students in 71 schools. Our JOM allocation used to be $125 per student—today, it's a little more than $35 per student. As our student count increases, our JOM per student allocation continues to dwindle. JOM needs increased funding, not elimination. We oppose the President's fiscal year 2019 budget request to eliminate the JOM program and urge the subcommittee to continue funding JOM.

CMS Position on Medicaid Waivers/ Impact on Indian Health Service

We are deeply concerned by the recent decision of the Center for Medicare and Medicaid Services (CMS) to no longer approve State Medicaid Demonstration Waivers and Medicaid State Plan Amendments that protect the Indian Health Service Medicaid reimbursement mechanisms established in Section 1911 of the Social Security Act. Section 1911 was enacted to ensure that Medicaid funding would be directed to the Indian healthcare system.

The CMS claims that such approvals raise "civil rights issues" are flawed and undermine federal policy and Supreme Court decisions that have long affirmed the political status of tribal governments. CMS's decision will also decrease funding to the already-underfunded Indian Health Service. We urge the subcommittee to carefully review this matter and exercise oversight through the FY 2019 appropriations bill.

Thank you again for this opportunity to testify.

Wado.

Mr. COLE. Well, he was doing that for all of Indian Country.

Mr. BAKER. That is right.

Mr. COLE. First of all, I want to thank both of you, both wonderful friends and great leaders in Indian Country, and I want to thank both of you for your testimony and for coming up today.

Let me start first, if I may, Chief Baker, with you. You mentioned this issue; I mean, we are all focused on the sovereignty question on the CMS decision and the misunderstanding of the constitutional relationship between Tribal nations and the United States Government that that shows, but you also focused on the very real financial impact it would have.

Could I just ask you, because I know how much you have invested, Cherokee Nation has invested in the health of its people, really a trust obligation of the United States, so how much are you already putting into your healthcare on top of what the Federal Government provides?

Mr. BAKER. In the last 5 years, just in construction, over $300 million. But then we do contract—purchase health is what they call it now, we subsidize it each year. I could get you the number, but it is a huge number, but it is the most important thing for our people.

Mr. COLE. No, I am not critical at all. It is interesting to me, almost every Tribe I have seen that can do something like that does do it. I mean, that is the point. We had testimony in one of our earlier panels today where somebody made the—I think it was the Quinault chairwoman made the point of how much of the cost of the trust obligation they were picking up in a relatively small tribe, and certainly in the largest Tribe in the United States, the Cherokees are picking up an extraordinary amount of money.

Then to add on this Medicaid, I am not against work restrictions. I actually favor them, but not at the expense of Tribal sovereignty. And let's sit down and let the Tribes work out what works best for them. They can make that decision. But I certainly don't want to cost them anything they are getting from the Federal Government when they are already, where they can, putting in a great deal of their own resources on top of that. It is an extraordinary achievement.

If I can, Lieutenant Governor Keel, turn to you real quickly. I have one other point, and then I will turn it over to my friend. You mentioned the opioid crisis, and we all face it, and it is interesting, on every panel we are on, no matter what the jurisdiction is that comes in, I don't know if we could do this or not, but a lot of—we have put a lot of new money in fiscal year 2018 into opioids, actually on the Labor H committee. And this committee certainly has done what it can within its jurisdiction.

How advisable would it be, in your view—and again, Ms. McCollum and I have tried to do this in a couple of other areas, we try to get set-asides set up; sometimes we make it, sometimes we don't. It took a while, we finally got one. The authorizers get a little testy about that when we try to do that on these bills, but that may be something we look at in Labor H, since that is where most of this extra money in fiscal year 2018 and 2019 has come, because we have got to have some way to target this where Tribes do get the appropriate share.

So I would invite you to work with us, you know, through the National Congress of the American Indian on that, sit down and see if we can together think through what an appropriate formula would be, and at least get the precedent in and then we will see if my friend and I can hold off the authorizers and get them to understand it is a pretty good thing to do.

Mr. KEEL. And thank you for the question and comment. The fact is that the $50 million set-aside is great for Indian Country. And we definitely appreciate that across the board.

The problem that we have in 2018 is that we are just now getting the funding appropriated or out to the Tribes. It has to be expended or spent by 30 September. So, you know, we have got about 3 months, and the money is not even out there yet. You know, we are talking about a grant program.

So what you are going to see, in all honesty, is there are going to be Tribes that have great grant writers. They are going to write these grant proposals and they are going to get funded. And the fact is that there are going to be Tribes across the country that don't necessarily have grant writing capacity. They are going to be left out. So we have got a problem in how we get these moneys to the right place.

For next year, 2019, that problem will be reduced and we will be able to handle it a little bit better, but I certainly would love to sit in, and I know we have got staff and other folks across the country that would love to sit down and talk about how we come up with a formula-based program to meet those needs.

But, you know, with methamphetamines, years ago, we had the same type of crisis in Indian Country. You know, this is not the first time we have talked about it. With the opioids, it is a little different because we are talking about prescription medications as well as other illegal things. So it is a different type of thing. But with any time, it has been my experience, when we talk about having a war on this, we say we are going to have a war on meth, we are going to have a war on opioids, but we don't expend the resources that we do when we go to war, you know, like another country.

When the United States goes to war, we put all of our resources together with the mindset of we are going to go and win this war, whatever it takes. We don't do that in Indian Country. We say we are going to have a war on this, but we are going to airdrop money in different places, and so we all compete with one another to try to get those funds. So it is a difficult process to work through.

Mr. COLE. This is probably being wise, in fact, we had the same problem that you mentioned of a big appropriations near the end of the fiscal year in defense. I know there, because I sit on the defense approp subcommittee, we literally sat down with the Pentagon as a committee and assured them we were going to provide them flexibility, because we didn't want them to overspend and waste money and then lose the money. And that is probably something we should have—maybe still can—look at in some of the other areas because we don't want you to lose the authority, but we also don't want bad decisions to be made and then people come back and point to them and use them as an example of waste when we all know here there is a tremendous need.

With that, I am going to turn to my good friend, the gentlelady from Minnesota.

Ms. McCollum. Well, I think you covered just about everything, and we look forward to working with NCAI as they pull things together, and with individual tribes with their needs. So I want to thank you for that.

When we have been talking about the lack of Tribal consultation and the Department of Interior's reorganization, the focus has been on the Bureau of Indian Education and the Bureau of Indian Affairs as well. This is going to be something I am going to put towards GLWIFC, which is in the northern part of the United States, representing the Tribal organizations that work on fish, water, and quality of environment issues.

I have also heard from other Tribal organizations that they are very concerned about what the Bureau is doing and what is happening at the other bureaus, Bureau of Land Management, Fish and Wildlife Service, and the impact it is going to have on Tribes if they are not fully consulted.

Would either one of you gentlemen want to expand on that? Or maybe because of where you are at and the focus of your Tribal testimony maybe you haven't gotten into that. Do you want to expand on that at all?

Mr. Keel. Well, in terms of reorganization and Tribal consultation, there has been no consultation across the board, national consultation.

And in the spirit of Tribal consultation, consultation should occur before a decision is made to undertake an action. This hasn't happened. And I don't want to be too negative, but we talk about this announce and defend. We make an announcement this is what we are going to do. They bring it to Indian Country and say, what do you think about it? You know, how do you like this? And then they defend the position to do whatever it is.

In terms of reorganizing the Interior, and I have spoken with Secretary Zinke, and he has explained his thought process and what he would like to see, or his vision, and he compares it to a fish or a salmon going from one place to another and all the agencies that are involved in regulating that. My point is that Tribal governments are not fish. We are not part of the Fish and Wildlife Services and all those things.

We ought to be involved in how we interact with Federal agencies and at what level and how we want to conduct businesses on our lands on our terms. So we do believe that we should be sitting down with the Interior and with those other agencies to talk about a concept of how we get from one point to another.

And I liken it to going to the Moon. Everybody wants to go to the Moon, but you have got to build a vehicle to get you there. And so we have got to plan to get from point A to point B and do it in a reasonable and safe way.

Ms. McCollum. Thank you.

I think that is a good analogy, because you bring in a lot of different types of engineers, right, when you are constructing that engine. You just don't bring in one engineer. Then you do a couple tests and you talk about it and then you roll it out.

So I am not opposed to looking at doing something for the future. Change is always difficult. But change is going to be done where it is most effective and it is moving forward for the next three, four, maybe seven generations. Then everybody has to be part of the discussion. So thank you very much.

Thank you, Mr. Chair.

Mr. KEEL. Ma'am, we haven't even talked about the cost of the reorganization and the types of costs that would be incurred just simply reorganizing one agency, much less an entire department.

Ms. MCCOLLUM. That is one of my questions to the Secretary. Thank you.

Mr. COLE. Well, I thank both of you for your testimony. I appreciate you coming all this way.

Chief Baker, I know you will be as close to paradise as you get back in northeast Oklahoma tonight. I suspect Lieutenant Governor Keel and I will be stuck here. Anyway, good to see both of you again. Thank you.

If we could, we will have our next panel come up, please.

I want to thank both of you for joining us today. We look forward to your testimony. And if we could, we will start with Mr. Teuber, the chairman and president of the Alaska Native Tribal Health Consortium. You are recognized for 5 minutes for your opening statement.

WEDNESDAY, MAY 9, 2018.

ALASKA NATIVE TRIBAL HEALTH CONSORTIUM

WITNESS

ANDY TEUBER, CHAIRMAN AND PRESIDENT

Mr. TEUBER. Thank you, Congressman Cole and Ranking Member McCollum. Good afternoon, Congressman Cole and Ranking Member McCollum. My name is Andy Teuber. I have the great pleasure of serving as the chairman and the president of the Alaska Native Tribal Health Consortium in Anchorage, a statewide organization that serves all 229 of our Tribes, serving members exceeding 166,000 at this point.

I also have the great pleasure of serving as the president and CEO of a primary care organization in Kodiak, Alaska, in the Gulf of Alaska where we deliver a host of services, both under the health banner and also the social and human services banner.

I want to acknowledge and thank this committee for its work toward providing substantial funding increases for the Indian Health Service budget in fiscal year 2018 and, in particular, the increases to the maintenance and improvement and sanitation facilities construction line items. Both of these programs are extremely important for Alaska Native communities and the Alaska Native and American Indian people.

Despite the considerable increases provided last year, additional resources are still needed for both of these programs due to the backlog of unfunded programs that have accumulated over the years.

I am going to limit my testimony today to addressing the IHS healthcare facilities construction program.

In 1999, Congress directed the IHS to work closely with Indian tribes to review and revise the healthcare construction priority system. Congress recognized and noted that several issues needed to be considered in revising the priority system and that, quote, "a more flexible and responsive program can be developed that will more readily accommodate the wide variances in Tribal needs and capabilities," close quote.

While the IHS does have a healthcare construction priority system, it does not include the innovative approaches to facilities construction that Congress may have expected at the time.

This is one of the reasons that Congress continues to encourage the IHS to examine alternative means of financing and delivering healthcare services to Alaska Native and American Indian people in appropriations report language.

According to the IHS 2016 report to Congress on healthcare facilities need, over half of the IHS-owned healthcare facilities are over 30 years old, and the average age of IHS hospitals is over 40 years old, nearly four times the average age of private sector hospitals. And unfortunately, the number of antiquated IHS facilities is only going to get worse unless alternative approaches to funding them are taken.

At the recent rate of IHS healthcare facility construction funding, a new facility that were to be built today in 2018 would not be scheduled for replacement for over 400 years. The IHS report estimated that a total of $10.3 billion would be needed for construction of adequate healthcare facilities to serve all Alaska Native and American Indian people. The estimated cost just to complete the 13 inpatient and outpatient facilities currently on the IHS plan facilities construction list is approximately $2.1 billion.

At the current level of funding for IHS healthcare facilities, it would take 20 years to complete construction of the existing list before any funding would be available to address the other $8.2 billion needed for facilities construction.

In Alaska alone, there is a need for $2.16 billion for healthcare facility construction, and there are no Alaska facilities on the existing construction priority list. As no funds are currently provided to IHS for renovation or expansion of existing facilities, the current system leaves most IHS areas, all of which have very old facilities, without a way to improve them.

Again, I commend this committee for the substantial maintenance and improvement funding increase in 2018, which ensured that all IHS areas had access to some funding toward adequately maintaining IHS and Tribal facilities. However, continued future maintenance and improvement increases of the same magnitude are needed as historically the funding for IHS M&I was insufficient for even basic maintenance and repair deficiency needs. This underfunding has led to a backlog at the end of 2017 of nearly $515 million for deferred maintenance, alteration, and repair.

An additional approach to ensure that all IHS areas have access to resources to address facility needs would be to establish and fund an area distribution fund as authorized by the Indian Healthcare Improvement Act reauthorization in 2010.

The establishment of an area distribution fund for the renovation and expansion of existing healthcare facilities would provide funding for all IHS areas, and also help to address the dire unmet need to renovate and expand IHS and Tribal health facilities to provide more efficient and better care to Alaska Native and American Indian people throughout the Indian Country.

This concludes my remarks. Thank you for the opportunity today to provide testimony, and I look forward to answering any questions.

[The statement of Andy Teuber follows:]

TESTIMONY OF ANDY TEUBER
CHAIRMAN AND PRESIDENT, ALASKA NATIVE TRIBAL HEALTH CONSORTIUM
PRESIDENT AND CEO, KODIAK AREA NATIVE ASSOCIATION
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
"AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS HEARING"
May 9, 2018

My name is Andy Teuber, I am the Chairman and President of the Alaska Native Tribal Health Consortium (ANTHC) a statewide tribal health organization that serves all 229 tribes and more than 166,000 Alaska Native and American Indian (AN/AI) people in Alaska. ANTHC and Southcentral Foundation co-manage the Alaska Native Medical Center, the tertiary care hospital for all AN/AIs in Alaska. ANTHC also provides statewide health services, including construction and operational support for rural sanitation projects, and technical assistance to other tribal health organizations for the maintenance and repair of regional hospitals and clinics including construction of new facilities.

I am also the President and CEO of the Kodiak Area Native Association (KANA) a regional non-profit tribal organization formed in 1966 to provide health and social services to AN/AI people in the Kodiak Island Area. The KANA service area includes the City of Kodiak and six Alaska Native villages. ANTHC and KANA are both self-governance tribal organizations that compact with IHS to provide health services to AN/AIs under the authority of the Indian Self-Determination and Education Assistance Act, P.L. 93-638.

I want to acknowledge and thank this Subcommittee for its work toward providing substantial funding increases for the Indian Health Service budget in FY 2018, and in particular the increases to the Maintenance and Improvement (M&I) and Sanitation Facilities Construction line items. Both of these programs are extremely important for Alaska Native communities and AN/AI people. Despite the considerable increases provided last year, additional resources are still needed for both of these programs due to the backlog of unfunded projects that have accumulated over the years.

My testimony today will focus on alternative approaches for construction of health care and public health infrastructure needs in tribal communities. The health care infrastructure throughout Indian Country is in great need of improvement and expansion. With the exception of the FY 2018 budget, most increases in Indian Health Service funding over the past several years, have been directed towards inflationary and fixed costs, for things such as population growth and pay costs increases, which has left the funding needs of Indian health care infrastructure behind.

I am going to limit my testimony to addressing three areas where, in addition to increased funding, policy changes could improve the current system for tribes— these areas are: IHS health care facilities construction, sanitation facilities construction and village built clinics.

Alternative Approaches are needed to Fund Health Care Facilities

In 1999, Congress directed the IHS to work closely with Indian tribes, to review and revise the health care construction Priority System. Congress recognized and noted that several issues needed to be considered in revising the Priority System and that "a more flexible and responsive program can be developed that will more readily accommodate the wide variances in tribal needs and capabilities." While a new Priority System has been developed it does not include the innovative approaches to facilities construction that Congress may have expected. This is one of the reasons that Congress continues to encourage the IHS to examine alternative means of financing and delivering health care services to AN/AI people in appropriations report language.

According to the IHS 2016 Report to Congress on health care facilities need, over half of all IHS-owned health care facilities are over 30 years and the average age of IHS hospitals is 40 years old, nearly four times the average age of private-sector hospitals. And unfortunately the number of antiquated IHS facilities is only going to get worse unless alternative approaches to funding are taken. At the recent rate of IHS health care facility construction funding, a new facility built in 2018 would not be scheduled for replacement for over 400 years.

The IHS report estimated that a total of $10.3 billion would be needed for construction of adequate health care facilities to serve all AN/AIs. The estimated cost just to complete the 13 inpatient and outpatient facilities currently on the IHS planned facilities construction list is approximately $2.1 billion. At the current level of funding for IHS health care facilities it would take 20 years to complete construction of the existing list, before any funding would be available to address the other $8.2 billion needed for facilities construction. In Alaska alone, there is a need for $2.16 billion for health care facility construction, and there are no Alaska facilities on the existing construction priority list. As no funds are currently provided to IHS for renovation or expansion of existing facilities, the current system leaves most IHS Areas, all of which have very old facilities, without a way to improve them.

I would like to commend this subcommittee for the substantial Maintenance and Improvement funding increase in FY 2018 which will ensure that all IHS Areas have access to at least some resources to renovate and expand existing IHS and tribal health facilities. However, continued future M&I increases are needed, as historically the funding for IHS M&I was insufficient for even basic maintenance and repair deficiency needs. This has led to a backlog at the end of 2017 of nearly $515 million for deferred maintenance, alteration and repair.

Also, an alternative approach to ensure that all IHS Areas have access to resources to address facility needs would be to establish an area distribution fund as authorized by the Indian Health Care Improvement Act reauthorization in 2010.

The establishment of an area distribution fund for the renovation and expansion of existing health care facilities would provide funding for all IHS Areas and also address the dire unmet need to renovate and expand existing IHS and tribal health facilities to provide more efficient and better care to AN/AIs throughout Indian Country.

Sanitation Facilities Construction

Sanitation facilities play a critical role in the health of our communities. Babies in communities without adequate sanitation are 11 times more likely to be hospitalized for respiratory infections and five times more likely to be hospitalized for skin infections. In villages with very limited water service, one in three infants requires hospitalization each year for lower respiratory tract infections.

In Alaska, there are more than 49,000 people in 140 communities in rural Alaska who would benefit from critical water and sewer projects, including 31 communities that have never had water or sewer service. According to the State of Alaska in 2015, over 3,300 rural homes have been identified as lacking running water and a flush toilet. Most of these are Alaska Native homes in the 31 unserved communities.

IHS cooperation and support is critical to providing water and sewer services to most of the 31 remaining unserved rural Alaska communities. Many of these unserved communities cannot be served by a traditional piped water system, and therefore need an alternative solution.

With support from IHS, in December of 2013 ANTHC began a pilot project, what ultimately became known as the portable alternative sanitation system (PASS), to install completely home-based system to address basic sanitation needs in nine homes. A report on PASS was just issued (see Attachment) that was very positive regarding the effectiveness of the system. We would like to expand PASS to other homes in Kivalina as well as other communities in Alaska and hope for expanded support from IHS for PASS or other such alternative systems that are necessary to reach the communities in Alaska that cannot be reached by conventional piped water systems.

Funding for IHS sanitation facilities construction finally saw an unprecedented increase in FY 2018, but that was after many years of little to no increases. In Alaska alone we still currently have approximately $1.8 billion in unmet need for sanitation facilities construction. Given the enormous, growing unmet need and the significant health benefits derived from sanitation facilities continued support at the current level of funding for IHS sanitation facilities construction is essential.

Village Built Clinic Lease Program

Established in 1970, the Village Built Clinic (VBC) program serves as the foundation of the tribal health care delivery system in Alaska, providing the only local source of care for over 44,000 Alaska Native people living in rural, isolated communities across the state. As of June 2016, there were over 160 clinics supported through the VBC program.

These clinics are primarily staffed with Community Health Aides (CHAs) or Community Health Practitioners (CHPs), both essential to carrying out the Congressionally-mandated Community Health Aide Program (CHAP) authorized by section 119 of the Indian Health Care Improvement Act. Over 80% of clinics supported by VBC leases are owned and operated by small, rural communities.

VBCs serve as the base for visiting physicians, mid-level practitioners, pharmacists, dentists, optometrists, and other medical specialists, as well as the referral link to the tribal regional

hospitals and to the Alaska Native Medical Center based in Anchorage. VBCs are the local contact and emergency station for public health and emergency preparedness efforts in these communities.

Over time, the cost to operate and maintain VBCs has increased due to the expanding scope and level of medical services provided; expanded healthcare programming and technology to better integrate clinics into the tribal health care delivery system; as well as meeting the higher accreditation standards necessary for certification by the Joint Commission.

Yet current funding from the Indian Health Service only covers approximately 30 percent of the clinic's ongoing operating costs. Current lease payments for most of the clinics had not been increased in over 20 years until increases in FY 2017. In addition, the current VBC lease amounts provide virtually no funds for long-term maintenance and improvements, depreciation, or replacement reserves needed to sustain services in the community. This lack of funding poses an immediate and significant threat to the substantial investment made by the federal government in establishing the VBC program.

Without adequate VBC funding, community health aides are forced to provide services in unsafe facilities with insufficient resources. Individual communities are increasingly forced to subsidize the day-to-day operating costs of their clinics, defer long-term maintenance and improvement projects, reduce clinic operations, and forgo funding depreciation and replacement reserve funds. Nearly all of these communities are not located on the road system and without access to the electrical grid, have virtually no tax or revenue base.

Many of Alaska's villages are unable to maintain support of their VBC, with serious consequences for the health and safety of residents living these remote communities. Tribal health organizations have subsidized emergency and routine costs with their limited funds, but they cannot sustain these subsidies while continuing to operate their other programs.

In fact, some VBCs have closed, suspending CHAP services and cutting off the only local source of care. This lack of access at the local level necessitates costly travel as primary and preventive services become increasingly unavailable, diminishing the otherwise available resources at the secondary and tertiary levels of care.

The IHS has a responsibility to fully fund the VBCs. IHS provided the first substantial step in fulfilling its responsibility by providing an increase of $9 million in appropriations in FY 2017 for full service leases that are not eligible for maintenance and improvement funds. However, it is essential that IHS provide funding for VBCs that fully cover the costs to operate them.

Conclusion

I thank the Subcommittee for its consideration of my recommendations to encourage IHS to develop alternative approaches to facilities construction and continued additional funding for infrastructure.

Mr. COLE. Thank you very much for your testimony.

If we can, we will now go to Ms. Megan Alvanna—is it Stimpfle——

Ms. STIMPFLE. Stimpfle.

Mr. COLE [continuing]. With the Norton Sound Health Corporation.

The gentlelady is recognized for her testimony.

WEDNESDAY, MAY 9, 2018.

NORTON SOUND HEALTH CORPORATION

WITNESS

MEGAN ALVANNA STIMPFLE, SELF-GOVERNANCE COORDINATOR

Ms. STIMPFLE. Good afternoon. [Speaking native language.]

I'm a King Islander, and I am from Nome, Alaska, in the Bering Strait where the United States is neighbors with Russia. And so where I am from a lot of our cousins are over on the Russian side, and I come from a really culturally diverse area where Inupiaq, which spans from the Bering Strait region all the way to Greenland, and then south of us is Yupik, and then on the other side is Siberian Yupik. And so it is a really busy time of year where I am from. All the men are out on the ice hunting and they bring home walrus and seal. And so me and my sisters, we were up late cutting meat. And my mom actually made a really good meal, which I had never had before, but it is walrus breasts. It is really good.

And so anyhow, I moved home from D.C. after a decade here working for Senator Murkowski, to make sure in my adult life I do that, I learn where I am from and my language and everything.

So anyhow, it is an honor to be here because not only, you know, I want to thank you for the important work you do for Tribes and Indian Country. A lot of the issues that Jefferson Keel raised, you know, they impact our communities too.

As the Nation considers its dialogue on opiates and responding to it, I want to remind this committee that, you know, since nearly the founding of this country, alcohol has impacted Indian Country in devastating ways that, as we figure out the focus, we need to make sure we put 100 percent of our focus on substance abuse treatment in our Native communities.

The Norton Sound Health Corporation board has prioritized substance abuse treatment, and we realize that, you know, we can't go to a facility, like a city facility in Washington, D.C., or anywhere else in the lower 48. It has to be relevant to who we are and where we are from and how we live.

The beautiful thing is that where I come from, we still live our way of life on our lands. We haven't been relocated. We can talk about access to fish and wildlife, but that is another conversation.

So Norton Sound Health Corporation has prioritized the construction of a demonstration project that would treat substance abuse, so providing inpatient services, alcoholism treatment, which, you know, none of our facilities can provide. None of our facilities provide that direct treatment to care. And for us to complete the building, we need $9.6 million dollars. And we are hoping that this

committee can explore using the demonstration project within section 307 of the Indian Health Care Improvement Act.

We feel that we are building a model to address substance abuse that will be relevant to Indian Country, because all of our Tribes have culture and language and place, and we have to be able to heal from substance abuse that way.

The issue of historical trauma, which is, you know, the trauma that has transferred through generations after what happened with relocation and all these issues, language loss, the Federal Government played a huge role in that, and the Federal Government is going to play a huge role in our healing. And that is, you know, one of the things that I hope this committee continues to focus on. So you will see my written testimony for all the bullet points and the facts.

But, you know, in my community, 92 percent of cases involving child relocation, alcohol is involved. Ninety-five percent of referrals to the women's shelter, alcohol is involved. Ninety-five percent of our men and women that are incarcerated, alcohol is involved, and that is a $5.7 million cost to our State. So if we can focus our resources on addressing substance abuse, we will save a lot of public service dollars.

The last issue I want to talk about, I have 39 seconds here, is sanitation. I want to direct the committee's attention to actions of the Indian Health Service, which I believe are a direct assault to the Federal trust relationship. It has changed the way it is interpreting the Indian sanitation manual which directs sanitation services, and it is treating non-Indian and Indian communities the same, and they have done that without consultation. And we strongly urge that not only a consultation occurs, but that Indian Health Service maintain its focus on Indian communities.

And with that, I will reserve any time. Thanks.

[The statement of Megan Alvanna Stimpfle follows:]

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Testimony submitted to the House Appropriations Subcommittee on Interior, Environment and Related Agencies
May 9, 2018

The requests of the Norton Sound Health Corporation (NSHC) for the FY 2019 Indian Health Service (I.H.S) budget are as follows:

- Recommend the I.H.S enter into a $9.6 M demonstration project with Norton Sound Health Corporation to address the opioid and alcohol abuse that will include construction and staffing for a wellness and training center.

- Reform the I.H.S Joint Venture Construction Program to support construction-ready projects and make eligible substance abuse treatment centers for the program.

- Increase funding for opioid response grants specifically for Tribes and Tribal Organizations.

- Increase funding for the small ambulatory clinic fund to assist Tribes and Tribal Health Organizations with a source of funding for replacement health clinics.

- Expand and streamline funding for sewer and water projects.

- Advanced Appropriations for I.H.S to facilitate efficient budget planning, purchasing, hiring, and innovation for Tribal Health Organizations.

Chairman Calvert, Ranking Member McCollum, thank you for the opportunity to provide testimony today. We appreciate the hard work of you and your staff on the Indian Health Service budget.

Headquartered in Nome, Alaska, Norton Sound Health Corporation is owned and managed by the 20 federally recognized tribes of the Bering Strait region. Our tribal system includes a regional hospital and 15 village-based clinics, which we operate under an Indian Self-Determination and Education Assistance Act (ISDEAA) agreement[1]. Our rural and remote Arctic region remains unconnected by roads, and we are 500 air miles from Alaska's economic hub of Anchorage. Our service area encompasses 44,000 square miles.

[1] We serve the communities of: Brevig Mission, Council, Diomede, Elim, Gambell, Golovin, King Island, Koyuk, Mary's Igloo, Nome, St. Michael, Savoonga, Shaktoolik, Shishmaref, Solomon, Stebbins, Teller, Unalakleet, Wales, and White Mountain.

Our communities are culturally diverse, representing Yupik, Siberian Yupik, and Inupiaq people. We are fortunate to continue to live our way of life and practice our traditional customs that have sustained our communities for millennia. Integral to community health is our ability to hunt and gather both on our lands and the ocean that surrounds us. We harvest and share across families and communities bowhead whale, walrus, and various species of seals that migrate from the Pacific Ocean to the Arctic Ocean each spring and fall. Our lands, wetlands and rivers provide migratory birds, moose, caribou, reindeer, and salmon species. The well-being, health and spirituality of our people is intricately defined by where and how we live.

Recommend the I.H.S enter into a $9.6 M demonstration project with Norton Sound Health Corporation to address the opioid and alcohol abuse that will include construction and staffing for a wellness and training center.

Alcohol and opiates continue to impact our families of the Bering Strait region in pervasive and debilitating ways. The economic costs to our society are real with increased high school and vocational drop outs, the high rate of suicide (six times the national average) and lost productivity. Substance abuse is present in 92% of cases involving child protective services, meaning children are taken out of their families and extended families, while the appropriate level of care for local treatment services is unavailable for the majority of parents to become healthy.

In Nome, 95% of referrals to the only women's shelter in our region involve substance abuse. Without access to appropriate health services, keeping our women safe from harm will continue to be a challenge. Anvil Mountain Correctional Center (AMCC), located in Nome has an operating budget of $5.7 million per year, supported by the State of Alaska. With 95% of people brought to AMCC for substance-related offenses, at $149.62 per inmate per day, the cost of incarceration for these offenses is $5,403,556 per year (based on a 108 bed census).

Not unlike many other Native communities in the United States, our families and communities continue to feel the impacts and gravity of historical trauma which manifests itself in alcohol and substance abuse. While many federal decisions played a role in our past, it will take the commitment and partnership of elected leaders today to change the course of history. Our tribally elected leaders have recognized the impacts of historical trauma in our region, and are transforming the delivery of care by providing culturally sensitive, patient centered care. Addressing substance abuse remains our top priority and we hope to partner with I.H.S.

NHSC is developing a new Wellness and Training Center to provide a full continuum of treatment locally, addressing substance use and treatment options in a culturally sensitive manner[2]. While general outpatient services are a critical tool for addressing these concerns, many times people need a higher level of care to receive the deep clinical counseling required to combat a lifetime of substance abuse. The services at the Center will include detoxification, outpatient and intensive outpatient services, day treatment and sober housing. Our families and communities continue to experience the death of loved ones from addiction. This project is essential in the promotion of healing and to mitigate substance abuse within our region.

[2] Norton Sound Health Corporation Community Needs Assessment, 2016

This multipurpose building will also house our Health Aide Training Program, one of only four Health Aide Training sites in Alaska. Over seventy Health Aides are employed by Norton Sound Health Corporation and deliver nearly 70% of the health care in the region. Their training needs are comprehensive and must be maintained. This new training space will allow for increased classroom sizes to sustain the quality program, and provide a vocational training ground for some of those who enter the treatment facility to address their substance concerns.

NSHC has installed pilings for the new Wellness and Training Center and has raised $2.2 M toward construction. The Center will be located near the Norton Sound Regional Hospital in Nome. We have funded the design work and initial phases of the project through grant funding and donations, as well as through $1.9 M of NSHC's own funding. NSHC has pledged another $2.5 M toward construction, but the outstanding cost of the center remains at $9.6 M.

NSHC has been advocating for a Wellness and Training Center for the past five years and applied for the Joint Venture Construction Program in 2016, but was deemed ineligible. We highly encourage this Committee examine the eligibility of projects under the program to ensure the I.H.S implements a program that incentivizes private and tribal investment in health facilities, as well as create an acute focus on the need to address substance abuse across Indian Country.

NSHC requests that this comprehensive treatment facility be identified as an emergent need for the Bering Strait Region and be funded as a demonstration project, under Section 307 of the Indian Health Care Improvement Act (25 USC 1637). Additionally, NSHC requests a reasonable staffing package to help sustain program operations in addition to billing for third-party reimbursement. We also ask the Subcommittees to sustain increased funding through opioid grants to fight the opioid epidemic crippling Tribes.

NSHC expresses gratitude for the availability of small ambulatory clinic funding as a source of funding to support replacement clinics in villages and would like to see continued increases to support this fund.

Funding for Water & Sewer Projects. On behalf of our federally recognized tribes of our region, I would like to thank the Chairman for supporting sanitation funds in both the EPA and Indian Health Service budgets. Your continued commitment will make a difference for those most impacted by a lack of running water and sewer: our children. The CDC had documented that in tribal communities without access to clean water and flush toilets, rates of hospitalization for pneumonia, influenza, skin infections, and lower respiratory tract infects are significantly higher. Infants are 11 times more likely to be hospitalized for respiratory infections and five times more likely for skin infections.

Five communities in our region, Diomede, Wales, Shishmaref, Stebbins, and Teller remain completely unconnected to any running water and sewer. In three other of NSHC's communities, 30-50% of the homes still lack service, and ongoing sewer and water upgrades and maintenance backlogs remain concerns in seven communities. An estimated 465 homes in the Bering Strait region have no running water, nor flush toilets. While there remains a $2 billion sanitation need in Alaska, with 30 communities or 3300 homes unconnected, we face a $215 million sanitation need

in the Bering Strait region. The need for clean water, and sanitation systems continues to be a silent crisis.

NSHC would like to direct this committee's attention to some concerning decisions made by the I.H.S in the management of their sanitation funds. As it executes the federal trust responsibility the United States has with federally recognized tribes, over the last 40 years, the I.H.S has prioritized service to Indian communities, and pro-rated funds for Indians that live in non-Indian communities. Last October without any formal notice in writing nor consultation, the I.H.S changed their operation of the program removing the focus to Native communities. We believe this action is a direct assault to the federal trust relationship, and urge that the Committee provide express and clear direction to the I.H.S to maintain its historical operation and focus on improving sanitation in Native communities.

There is much work to be done. As Congress considers infrastructure expansion in the United States, NSHC urges it not forget the dire public infrastructure needs in our Native communities. NSHC believes that it is critical that our self-governance tribes have the ability to innovate how we address the sanitation needs of our communities. We recommend establishing a program within the I.H.S that would allow tribes to be innovative in addressing the need for basic sanitation systems. We thus request the Subcommittees' support for establishing such a program within the I.H.S, and for expanding the current funding within the IHS budget that is allocated toward water and sewer projects. In this day and age, we should not have communities, nor homes within communities, that are unconnected to safe water and sewer.

Increasing temperatures are changing Alaska: thawing permafrost and eroding costal and river shorelines are damaging and shortening the operating life of critical public infrastructure in Native communities including sanitation systems. The State of Alaska and the federal Government Accountability Office have identified 31 threatened Native communities, 12 of which are looking at relocating their villages. Funding for programs impacted by climate change, such as those related to addressing flooding and erosion, must not be cut, and we ask the Subcommittees to help encourage the federal funding agencies to be more responsive to the need for research and development, in order to address the sewer and water needs in these communities that are threatened by climate change.

Advanced Appropriations for I.H.S. For several years, Tribal Health Organizations have requested advance appropriations to facilitate budget planning, purchasing, hiring, and innovation, similar to the Veterans Administration enacted advanced appropriation in 2009. It has become nearly normal for appropriations to become chronically late. Both the VA and I.H.S provide direct medical care and both are the result of federal policies. It is extremely challenging to prepare an annual operating budget without confirmed funding.

Thank you for your consideration of the concerns and requests of the Norton Sound Health Corporation.

Mr. COLE. I want to thank you both for your testimony.

And, Mr. Teuber, you put your finger on what would be the big problem for this committee, and that is just sustaining the progress that we had last year. As my good friend knows, I mean, it was the product of a budget compromise on all sides. Everybody gave something. And you have to give Chairman Calvert a lot of credit for taking a good slice of what was directed his way and putting it in these really critical programs, particularly in terms of infrastructure and trying to catch up ground where we could.

I would just urge you to keep advocating. There is not going to be much room next year, fiscal year 2019, for much in the way of increases. And I am actually more concerned about the 2 years beyond that when we are technically back under the Budget Control Act and we could actually theoretically have a sequester again.

So, you know, just urging people to work together so that we can build on the progress this committee in a bipartisan way has made. And certainly, under Chairman Calvert's leadership and his very faithful and able partner, Ms. McCollum, the ranking member, we have made good ground, but I think it is a little bit at risk.

This emphasis, again, on both infrastructure and substance abuse, thank you very much for bringing that to our attention as well. It is timely.

With that, let me yield to my friend from Minnesota.

Ms. MCCOLLUM. Thank you.

I am just going to restate something that is in both of your testimonies on the record, because I think this was very powerful what you talked about with water and sanitation.

So, from your testimony, sir, babies in communities without adequate sanitation are 11 times more likely to be hospitalized for respiratory infections, 5 times more likely to be hospitalized for skin infections. In villages with very limited water service, one in three infants requires hospitalizations for lower respiratory tract infections.

The money that is spent upfront is money that is deservedly spent to provide a good quality of life, but it also will be money saved, as well as saving people from going through misery and suffering, whether it is an infant or their parents.

You both talked about facilities and infrastructure. Ms. Stimpfle, in your closing you talk about increasing temperatures, changing Alaska, the permafrost eroding coastal river and shoreline communities, and we heard from some of the communities in the northwestern part of the lower 58, talk about their impacts from climate change. You have in here that the Federal Government Accountability Office has identified 31 threatened Native communities, 12 which are looking to relocate their villages.

When you are looking at doing some of these improvements, whether it is healthcare, infrastructure, water, sewer, how are the Tribal communities taking into account what they see coming down the road impacting them on climate change with relocation?

That has to be a very serious discussion that is taking place, because a lot of infrastructure dollars going into repairing something, knowing that the next generation that is being born today will have to move because of climate change. How are your Native Alas-

kan communities talking about that so that we make smart investments as we make these investments?

Ms. STIMPFLE. If I may, on behalf of our region, you know, because we have several communities that are threatened by an eroding, you know, coastline.

Ms. MCCOLLUM. Sea level rise faces everyone.

Ms. STIMPFLE. I am not going to say I am ignorant but, you know, it is happening in the Bering Strait. And what we have done are several of our communities have prioritized evacuation roads, because we need to build a road that eventually people can relocate and build homes on their own. And so they have opened up—the Native corporations have opened up land for development so people can start relocating themselves.

One huge effort that we have undertaken is with our housing authority, our Tribal transportation program, and our sewer and water via the health corporation is starting to coordinate that investment of roads, sewer, and water and housing. And we know several of our communities are facing the possibility of relocation, but starting to coordinate all of that Federal investment and being aware of what is happening, our leaders are having those conversations, and that is what I am really excited about, our leadership. You know, they know how to respond and plan, and they know what they need to do. We just, as regional service providers, provide them the right support.

And so we have taken this dialogue to our leadership because, ultimately, you know, they are going to have to make the decision. Thanks.

Ms. MCCOLLUM. Thank you.

Mr. TEUBER. If I may. Thank you for the question. So the organization that I work with represents 229 Tribes across the State, and we are confronted with the challenges, the engineering and logistical challenges of addressing climate change and the infrastructure needs of all of our communities, including those that my fellow witness is describing.

We have found that the greatest success is the success that is born and conceived locally. And so when a relocation is to occur, the Tribes or the members of the community are consulted on how they can best address their relocation.

And so our organization has been recently identified with the responsibility of developing the relocation plan for Mekrovik (ph) in northwest Alaska. We find that the more opportunity that there is for the local reprogramming of Federal funds or designation of Federal funds as they are allocated allows for a more successful and a more efficient process.

Thank you.

Ms. MCCOLLUM. Thank you.

Mr. COLE. I thank both of you. We appreciate your testimony.

If we could, we will have the next panel come up now.

Since we are outside of Oklahoma territory, I start, you know, mangling Tribal names pretty badly so I will apologize ahead of time. But if we can, we will start with President John Buller of the Yakutat Tlingit Tribe.

So, President Buller, you are recognized.

WEDNESDAY, MAY 9, 2018.

YAKUTAT TLINGIT TRIBE

WITNESS

JOHN BULLER, PRESIDENT

Mr. BULLER. [Speaking native language.]

So I would like to start by addressing you as the precious children of the land. We have a philosophy in Tlingit, when you look at that picture behind you, we see ourselves like those trees. And over there you have trees standing by themselves and over there you have trees standing together. And we see us as humans being the strongest when we are like those trees standing together and our roots are intertwined when we work together. We can weather any storm that comes to the top of that mountain. So I thank you for hearing my words today, hearing our concerns coming from our village of Yakutat.

I am representing the Yakutat Tlingit Tribe as the tribal president. I am representing the seven clans that live there in Yakutat. We have a small community of about 600 people, and we are located in the Wrangell-St. Elias mountain range between Mount Saint Elias and Mount Fairweather on the coast. We are 220 miles away from a city in either direction. We have Cordova to the north and Juneau to the south. We have twice a day jet service or you can get in by boat.

Our geographic isolation makes it absolutely critical for us to be able to provide high-quality healthcare and health services in Yakutak as we are the only healthcare provider there. We operate in the city and borough of Yakutat, and the city has a volunteer emergency medical service squad. Our community clinic serves the entire community. We see us all as a family, and we like to make sure everyone is taken care of. And I would like to just thank you, Chairman Cole and Ranking Member McCollum.

Our main focus today directed by the Tribal leadership and the Tribal members is continuing to improve the Tribal healthcare and quality and access.

I am pleased to announce that we are one of the seven Tribes selected for the IHS joint venture, and so we are moving forward with our project. IHS approved us for an 11,000 square-foot facility, and on here it is written as 11,000. But we can see that to serve the entire community, we are going to outgrow our facility immediately so we have aimed at upping it to 18,500 square feet.

And the facility will allow us to provide improved and increased health service delivery and adequate space for visiting specialty providers as well as our own staff. So we would request that you continue to support the joint venture program, it is very important for us to also have that his staffing package and funding available in a timely manner. Because we put in so much money forward to get this construction to happen, and we have to fill the building. We have 20.5 FTEs, so we will be able to bring in 20.5 employees, and we have to get them acclimated to Yakutat.

So it is important for us to get the word out there as soon as possible so that we can staff our facility. And I am not sure how it is looking for fiscal year 2019, but we are hoping that if things are

tight, there might be a way to do some kind of bridge funding, I know it has been done in the past.

In Yakutat, as my written testimony shows, there is a disparity in the IHS funding that our tribe receives—our per capita IHS-based funding is only $700 per active user. And even combined with services provided through our regional hospital, the amount comes to only $1,500 per capita, and when you compare that to the Nation at $9,200, or the IHS average at $3,300 per active user, we are feeling it.

You can see people aren't making it to get out for physical therapy when they have injuries, or they are just trying to get on a list, and it is going to take 6 months, it is going to take a year. And they are missing out on those seasons of work, seasons of gathering, as it debilitates them.

And so for this reason, this is why we support fully funding the IHS at the recommended national tribal budget formulation. Short of that, we support funding the Indian Healthcare Improvement Fund to help reduce the his funding disparities in Indian Country, and we are thankful for that funding coming back around.

Along with that, we support the increased funding of the IHS Purchase Referred Care program. Being so isolated, we average 24 tribal Medivacs a year, and that is not including our tribal memberships, it could be up to 50 or more, and it is a pretty high rate of around 30,000 Medivacs.

I am sure that you have been hearing a lot about telecommunications, connectivity with the Universal Service Administrative Company imposing the pro rata reduction in rural healthcare due to the funding cap. And for many years, we have received this subsidy, and it pays for our internet so we can connect to satellites so we can do our telehealth, telemed, we can talk to our doctors. This connectivity is our lifeline, and without this subsidy, we are looking at paying $20,000 a month, and this could be easily a third of our operating budget. And, I mean, this is another disparity, it is taking away from that healthcare delivery that we should be providing.

And the shortfall this year in Alaska for tribal health programs was $18 million, and expected to double by next year. And we know this is a Federal Communications Commission issue, but we are asking that the subcommittee support in lifting the cap and fully restoring the USAC subsidies.

We are joining others in opposing the IHS proposal to amend the 105(l) of the Indian Self-Determination Act, so that they would not be required to fully fund facility leases. We do thank you for the funding that has been provided for these clinic leases in the past several years, and would ask that it be increased.

And with regards to contract support costs (CSC), thank you for providing full funding. And we ask that you disregard the administration's proposals that could deny carry-over authority for the CSC. On another CSC matter, we hope IHS will relent and begin paying CSC on its grant programs.

Finally, of course, we support the special diabetes program for Indians. It is kind of a—I have heard the word epidemic in Indian Country, and it is shows there is a high rate of diabetes, even in

our community. And we ask that the funding continue to be made mandatory rather than discretionary.

I thank you and I would be glad to respond to any questions.

[The statement of John Buller follows:]

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Testimony submitted to the House and Senate Appropriations Subcommittees on Interior, Environment and Related Agencies

Concerning FY 2019 Funding for the Indian Health Service
April 27, 2018

The Yakutat Tlingit Tribe (hereinafter "YTT" or "Tribe") makes the following requests for the FY 2019 Indian Health Service (IHS) appropriations:

- Appropriate funds to fully cover Section 105(l) leases for health care facilities.
- Continue funding for the IHS Joint Venture Program and ensure that funds for staffing packages for completed programs are timely made available.
- Put in place a plan to achieve full funding for the IHS, including increases for the Indian Health Care Improvement fund and the Purchased/Referred Care program.
- Support funding for telecommunications connectivity in rural areas.
- Continue funding the Special Diabetes Program for Indians through mandatory, multi-year appropriations and continue funding other critical health programs, such as health education and Community Health Representatives.
- Continue to fully fund Contract Support Costs.

The Yakutat Tlingit Tribe appreciates the opportunity to submit testimony on the FY 2019 appropriations for several important programs. The Tribe is a federally recognized Indian tribe located on the eastern shores of the Gulf of Alaska in the City and Borough of Yakutat, Alaska. We are in a very remote area 225 miles northwest of Juneau and 220 miles southeast of Cordova, Alaska, and can be accessed only by boat or air travel. Because of our geographic isolation, we believe it is absolutely critical that we are able to provide high quality health services in Yakutat. We currently operate the Yakutat Community Health Center (YCHC), at which we provide a substantial and increasing number of community health care, counseling and prevention services.

The YCHC is funded in part through a community health center grant with the Health Resources and Services Administration, and we are a co-signer to the Alaska Tribal Health Compact under which we receive funding from the IHS under the Indian Self-Determination and Education Assistance Act self-governance program. Other funding comes to us through the State of Alaska and third-party collections such as Medicaid and private health insurance, and we have for many years received funding from the Universal Service Administration Company to support our information technology needs to provide health services and maintain critical connectivity, including our tele-health services and coordination with tribal health programs throughout Alaska. The City and Borough of Yakutat operates a volunteer Emergency Medical Services squad, but the YCHC is the only health care provider in the community. The Yakutat Borough is

in a Medically Underserved Area and is designated as a Health Professional Shortage Area for medical, dental and mental health.

Fund Section 105(l) Health Facility Leases. While the YTT does not currently have in place a Section 105(l) lease with the IHS, we believe that being able to exercise that authority under the ISDEAA is imperative to our and other tribes and tribal organizations to being able to carry out health programs in a safe and effective environment. Tribes and tribal organizations are increasingly relying on Section 105(l) leases to address chronically underfunded facilities operation, maintenance, and replacement costs. This is not just an issue in Alaska, as there are tribes outside of Alaska who also desperately need funding for their health care facilities.

However, the Administration is again asking this year that Congress amend the ISDEAA so that the IHS does not have to fully fund such leases. The IHS's proposed bill language, which appears in the IHS Administrative provisions, would effectively overturn the federal court's decision in *Maniilaq Association v. Burwell*, 170 F. Supp. 3d 243 (D.D.C. 2016), in which the court found that Section 105(l) of the ISDEAA requires full compensation for leases of tribal facilities used to carry out ISDEAA agreements. Funding such leases should not be placed wholly in IHS's discretion as it proposes. We thus ask that the IHS's proposed amendment to the ISDEAA not be included in the FY 2019 appropriations bill, and that it be rejected just as it was when the Administration made the same request last year.

Fund the IHS Joint Venture Program. The YTT is currently working toward building a new health care facility using its own tribal funds. We are doing so under the IHS Joint Venture Program, authorized by Section 818(e) of the Indian Health Care Improvement Act. The program involves a competitive pool of tribes and tribal organizations who agree to construct, acquire or renovate a tribal health care facility while IHS commits to funding the initial equipment and a staffing package for the operation and maintenance of the new facility. We were selected for the program among a competitive pool of applicants, and has not only committed to constructing the new facility, but also to providing equipment funding. The IHS will thus be responsible under the program for providing recurring funding for staffing on completion of the construction project.

The new, 11,000 square foot facility will be built on land owned by the Tribe in Yakutat, Alaska. The facility will allow the Tribe to provide improved and increased health service delivery in our remote area, and we intend to expand our primary care services and dental care. We will also have space available for visiting specialty providers to use, as well as space for our health aides, behavioral health care providers, preventive care and our administrative staff.

The Tribe asks the Subcommittees to support the continued funding for the IHS Joint Venture Program, and in particular asks that staffing funds be appropriated and made available to the IHS on a timely basis, so the Tribe can afford to open and staff the new facility on completion of construction without delay. Tribes like YTT have to commit far in advance to the construction costs and rely heavily on the funding for staffing to be available to them as quickly as possible on completion of the facility. Otherwise, it would be impossible for YTT to plan for and operate the new health care facility once it is complete. We need the security of knowing that the funding for staffing will be made available to us on a timely basis, so that we can advertise for

and select new health care professionals and other staff needed for the expanded services, and to allow them time to relocate to Yakutat, Alaska.

Support funding for the Indian Health Service IHCIF and PRC Yakutat Tlinget Tribe is one of the most disparately funded tribes within the Indian Health Service. Our per capita IHS base funding for basic medical care services is under $700 per active user; if you add medical services provided through our regional hospital, this amount is estimated at $1,500 well below the national 2017 spending for all other Americans of $9,207 per person and the IHS average of $3,332 per active user for medical care. We strongly support full funding for the IHS as requested within the National Tribal Budget Formulation FY2019 request. Until that full funding is realized, we support continuing funding for the Indian Health Care Improvement Fund which is intended to help reduce these IHS funding disparities within Indian Country for the neediest Tribes. It is unrealistic to expect our Tribe to fund our primary care services with a recurring medical services base funding from the IHS of only $309,000; while we have been successful in supplementing these funds with grant and other resources, unlike our IHS dollars these are not guaranteed to be sustainable from year to year.

We also support increases to the Purchased/Referred Care budget. We are currently negotiating with the Alaska IHS Area Office to receive our share of PRC funding; the estimated amount we likely will receive annually is under $300,000/year. We are concerned that this amount will not cover our annual costs for medevacs and routine referrals to the nearest Tribal hospital in Anchorage. Increasing the PRC funding will be critical to ensuring that we have funds to cover costs for these emergency and routine transports without bankrupting our budgets which provide resources needed to cover our primary care operating and facilities expenses.

Support Telecommunications Connectivity Funding From USAC In Rural Areas. In our testimony on the FY 2018 appropriations, we identified what we called a "potentially devastating development" related to the subsidy the Tribe receives from the Universal Service Administrative Company (USAC) for internet service. The Tribe has for many years received a subsidy from USAC that pays for our internet so that we can connect through satellite. The cost at more than $20,000 per month in the past would be prohibitive to our tribal budget without the subsidies, which make it possible for the Tribe to instead pay around $500 a month.

That devastating development has now come to pass—the USAC has imposed a pro-rata reduction in Rural Health Care funding due to a funding cap, which is resulting in an $18 million unplanned shortfall for connectivity in Alaska for tribal health programs this year alone. Nationally, we understand there will be a $50 million cut to subsidies, meaning Alaska accounts for about one-third of the entire national cuts. It is expected to double next year, so the impact on Alaska tribal programs could quickly rise to over $35 million. Because our connectivity is our lifeline for the provision of health care in Alaska, we are faced right now with trying to find funding out of our already limited budget, which will translate into greatly reduced health care services just to cover our internet service costs.

While we understand this is not within the direct purview of these Subcommittees, and is a case that needs to be made with the Federal Communications Commission, this is such an imperative part of how we are able to carry out health care and related services in our rural community that

it will have a devastating effect on our delivery of quality health care. We ask for the Subcommittees' support for lifting the cap and fully restoring the USAC subsidies to the Tribe and other tribal health organizations throughout the State of Alaska.

Mandatory Funding For the Special Diabetes Program For Indians (SDPI). The Tribe very much appreciates that Congress has reauthorized the SDPI through FYs 2018 and 2019 at the mandatory funding level of $150 million each year. The SDPI continues to provide critical funding for diabetes treatment and prevention programs for the Tribe's AI/AN patients. We continue to see significant outcomes in our community in terms of increased access to treatment and prevention services and decreased incidence of new diabetes diagnoses.

We are very concerned, however, that the President's budget for FY 2019 proposes to move SDPI funding and a lot of other funding under the Department of Health and Human Services from mandatory to discretionary status, meaning that the funding would have to come out of other appropriated funds within the Subcommittees' allocations. While the Tribe understands that this change from mandatory to discretionary funding for the SDPI would require Congress to amend the law establishing the SDPI, we are adamantly opposed to such a change. It would not only result in the loss of multi-year authorizations, which are imperative for being able to plan for and appropriately staff continued diabetes programs in our community, but would threaten the continued existence of the funding into the future. We strongly recommend that the Subcommittees reject this proposal and maintain the SDPI as mandatory funding.

The Administration proposes to discontinue funding for the IHS Community Health Representatives and Health Education programs, both of which are crucial programs throughout Indian Country. We support continued funding for those programs, as well programs outside of IHS, specifically the Low Income Home Energy Assistance Program, Community Services Block Grants, and the Supplemental Nutrition Assistance Program—all of which have direct impacts on the quality of health in tribal communities.

Continue Full Funding of Contract Support Costs (CSC). Again, we extend our sincere gratitude to Congress for fully funding CSC in the past three fiscal years, and for making it an indefinite amount that is in a separate account in the IHS and Bureau of Indian Affairs' budgets. The full funding of CSC has made a significant different in our ability to successfully carry out our ISDEAA agreements and realize our rights and responsibilities under self-governance.

We object, however, to the IHS's renewed proposal to reinstate restrictions from the FY 2016 Appropriations Act, which we view as being contrary to the ISDEAA. The Administration is again proposing that the "carryover" clause be read to deny the CSC carryover authority of the ISDEAA, and that the "notwithstanding" clause be used as a basis for IHS to deny CSC for IHS grant programs, like Domestic Violence Prevention, Substance Abuse and Suicide Prevention and other grants that have been important to YTT's mission of serving its community. We appreciate that the Subcommittees did not adopt the IHS's proposal in the past two fiscal years, and request that you again reject the proposal for FY 2019.

Thank you very much for your time and consideration of the concerns and requests made by the Yakutat Tlingit Tribe.

Mr. COLE. Thank you for your testimony. If we can next, we will go to Bruce Thomas, the natural resources director for the Council of the—is this Athabascan?

Mr. THOMAS. Athabascans.

WEDNESDAY, MAY 9, 2018.

COUNCIL OF ATHASBASCAN GOVERNMENTS (CATG)

WITNESS

BRUCE THOMAS, NATURAL RESOURCES DIRECTOR

Mr. COLE. Okay. Well, that is as close as I am likely to get. Close enough.

Mr. THOMAS. Good afternoon, Chairman Cole and Ranking Member McCollum, and members of the subcommittee. I am Bruce Thomas, the natural resource director for the Council of Athabascan Tribal Governments. Thank you for holding this hearing, I am pleased to be here.

The council is a consortium of 10 tribal governments located along the Yukon River and its tributaries in northeastern Alaska. Our organization provides a variety of services to the tribal citizens of our region, including a natural resources department, education department, and full healthcare services at that Yukon Flats Health Center and village-based clinics in four of our villages.

I would like to highlight several recommendations in my testimony. First, expanding self-governance. We are one of the first tribal consortiums in the Nation to develop non-BIA self-governance annual funding agreements within the Department of the Interior to carry out certain programs, functions, services, and activities.

Since 2004, we have had a self-governance agreement with the U.S. Fish and Wildlife Service. And since 2011, an agreement with the Bureau of Land Management/Alaska Fire Service. Through our Fish and Wildlife Service Agreement and the Yukon Flats National Wildlife Refuge, the council has overseen cooperative moose management planning, education, and outreach programming, harvest data collection and reporting, logistical maintenance of the only logistical outpost and the refuge—and the refuge information technician staffing.

Through the BLM/Alaska Fire Service Agreement, the council is successfully providing emergency firefighter testing and training in the upper Yukon zone, and the logistical support to the remote BLM fire station in Fort Yukon, Alaska, as well as numerous other fire training programs. This has a lot of the upper Yukon fire management zone to increase its fire preparedness and capacity for additional fire preparedness activities.

We are concerned that the administrative costs, funds for this agreement remain underfunded, which hinders our success and ability to grow. And we are also concerned that the Department of the Interior scopes of work are being limited, and the original intent on practice of self-governance, which is to build tribal capacity to take on increased—increasing levels of responsibility, is not being properly carried out. We request your support in fully fund-

ing administrative costs funds for these agreements, and to expand self-governance agreements beyond the Department of the Interior.

Secondly, continue to fully fund contract support costs for IHS and BIA. Additionally, we appreciate your leadership and commitment to fully funding contract support costs for his and BIA, Indian Self-Determination Agreements, and ask that it continue. Place the IHS budget on an advanced appropriation schedule. However, we again request your support in placing the IHS's budget on an advanced appropriations schedule, as Congress has done for the Veterans Administration Health Accounts.

Having advanced notice of funding levels would greatly aid the counsel in program planning, recruitment, and retention of health professionals.

Maniilaq v. Burwell decision, we also request that this subcommittee does not accept the administration's proposed language to overrule the Maniilaq v. Burwell decision regarding leases under Section 105 of the Indian Self-Determination and Education Assistance Act, and decline to include the language in the fiscal year 2019 bill as you did in fiscal year 2018.

Increased funding in BIA and IHS's budgets for behavioral health programs. The council's communities have extreme rates of suicide and substance abuse, which contribute to other problems such as crime, domestic violence, child abuse, and negligence. We support expanding programs like the Generations Indigenous and the Tiwahe Initiative to help our youth and communities overcome these problems.

We also support the proposed fiscal year 2019 IHS budget containing $150 million in new money for tribes to address the opioid epidemic, including behavioral health matters, we support direct funding to tribes rather than coming through the State.

Last, support elimination of the arbitrary cap on Internet subsidies for critical telecommunications connectivity. Lastly, although not under the subcommittee's direct jurisdiction, we request your support and engagement in addressing extremely high cost of Internet in Alaska. Due to a funding cap, a pro rata reduction in rural healthcare funding has been instated. We ask for your support in reinstating the Universal Service Administrative Company Telecommunications subsidies to tribal health programs throughout Alaska. Thank you.

[The statement of Bruce Thomas follows:]

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Testimony submitted to the House and Senate Appropriations Subcommittees on Interior, Environment, and Related Agencies Regarding FY 2019 Indian Programs Appropriations

April 27, 2018

The Council of Athabascan Tribal Governments (CATG) is a consortium of ten tribal governments located along the Yukon River and its tributaries in northeastern Alaska. Our organization provides a variety of services to the tribal citizens of our region, including full healthcare services at the Yukon Flats Health Center and village-based clinics in four of our Villages. We have Self-Governance agreements with the Fish and Wildlife Service and with the Bureau of Land Management.

CATG requests the following considerations be implemented in the FY 2019 Appropriations cycle:

- **Telecommunications Subsidies:** Support elimination of the arbitrary cap on Internet subsidies for critical telecommunications connectivity.
- **Section 105(l) Leases**: Support funding for health care facility leases under Section 105(l) of the Indian Self-Determination and Education Assistance Act (ISDEAA).
- **Budget Increases**: Support behavioral health increases to the IHS and BIA budgets.
- **Advance Appropriations for IHS:** Support advance funding for the IHS.
- **Contract Support Cost (CSC) Funding:** Support continued full and mandatory CSC funding for the IHS and BIA.
- **Expand Self-Governance**: Expand Self-Governance and fully fund Annual Funding Agreements.

Telecommunications Subsidies

CATG is aware that the Subcommittees do not directly control funding subsidies of the Federal Communications Commission (FCC) and Universal Service Administrative Company (USAC); however, we would like to inform you of our serious concerns with recent development to telecommunications subsidies. Due to a funding cap, the USAC recently implemented a pro-rata reduction in Rural Health Care funding that subsidizes the extremely high costs of Internet connectivity and telecommunications in Alaska. Internet connectivity is critical to providing

health care services to our remote villages. The funding cap has resulted in $50 million in cuts nationally, and for this year alone, tribal health programs in Alaska will undergo an unplanned $18.1 million shortfall for connectivity. CATG has been told to expect more than twice that impact next year, which could exceed $35 million for Alaska tribal health programs. As such, we request the Subcommittees' full support and engagement in eliminating the arbitrary cap and reinstating the full USAC subsidies to tribal health programs throughout the State of Alaska.

Section 105(l) Leases

Tribes and tribal organizations increasingly rely on section 105(l) leases to address chronically underfunded facilities operation, maintenance, and replacement costs. Section 105(l) of the Indian Self Determination and Education Assistance Act (ISDEAA) provides for fully funded leases that are used by tribes and tribal organizations to carry out services under ISDEAA agreements. The funding is critical to being able to operate and maintain health clinics, which have historically been so severely underfunded that many clinics without Section 105(l) leases are either dangerous or unfit for the delivery of health services. The federal court's decision in *Maniilaq Association v. Burwell*, 170 F. Supp. 3d 243 (D.D.C. 2016) identified a key source of funding to help remedy the problem of severely underfunded clinics. The court determined that Section 105(l) of the ISDEAA provides a just entitlement to full compensation for leases of tribal facilities being used to carry out ISDEAA agreements. Rather than supporting the court's solution, the Administration requested to amend the law in order to avoid full compensation for leases. Thankfully, Congress declined to include such a provision in the FY 2018 IHS appropriation bill. The Administration has once again proposed bill language intended to overrule the *Maniilaq* decision. The proposed language would exclude section 105(l) of the ISDEAA as a source of entitlement to funding for Section 105(l) leases, leaving it entirely within the discretion of the IHS. We request the Subcommittees treat the Administration's flawed proposal the same way it did in the FY 2018 IHS appropriations bill and decline to include the language in the FY 2019 bill.

Budget Increases

CATG's communities in rural Alaska have extreme rates of suicide, alcohol and substance abuse; issues that contribute to a multitude of other adverse problems such as crime, domestic violence, child abuse and neglect. Frequently, tribes in Alaska have difficulty working through the State of Alaska to provide behavioral and social services, which adds burdensome layers and undue regulation. CATG believes that tribes and tribal organizations should receive behavioral funds directly, because programs that implement traditional cultural values have proven to be far more successful than those that do not. We ask for your support in this effort. CATG also asks for support in expanding the *Generations Indigenous* (*Gen-I*) initiative, which provides increased resources for tribes to address youth behavioral, mental health and substance abuse issues, as well as expansion of the *Tiwahe Initiative,* designed to address the inter-related problems of poverty, violence and substance abuse faced by Native communities.

Advance Appropriations for IHS

CATG again requests your support in placing the IHS budget on an advance appropriation basis as Congress has done for the Veterans Administration health accounts since FY 2010. IHS healthcare is similar to Veterans healthcare in that both the VA and the IHS provide direct medical care and both are the result of federal policies. Predictability, continuity, and certainty are essential for providing stable quality health care. This issue continues to be important to Alaska Native and American Indian patients, particularly in a budget climate of seemingly endless Continuing Resolutions (CR). When IHS funding is subject to a CR, as it has been repeatedly over many years, tribal healthcare providers receive only a portion of funding at a time, making it particularly difficult to implement long-range planning and to effectively use and leverage limited resources. Partial funding also requires the same processing and manpower for each incomplete payment as one full apportionment. Having advance notice of funding levels would greatly aid CATG and other tribal health providers in program planning, recruitment and retention of essential healthcare professionals. Under advance appropriations, we would know a year in advance what the budget would be and it would resolve much of the uncertainty we have experienced because full appropriations were not enacted at the first of the federal fiscal year. The IHS budget should be afforded the same status consideration as VA health programs.

Contract Support Cost (CSC) Funding

CATG would like to thank the House and Senate Subcommittees for their leadership and commitment to fully funding CSC for IHS and BIA ISDEAA agreements. We appreciate the full funding of CSC over the past few fiscal years, that the funding is indefinite ("such sums as may be necessary", and that the funding is in separate accounts in the IHS and BIA budgets. We request that the Subcommittees continue to fully fund CSC. Such action is crucial to strengthening the ability of tribal governments' to successfully exercise their rights and responsibilities as sovereign nations.

Expand Self-Governance

CATG is proud to be one of the first Tribal consortiums in the country to develop non-BIA DOI Self-Governance Annual Funding Agreements (AFA). However, we remain concerned that Contract Support Costs (CSC) for the AFA's to manage programs, functions, services, and activities, remain underfunded. We are also concerned that DOI scopes of work are being limited and the original intent and practice of Self-Governance, which is to build tribal capacity to take on increasing levels of responsibility, is not being properly carried out. We request your support in fully funding AFA CSC and to expand Self-Governance practice and agreements beyond BIA.

Conclusion

CATG greatly appreciates your consideration of our requests outlined in this testimony. On behalf of our organization and all of the people we serve, I would be happy to provide any other additional information as requested by the Subcommittees.

Mr. COLE. Thank you for your testimony. And next, if we may, we will go to Mr. William C. Wilson, council member of the—is this——

Mr. WILSON. Metlakatla.

Mr. COLE. Metlakatla—beautiful name—Indian Community. The gentleman is recognized for his testimony.

WEDNESDAY, MAY 9, 2018.

METLAKATLA INDIAN COMMUNITY

WITNESS

WILLIAM C. WILSON, COUNCIL MEMBER

Mr. WILSON. Good afternoon, Mr. Chairman, and Ranking Member McCollum. Thank you for your time. I will keep it brief. Of the submitted testimony, I will be touching on the first three points as they are most pertinent to the Metlakatla Indian Community. I am a ranking councilman of the community, and have been for nearly 20 years now. I have given over half my life to the community, and I will probably give the rest to it.

Number one. Metlakatla would like a new category within the BIA Construction Budget created for electrical transmission and telecommunications project construction, of which $7.6 million is needed to complete the intertie between Annette Island Reserve, Alaska, and neighboring Ketchikan, Alaska. In the written testimony, it was written as $11.5, we have done a rework to reduce costs.

Item number two. We would like continued strong funding for the BIA Safety of Dams Program within the BIA Resource Management Construction Budget of which $1 million is needed to address the hazard mitigation needs and initial planning phases for improvement at Chester Lake Dam on Annette Islands Reserve. This is the primary source of our potable water, and has the potential to be a disaster if something goes wrong with it.

The third item, we wish to continue strong funding for tribal hatcheries under the Fish and Wildlife Parks Sub Activity within the BIA Trust Natural Resource Management Budget. On a note with that, I would like to thank this subcommittee and the efforts of the committee. Our hatchery, due in large part to the reoccurring funding that was granted to us, is now expanding every year. Our end goal in 2 years is to release another 1 million chum salmon into the region, increasing the regional economy by a—conservatively, about $26 million. And that is a direct result of your considerations, and I would like to thank you on behalf of my people.

[The statement of William C. Wilson follows:]

Metlakatla Indian Community
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William Wilson, Tribal Councilmember

Testimony submitted to the House and the Senate Appropriations Subcommittees
on Interior, Environment and Related Agencies
April 27, 2018

The requests of the Metlakatla Indian Community (MIC) for the FY 2019 Interior, Environment, and Related Agencies budget are as follows:

- Create a new category within the BIA Construction budget for *Electrical Transmission and Telecommunications* project construction, of which $7.6 million is needed to complete the intertie between Annette Island Reserve, AK and neighboring Ketchikan, AK.
- Continue strong funding for the BIA Safety of Dams (SOD) program within the BIA Resources Management Construction budget, of which $1 million is needed to address the hazard mitigation needs and initial planning phases for improvements at Chester Lake Dam on Annette Island Reserve.
- Continue strong funding for tribal hatcheries under the *Fish, Wildlife, and Parks* sub-activity within the BIA Trust-Natural Resources Management budget.
- Increase appropriations to support the ongoing implementation of the U.S./Canada Pacific Salmon Treaty under both the BIA Trust-Natural Resources *Rights Protection Implementation* sub-activity and the U.S. Fish and Wildlife Service's *Pacific Marine Fisheries Commission.*
- Continue strong funding for tribal courts in PL 83-280 states under the BIA Public Safety and Justice *Law Enforcement-Tribal Justice Support* program element.
- Ensure that there is full and mandatory funding for Contract Support Costs (CSC).
- Appropriate additional funding for Village Built Clinics and reject the IHS proposals to limit 105(l) Clinic Leases
- Support IHS Advance Appropriations—just like what the VA has.
- Shield IHS funding from sequestration—just like how VA funding is shielded.
- Reject any proposed FY 2018 Rescissions for Indian programs.

* * *

The Metlakatla Indian Community (MIC) is located on the Annette Island Reserve in southeast Alaska, a land base of 87,000 acres which includes significant fish and forestry resources. Through our Annette Island Service Unit we provide primary health services at our outpatient facility through funding from the IHS as a co-signer to the Alaska Tribal Health Compact under the Indian Self-Determination and Education Assistance Act. We are currently experiencing an ongoing, community-wide emergency: the lakes on which our island community depends on for drinking water and hydropower have reached dangerously low levels resulting in intermittent blackouts and our increased reliance on back up diesel power. The extent of this emergency and our proposal for relief are described below.

Create an Electrical Transmission and Telecommunications Category Under BIA Construction

We are currently experiencing an ongoing, community-wide emergency: because of changing weather patterns and decreased snowfall, the lakes on which our island community depends on for community drinking water and hydropower (Chester Lake and Purple Lake) have reached dangerously low levels resulting in intermittent blackouts, our increased reliance on dirty and unaffordable back up diesel power and uncertainty for our community's main employer who provides jobs that we absolutely cannot afford to lose. Over the past decades, we in partnership with several different federal agencies have successfully invested millions of dollars in energy generation and transmission infrastructure through a combination of loans to the community and a few small grants. Right now, we need $7.6 million to run an undersea cable to finally complete the last portion of this intertie which will link our community with neighboring Ketchikan. The completion of this intertie will allow us to buy and sell affordable hydropower back and forth with Ketchikan as lake levels change and it will allow our community will finally access business-grade internet speeds beyond the antiquated microwave technology on which we currently rely. All of our studies are done, all of our permits are complete. This project would absolutely transform our community but with 80 percent seasonal unemployment in our community, our ratepayers simply cannot afford for Metlakatla Power and Light (our utility company) to take on an $7.6 million loan—even at the very low federal interest rates available today.

To be clear, we do not need technical assistance or planning funds at this stage. We need on the ground construction funds to finally complete the very last portion of this critical project. We have been to every single federal and state agency and office and every non-profit that we can think of. Unfortunately, while everyone very much wants to help us, no one actually has the *construction* money to do so. We do not believe that we are the only tribe in this position. Year after year, studies and planning documents pile up across Indian Country raising hopes, only for tribes to find that construction priority lists are years long, require a substantial non-federal match or come in the form of "financing" for communities who already have very little money to begin with. As you may remember, when Recovery Act funding was appropriated, Indian Country was immediately ready with a list of shovel-ready projects a mile long. We would particularly like to thank these Subcommittees for recognizing this and substantially increasing appropriations for BIA Construction in FYs 2017 and 2018. This is why in FY 2019, we are proposing the creation of a new *Electrical Transmission and Telecommunications* category within the BIA Construction budget. We are here, we are ready and there is a tremendous pent up need for these vital projects in all of our communities.

BIA Safety of Dams Funding for Chester Lake Dam

Once again, we would like to thank the Subcommittees for increasing funding in FYs 2017 and 2018 for construction, particularly for Resources Management Construction. Chester Lake is our sole municipal water supply, so maintaining this reservoir is essential to the survival of the Tribe. Measures to secure and improve this water supply are a high priority to Tribal leaders. It is this consideration that led the Emergency Preparedness Task Force to enforce the cessation of hydropower operations from Chester Lake during the extremely low water period from July to September in 2016.

This had the effect of making the Tribe rely more heavily on diesel power generation and the Purple Lake Dam. The BIA Safety of Dams Downstream Hazard Classification Study 2016 was performed in summer 2016 to determine if the dam's hazard classification needed to be re-evaluated and to begin potential work to make improvements to this reservoir.

This process is part of the oversight provided by BIA SOD to ensure the safety of dams in Indian Country. *In March 2017, SOD informed MIC that the Chester Lake Dam qualified to have its hazard classification upgraded from low to high hazard*, thereby requiring additional comprehensive evaluation of the Dam, its status and steps to take to prevent any kind of an emergency or hazard to the community health and wellness.

The MIC has determined, through this process, that $1 million in infrastructure funding is necessary to make safety improvements at Chester Lake Dam, as well as carry out necessary planning and studies for expansion of the dam's storage and hydropower production capacity. The total cost of this project will be approximately $12 million, but the initial funding will allow for immediate safety measures to be implemented to protect the drinking water supply while planning for the Phase 2 improvements that will increase not only water storage capacity but also expanded hydropower production from Chester Lake Dam.

Tribal Hatcheries

We deeply appreciate the increase for the *Fish, Wildlife, and Parks* sub-activity within the BIA Trust-Natural Resources Management budget and are asking the Subcommittees to continue this increased funding level for FY 2019. MIC now receives hatchery funds from this sub-activity. Our new hatchery is now online and is expected to produce roughly 40 million more chum fry for the Northwest Region this year. Over the next five years, it is expected to produce 100 million more per year.

U.S./Canada Pacific Salmon Treaty

Pacific salmon migrate through a broad geographic range that includes rivers, streams and the coastal waters of both the United States and Canada. Recognizing this reality, the Pacific Salmon Treaty was negotiated between the U.S. and Canada in 1985 to prevent

overfishing and provide optimum production and fair sharing of the salmon harvest. In the U.S., salmon fisheries governed by the Treaty provide nearly 27,000 full time jobs and add nearly $2 billion annually to the gross domestic product. Funding to carry out different elements of the Treaty is appropriated through the Departments of Interior, State and Commerce. In the Department of Interior's budget, this funding is appropriated through the BIA Trust-Natural Resources *Rights Protection Implementation* sub-activity and the U.S. Fish and Wildlife Service's *Pacific Marine Fisheries Commission*. We would like to thank the Subcommittees for rejecting the Administration's request to substantially cut funding for the *Rights Protection Implementation* sub-activity in FYs 2017 and 2018 and ask that you once again protect this sub-activity in FY 2019 and if possible, increase funding for it.

Tribal Court Assistance for Tribes Subject to PL 83-280

We deeply appreciate the much-needed support for tribes who are affected by Public Law 83-280 and who are striving to serve their communities with competent and appropriate judiciary systems. We are grateful for both the increased appropriations directed to the BIA Public Safety and Justice *Law Enforcement-Tribal Justice Support* program element and the helpful report language provided in FYs 2017 and 2018.

We ask that the Subcommittees continue to include PL 280-specific funding under this program element and continue to direct the BIA to "continue to work with Tribes and Tribal organizations in these States to consider options that promote, design, or pilot Tribal court systems for Tribal communities subject to full or partial State jurisdiction under Public Law 83-280."

Support for Overarching Priorities for Indian Country

We would like to associate ourselves with tribal testimony calling for:

- Full and mandatory funding for Contract Support Costs (CSC).
- Additional funding for Village Built Clinics and a rejection of the IHS proposals to limit 105(l) Clinic Leases.
- Support for IHS Advance Appropriations—just like what the VA has.
- Shielding IHS funding from sequestration—just like how VA funding is shielded.
- Rejecting any proposed FY 2018 Rescissions for Indian programs.

Conclusion

We are glad to provide any additional information you may request. Thank you for your consideration of the concerns and requests of the Metlakatla Indian Community.

* * *

Mr. COLE. Thank you very much for your testimony. Next we will move to Natasha Singh, the general counsel—is it Tanana?

Ms. SINGH. Tanana Chiefs.

Mr. COLE. Tanana Chiefs conference, wow, we don't have the full word here—Tanana Chiefs Conference. The gentlelady is recognized.

WEDNESDAY, MAY 9, 2018.

TANANA CHIEFS CONFERENCE

WITNESS

NATASHA SINGH, GENERAL COUNSEL

Ms. SINGH. Thank you. Good afternoon, Chairman Cole and Ranking Member McCollum. My name is Natasha Singh, I am general counsel of Tanana Chiefs Conference. I am an Athabascan and I am a member of Stevens Village, and I also serve as the Stevens Village Tribal Court Judge. Tanana Chiefs Conference is a nonprofit, intertribal consortium of 37 federally-recognized tribes in 41 communities across interior Alaska. Our service area also includes the tribes of the Council of Athabascan Tribal Government that Bruce Thomas is representing today.

I am honored to testify before you on behalf of the TCC concerning the President's fiscal year 2019 budget for BIA and IHS. First, I want to commend the subcommittee for its bipartisan support of Alaska natives, as evidenced by the passage of the March fiscal year 2018 omnibus measure that added hundreds of millions in additional appropriations to the BIA and his budgets for fiscal year 2018.

The message from TCC is to continue the good work for fiscal year 2019. Broadly, TCC encourages the subcommittee to continue in fiscal year 2019 appropriation, the expansion of health services made possible under the Indian Health Service budget. For both health services and his facility construction needs expand public safety across interior Alaska, and Alaska, with continued and targeted appropriations, increases for law enforcement and tribal court programs, and P.L. 280 States, like Alaska, where State law enforcement programs and services are simply not available.

And, finally, increase funding for fiscal year 2019 for job training and economic development opportunities for Alaska Natives and American Indians who face tremendous challenges to secure postsecondary education, job training and job opportunities to provide for themselves and their families.

So the TCC service area, just to give some perspective, is quite large, it would include the whole State of Minnesota, Wisconsin, and the Dakotas all combined. That is what TCC is in charge of, and it is bigger than Oklahoma as well.

Mr. COLE. Well, not by much. You sound like a Texan.

Ms. SINGH. But you can imagine—so this is along four rivers, a couple of mountain ranges, the challenges of providing services, both health and human services, across our area is quite difficult. And on the one hand, we are making great progress because of the programs you have supported. Just recently, in Bruce's hometown

of Fort Yukon, just yesterday, we were able to honor two Ph.D's, Gwich'in women, received their Ph.D's, and it is just amazing that our communities are becoming safer, they are becoming healthier, and we are reversing the health disparities.

On the other hand, we still struggle. You heard all the testimony today regarding the disparities. We need to be able to have proper funding to increase the programs. First, IHS appropriations should continue to increase. IHS appropriations remain about a quarter of Medicare spending, and about a third of national per capita spending levels for health. What that means is that healthcare cost per person is here, and IHS funds are here (indicating). And that is what I like to educate our constituents about in Alaska when they are complaining about services. I am like, this is what we are dealing with in terms of funding levels. I don't know why, you know, we are—we have this huge funding disparity, but we have it.

Medicaid is one way tribes are able to make up for that huge shortfall, and if we were to lose Medicaid and other third-party reimbursements, the IHS appropriation—this subcommittee would need to allocate, would have to at least triple, or organizations like the ones we represent here on this panel would have to cut back our healthcare programs, which we can't afford to do.

TCC remains one of the only healthcare entities in Alaska that does not have a regional hospital. So we really rely on our village clinics and purchase and referred care. Finally, I would just like to hit on promoting programs that help keep Alaska native families together, to combat substance abuses and preventable death.

I would like just to support what I heard the testimony from Norton Sound, Megan Alvanna Stimpfle, she hit it right on the head with—that substance abuse is impacting our families. This fall, I sat with three mothers, all from the same extended family, who had lost adult children due to substance abuse, either suicide or trauma. And just sitting there with them as they mourned for their adult children, that is the impact. It was just like a black hole, it just pulls from our communities. And while these adult mothers, they can deal with what they need to deal with, I would like you to remember that the first responders to all these traumatic tragic incidents resulting from substance abuse are our children. They are the ones who are being exposed to this, and we would like to remain—keep our children innocent. We ask you to support those programs, including the P.L. 280 Tribal Court funding, like I mentioned before.

But I would just like to reiterate that TCC does support the joint venture projects that Yakutat mentioned. The non-BIA funding that CATG mentioned. And the 105L lease language that was mentioned today from all the other entities. So thank you very much.

[The statement of Natasha Singh follows:]

TESTIMONY OF NATASHA SINGH
ON BEHALF OF THE TANANA CHIEFS CONFERENCE
TO THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
CONCERNING THE FISCAL YEAR 2019 BUDGET
FOR THE BIA AND IHS
May 9, 2018

The Tanana Chiefs Conference (TCC) appreciates the opportunity to submit testimony to the Subcommittee regarding our priorities for Fiscal Year 2019 concerning appropriations for the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS). My name is Natasha Singh and I am General Counsel to TCC. I am Athabascan and a Stevens Village Tribal Member. TCC is grateful for this Subcommittee's bipartisanship, reflected in the final FY 2018 omnibus measure, Pub. L. 115-141, which Congress passed in March, and for the positive results the Subcommittee has made possible in Alaska. TCC asks the Subcommittee to build on successes in the FY 2018 budget when deciding on funding for BIA and IHS programs for FY 2019.

TCC is a non-profit intertribal consortium of 37 federally-recognized Indian tribes and 41 communities located across Alaska's Interior. TCC serves approximately 18,000 Alaska Natives in Fairbanks where TCC headquarters is located, and in the rural villages in Alaska's vast Interior, located along the 1,400 mile Yukon River and its tributaries.

To give you an idea of that great distance, it's just over 1,400 miles from the Rayburn House Office Building where I now sit to Lawton, Oklahoma in Congressman Cole's district, and 1,400 miles to Red Lake Falls, Minnesota in Congressman Peterson's district. There's a lot of country between here and Lawton, Oklahoma and Red Lake Falls, Minnesota. Imagine how our 41 Alaska Native communities feel in Alaska's vast Interior. These villages are remote, often inaccessible by car. Alaska Native residents must overcome many challenges to sustain healthy communities, educate their children, ensure their health and safety, and care for their elders and themselves. This Subcommittee, better than most, understands the great unmet needs in healthcare, public safety, education and job training faced by Alaska Native communities which struggle to provide essential services to maintain their members and culture.

About a year ago, in a similar hearing as today's, Congressman Cole laid out the stark truth; 2016 Federal per capita healthcare spending on Alaska Natives and American Indians, compared to Federal spending on Medicare, Veterans, and Medicaid recipients was "at the absolute bottom, and not by a little bit, but by a lot." The figures don't lie: $2,834 in per capita spending for IHS medical care expenditures per person versus $12,744 in Medicare spending for 2016. That is about four and-a-half times the per capita expenditure level by the IHS. Federal appropriations for IHS would need to more than triple just to match the per capita *national* health spending level of $9,990 per person (2016). Congressman Cole could not understand the basis for the Administration's proposed cuts to IHS funding proposed that year and neither could we. He stated that a $300 million cut in IHS funding was "not defensible or acceptable."

That is why TCC opposes the Administration's FY 2019 budget for IHS. The Administration's FY 2019 budget for IHS Services and Facilities totals $4.451 billion, which is $368 million

below the $4.819 billion enacted by Congress for FY 2018 for IHS Services and Facilities (excluding Contract Support Costs), which Congress passed a little over one month ago. TCC supports the recommendation of the National Indian Health Board (NIHB) to fully fund the IHS through the enactment of a true "needs based budget," phased in over 12 years, with at least a 33% increase (to $6.4 billion) in IHS funding for FY 2019, as well as providing advance appropriations for the IHS. So long as the IHS budget is part of the Interior appropriation, such increases will remain our great collective challenge.

Nonetheless, we urge the Subcommittee to continue its bipartisan work and increase FY 2019 appropriations above the FY 2018 enacted level to reduce continued healthcare disparities between Alaska Native and American Indians and non-Natives. According to the IHS:

- Alaska Natives and American Indians born today have a life expectancy that is 4.4 years less than the U.S. all races population (73.7 years to 78.1 years);

- Alaska Natives and American Indians continue to die at higher rates than other Americans in many categories, including chronic liver disease and cirrhosis (nearly 5 times the rate), diabetes mellitus (3 times), unintentional injuries (2.5 times), assault/homicide (2 times), suicide (2 times), and alcohol-induced death (7 times);

- According to a 2016 study examining behavioral health programs and Medicaid in Alaska: "Statewide gaps in the continuum of care combined with gaps in health care coverage perpetuate a cycle of crisis response and create costly inefficiencies."

- According to the CDC, the suicide rate among Alaska Natives is almost four times the U.S. general population rate and at least six times the national average in some parts of the State.

- According to the Alaska Department of Health and Social Services, in 2011, over 50% of some 4,500 reports of maltreatment substantiated by Alaska's child protective services, and over 60% of nearly 800 children removed from their homes were Alaska Native children.

We must stop this cycle of abuse and destruction. Alaska Native villages require the resources to build healthy families and communities. They do so by ensuring Alaska Native families have such basic necessities as housing, healthcare and public safety services. This Subcommittee has worked in a bipartisan manner to increase funds for Alaska Native villages and tribes in such areas in recognition of the great unmet needs faced by Alaska Native communities. When the Administration requests so little funding for tribal needs, it makes our job, as tribal advocates, and your job, as Congressional appropriators, more difficult to obtain a greater share of FY 2019 discretionary dollars for tribal needs.

For rural Interior Alaska Native communities, facing a State budget deficit for FY 2019, federal appropriations make the difference between the success and failure of our efforts and, in turn, the wellness of our tribal members. We have faith that this Subcommittee will defend and increase FY 2019 Federal funding levels for Indian Country.

1. Improve Tribal Health Care Quality and Access (IHS)

Build on the FY 2018 Enacted Budget for IHS. TCC greatly appreciates the nearly $500 million *increase* Congress included in the FY 2018 enacted budget for the Indian Health Service, including a $244 million increase in funding for IHS Clinical Services, a $322 million *increase* in IHS Facilities funding, and full payment of Contract Support Costs. We are especially appreciative of the $33 million increase in Purchased/Referred Care (P/RC) for FY 2018, $15 million for small ambulatory clinics construction, and $11.5 million for staff quarters, which is critical to our tribal communities. TCC remains one of the only tribal health entities in Alaska that does not have a regional hospital so our members are more dependent on village clinics to provide routine and emergency health care. We also rely heavily on P/RC funds. We also appreciate your acknowledgment that housing shortages in Alaska contribute to the high vacancy rates for medical personnel, especially in rural areas.

TCC cannot understand why the Administration proposes in FY 2019 to eliminate funding the Indian Health Care Improvement Fund (-$72 mil.), the Community Health Representatives program (-$62.8 mil.), the Health Education Program (-$19.8 mil.), or reduce funding for the Alaska Immunization program *below* the FY 2017 enacted level. Nor can we understand the Administration cutting IHS Facilities program funding some $40 million below the FY 2017 enacted level – and $362 million below the FY 2018 level – when our needs are so great.

TCC greatly appreciates the Administration including $150 million in the FY 2019 budget for the Special Diabetes Program for Indians (SDPI) and $150 million for Alaska Natives and American Indians to fight the opioid epidemic. We recommend that this Subcommittee, in report language, or Congress, in legislation such as S. 2680, the "Opioid Crisis Response Act of 2018," or similar such bills, direct the IHS to allocate the 5% set-aside for tribes in a manner similar to how the SDPI funds are now allocated, to ensure every tribal community receives a share of the $25 million set-aside within the State Response to the Opioid Abuse Crisis funds.

With respect to the payment of full Contract Support Costs, we are appreciative of the Subcommittee's use of an indefinite appropriation, as well as the Subcommittee's direction to IHS in the FY 2018 Conference Report that transfers of Substance Abuse and Suicide Prevention Program and other funds be awarded to tribes *through* Indian Self-Determination Act compacts and contracts, and *not through* separate grants, so that associated "administrative costs" will be covered through the contract support cost process.

The IHS has made its CSC policy, however, unduly complicated and we urge the Subcommittee to continue to monitor that the agency faithfully implements direction from the Subcommittee on this subject as well as Supreme Court holdings. Full payment of CSCs means just that and the IHS should not be permitted, by its policies, to undermine that essential goal.

2. Expand public safety and Tribal court in interior Alaska

As our Chief and President, Victor Joseph, testified last year, we cannot stress enough the importance village leaders place protecting our children, and all tribal members from sexual abuse, domestic violence and substance abuse. TCC is on record with numerous resolutions to express our members' exasperation over insufficient public safety services in our remote Alaska Native Villages. We cannot state it any clearer: Interior Alaska's rates of sexual abuse, domestic violence, and child rape are among the highest in the Nation. We have a crisis.

For that reason, we oppose the proposed cuts to the BIA budget included in the Administration's FY 2019 budget, a reduction of $600 million *below* the FY 2018 enacted level of $3 billion, with a $409 million cut to the BIA Operation of Indian Program (OIP) programs, including a cut of $55 million to the Public Safety and Justice funds from the FY 2018 enacted level. TCC urges the Committee to reject this budget.

We appreciate the Subcommittee's $13 million appropriation in FY 2018 for P.L. 280 courts and Conference Report language that expresses the Subcommittee's "concern" about Tribal courts' needs identified in the Indian Law and Order Commission's November 2013 report, which highlighted the fact that "Federal investment in Tribal justice in 'P.L. 280' States [like Alaska,] has been more limited than elsewhere in Indian Country." The Subcommittee directed the BIA to work with tribes and tribal organizations in P.L. 280 States to consider options that promote, design, or pilot Tribal court systems for tribal communities that are subject to full or partial State jurisdiction under P.L. 280.

TCC has limited recurring funds to pay for our Village Public Safety Officer (VPSO) program which works in conjunction with Alaska State Troopers. Our VPSOs are the "First Responders in the Last Frontier" and they respond to emergency calls, fire, EMS and search and rescue. With limited funds for public safety, the role of Tribal Courts in Alaska Native villages is critical. It allows our villages to address public safety concerns at the community level and break the cycle of arrest, prosecution and incarceration.

We urge the Subcommittee to provide increased funds for P.L. 280 courts so that we may better address public safety issues in our remote Interior Alaska tribal communities. We also appreciate the $7.5 million in FY 2018 BIA Public Safety and Justice funds to help people affected by opioid addiction.

3. Expand Tribal Opportunities for Job Training and Economic Development

TCC continues its mission to assist hundreds of tribal members in Fairbanks and in our Native villages with CDL classes, employment training in such areas as facility maintenance, flooring and cabinet installation, plumbing, plastic and cooper pipe fitting, wildland firefighting training, and cooking. With unemployment rates among Alaska Natives and American Indians multiple times the national unemployment rate of 4.1%, we cannot understand the lack of funding within the BIA's Community and Economic Development Programs, nor the Administration's proposal to reduce FY 2019 funding for Job Placement and Training by 33%, to $8 million. We appreciate the Subcommittee including $12.5 million for FY 2018 for job placement and training and hope that a portion of those funds reach Alaska Native Villages. There is great dignity in learning a trade and providing for your family.

Please provide meaningful increases to the BIA budget for these and related programs in FY 2019 to help promote job creation in our rural Native villages where work is seasonal and unemployment remains high. Our current resources are simply inadequate to the task at hand.

Thank you for permitting the Tanana Chiefs Conference the opportunity to submit written testimony.

Mr. COLE. I thank all of you for your testimony. Let me just have a make a couple quick comments and then go to my friend. I always love these hearings days because you get so much—you see the diversity of Indian Country all across the United States, and yet, at the same time you—there is a lot of commonality in terms of the defense of tribal sovereignty, the importance of self-governance, the insistence that the Federal Government fulfill its trust responsibilities, and the genuine need for everything from infrastructure to healthcare to sorts of things that frankly we have an important Federal role.

I think this committee, for several years, as the chairman said this morning in his testimony, under chairman of both parties, has really tried to address these things. We do always have a problem in that the jurisdiction of the committee is really vast, and its resources are somewhat limited. We have often debated whether or not we ought to move healthcare, for instance, just literally to another committee, simply because it has more money, and you know, could probably address these needs easier.

You raised the question, Ms. Singh, about healthcare disparities, and I think a lot of it is, again, we don't have—other than through third-party reimbursements, much in the way of mandatory money directed into our healthcare system because it is really older. Most of the mandatory programs are created in the 1960s. Indian Health Service has been around a long time before we did that. And I think this is almost an accident. We had sort of one healthcare system grow up because we had a trust obligation, and then all of a sudden, we developed another one and we didn't appropriately, in my view, include Native Americans in that process, and that is something we struggle with here a lot because, while I think this committee would probably like to move it to mandatory, I think other committees, including the Budget Committee, are usually less attracted to that possibility. But it leaves us with this very real disparity in funding levels, which really shouldn't exist. We should be spending roughly the same amount of Federal dollars for every American.

So, again, we will continue to work on that. Let me say one last comment, I wanted to pick up on something Mr. Thomas said, because I think it is absolutely key, which is self-governance, expanding the capacity for that. I have seen the differences made in my own tribe in my lifetime. The more functions we have taken over for ourselves, the better off we have done. Governor Anoatubby was the leader of our people, I remember once telling me—we took over our healthcare system, and like many of you, we have used the joint venture program, it has been extremely important to us, and we have been fortunate. Because to use that, you have got to have money, and not every tribe is in that position, but it does let you catch up in a hurry if you can do it.

But I remember I visited another tribe that did not want to manage their healthcare, and that sort of was puzzling to me. So I just mentioned it to Governor Anoatubby, and his and first job in building our healthcare system, and he said, Tom, really, when we started doing this in the 1970s, our own people, honestly, they would have never said it out loud, but wondered whether or not we could do it. And then they noticed as soon as we started, the wait times

really started falling down, because you couldn't get to anybody in the IHS, but you could sure call a tribal counselor in a hurry. And all of a sudden things started responding and people began to understand that the more of these functions we took over—and that doesn't mean letting the Federal Government off the hook, I mean, they have a trust obligation here, we have a financial obligation. But the more these positions in our respective communities that are held by our respective people, I just think the better off you do. And it is a real key to going forward.

We are always going to be pushing the Federal Government to do more, because it doesn't do what it is committed to do. And we had some interesting testimony today that suggested it did, you know, 10 or 20 percent of what it is really obligated to do. And so you have to always keep that fight on, but at the same time, if you wait around for the Federal Government, you will be waiting forever. So you simultaneously have to develop that self-governance capacity. And I think wherever we have done it, it is amazing how well our people have done as they assume these kind of roles.

Again, I want to thank all of you for traveling so far, and for your testimony. It is very compelling and very helpful to the committee, and certainly, the chairman makes the final decisions around here, in consultation with the ranking member about the budget, but I suspect the proposal out of the committee will be somewhat different than the administration's proposal. I don't think we are anxious to lose the gains that we have been fortunate enough to make in the last couple of years through bipartisan cooperation.

So, again, you will see Democrats and Republicans alike working hand in hand on those issues on this subcommittee for sure. With that, I yield to my friend from Minnesota.

Ms. MCCOLLUM. As Mr. Cole pointed out, boy, you just learn something new all the time. So all four of you in one way or the other, some of you more directly, some of you spot on, talked about telecommunications, and the more remote you are, the more important it becomes.

I didn't know anything about the USAC rural area service until today. And I have found out a lot about it. It is described as a victim of its own success, because as more and more tribal communities have connectivity, more rural areas have connectivity, there are more users, the cost of the system goes up because there are more folks on it.

And then, as we provide better and more technical equipment—for example, the reading of radiology scans as they get better—they take up more space. I learned a lot, and I also did some research. We have one member of this committee who serves on Financial Services where this is housed, because we don't directly fund it, but it is going to affect everything that we are trying to accomplish here as a goal for success in Indian Health.

So Mr. Stewart is going to become very popular with some of us very quickly, because he is not only on this committee, but he is on Financial Services. So we need to make sure that that allocation is bumped up to help you and other rural communities. You gave me something to do this afternoon, and for that I thank you, and for taking me on a learning journey on how to work not in a silo,

but in a more of a broader community setting to address some of the challenges that you have being in such remote rural areas.

As you pointed out, I can drive to Red Lake, it might take me 4 hours, but I can get to Red Lake, and Red Lake is going to be fairly connected to the rest of Minnesota and the lower 48. If you go to where you are located, that is not the same thing. So thank you for reminding us of our responsibility not to just be in our comfort zones for what we think we can deliver, but for taking us out of our comfort zones to work with you on what we should be delivering. Thank you.

Mr. CALVERT [presiding]. Thank you. And I am sorry I wasn't here during your testimony. I will say, Don Young, I had some constituents were out from Alaska. We see Don every vote.

Ms. MCCOLLUM. We do.

Mr. CALVERT. He is hard to miss. He is all of Alaska, that is for sure. Thank you very much. I look forward to looking at your testimony. Appreciate it. Have a good day. I think we have our next panel coming up. Hi, how are you. Good. Everybody has got their name tags. Okay. Great. Perfect.

Well, thank you. You probably all are aware of the 5-minute rule, each of you have 5 minutes for testimony. Once the yellow light goes on, you have a minute to close up. We certainly appreciate your coming out here today. It looks like you come from long distances, so we certainly appreciate that.

With that, Patty Brown-Schwalenberg, executive director of the Chugach Regional Resources Commission from Alaska. So you are recognized for 5 minutes.

WEDNESDAY, MAY 9, 2018.

CHUGACH REGIONAL RESOURCES COMMISSION

WITNESS

PATTY BROWN-SCHWALENBERG, EXECUTIVE DIRECTOR

Ms. BROWN-SCHWALENBERG. Thank you, Chairman Calvert, and good afternoon, Ranking Member McCollum, and others members of the subcommittee whose staff may be here. Again, my name is Patty Schwalenberg, I am a proud member of the Lac du Flambeau Band of Lake Superior Chippewa Indians, and happy to be on the panel with my fellow brothers and sisters from the midwest.

I am the executive director of the Chugach Regional Resources Commission, which is intertribal Fish and Wildlife Commission of seven tribes located in Prince William Sound and Lower Cook Inlet, which is south central Alaska. We have an annual appropriation of $410,000 from the BIA within the Tribal Management Development Program in trust in Natural Resources, and it is small in comparison to the number of villages and the vast area that we cover. But we have learned with dwindling budgets that leveraging these funds is very important. So we average our funds at a nearly 5-to-1 and operate on a $2 million annual budget with full time and seasonal staff of 20 people in the villages and in our base in Anchorage.

As an example, Chugach Alaska Corporation just developed a $5 million regional community economic development fund for the Chugach region tribes and tribal organizations. So we have partnered with them and we are going to be one of the first recipients of this fund to develop kelp farms in three of the communities. Those will employ about five employees each, and we have a processing facility in Tatitlek, and that will employ 15 people. So that is a pretty big project that Chugach, Alaska is very excited in partnering with us, and we are seeking other funding to get that project going. But we are looking at 2019 to have that start—putting that in place.

Our shellfish hatchery, which we are very proud of, the Alutiiq Pride Shellfish Hatchery is set to produce the kelp and assist the communities in getting the farmers started. So for these types of things, we oppose the administration's proposal to cut our Federal funding by $30,000, and we actually would ask the subcommittee to consider increasing our funding by $100,000 for fiscal year 2019.

As I said, with our ability to leverage our funding, this has the potential to generate an additional $500,000 for our program and ensure the viability and growth of the communities that we work for. So some of the entities, you know, the Forest Service, Fish and Wildlife Service, some private foundations, North-Pacific Research Board, Nola (ph) Fisheries, we have really expanded our search for partners because of the funding world at this point.

We also manage the Alaska Migratory Bird Co-Management Council and participated on the Indigenous People's Council on Marine Mammals. So we do harvest surveys for both marine mammals and migratory birds. And we managed the regulation of the subsistence harvest and migratory birds during the spring and summer.

So our hatchery is continuing to do well. We are producing several shellfish species, both for the shellfish industry and for the communities. We are continuing to conduct the research on Blue King Crab and Red King Crab in hopes of enhancing the populations that aren't doing well near Kodiak and the Gulf of Alaska.

And we also have an ocean health lab that is testing the water quality across the State, actually it started in the Chugach region, but other areas like the North Slope and western Alaska have been contracting with us to test their waters for the alkalinity in the ocean, because it does affect the shellfish and the other species that are harvested by our people.

So with the 5-to-1 ratio that I mentioned, I really think that we have been good stewards of the money that you have provided over the 25, 26 years that we have been working with the BIA and Congress, and we really appreciate it. I feel like we take our jobs very seriously, and our main focus is to provide jobs and revenue at the local level. And by monitoring and protecting our waters, we ensure the continuity of Alaska Native hunting and fishing practices.

I hope you agree that all the programs funded, not just in Alaska or for the Chugach Regional Resources, but for all the entities that have testified before you this week, that the BIA's Travel Management and Development Program are worthy of the financial support. Obviously, we all need more money to do the things that we that we do. And I hope that you will reject the administration's

proposed cuts that actually help us expand our natural resource services and programs for fiscal year 2019 and future years.

And, personally, I think our appropriation is a rounding error in Washington, D.C., but I assure you it means the world to us in Prince William Sound and Lower Cook Inlet. So thank you for the opportunity to testify.

[The statement of Patty Brown-Schwalenberg follows:]

TESTIMONY OF
PATTY BROWN-SCHWALENBERG, EXECUTIVE DIRECTOR
CHUGACH REGIONAL RESOURCES COMMISSION
HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING THE BIA'S FY 2019 BUDGET
MAY 9, 2018

The Chugach Regional Resources Commission (CRRC) is pleased to submit written testimony reflecting the needs, concerns and requests of CRRC in the proposed FY 2019 budget for the Bureau of Indian Affairs (BIA). Our recurring funding is included in the Administration's annual budget within the BIA's Tribal Management Development Program (TMDP) account. CRRC is able to leverage our limited BIA funds into real economic opportunity for those living in the small Alaska Native villages located in Prince William Sound and Lower Cook Inlet. From an FY 2017 appropriation of $410,000 in BIA funds, we leveraged those funds and operated with a budget of nearly $2 million to support community-based programs (almost a five-to-one ratio). In FY 2019, the Administration proposes to *reduce* our funding to $380,000, cut the BIA's TMDP budget of $11.65 million by 25 percent, and overall spending for BIA by $665 million *below* the FY 2018 enacted level. We object.

CRRC opposes the Administration's proposed reductions to the BIA budget and to our TMDP funds. A modest increase of $100,000 in FY 2019 funding for CRRC may translate into as much as $500,000 in additional revenues that we can use to serve our Alaska Native communities. As noted in the Administration's budget request for FY 2019 concerning the BIA's TM/DP:

> [T]he Tribal Management/Development Program (TMDP) supports tribal self-determination by allowing tribal management of fish and game programs . . . Contract agreements are executed with individual fish and wildlife resource tribes [and consortia] to accomplish management objectives. Tribes administer programs that contribute significantly towards economic development [].

CRRC is an intertribal organization organized in 1987 by the seven Native Villages located in Prince William Sound and Lower Cook Inlet in South-central Alaska; namely, Tatitlek Village IRA Council, Chenega IRA Council, Port Graham Village Council, Nanwalek IRA Council, Native Village of Eyak, Qutekcak Native Tribe, and Valdez Native Tribe. The success of our programs, from both an economic and social standpoint, make them an integral part of our constituent Tribes' ongoing development. Reductions in our BIA funding will limit our out-reach and ability to leverage additional Federal, State, local and other tribal resources which are critical to our program's and our constituent tribes' success.

CRRC was created to address environmental and natural resources issues and to develop culturally-sensitive economic projects at the community level to support the sustainable development of the region's natural resources. The Native Villages' action to create a separate tribal entity demonstrates the concern and importance the Tribal governments hold for

environmental and natural resource management and protection – which is the wellspring for jobs and the perpetuation of our Alaska Native communities and culture.

Through its many important programs, CRRC provides employment for up to 35 Native people in the Chugach Region annually – an area of high unemployment – through programs that conserve and restore our natural resources and ensure a future for our Tribal communities.

Federal investment in CRRC has translated into real economic opportunities, savings and community investments that have a great impact on the Chugach region. Our employees are able to earn a living and support their families, thereby removing them from the rolls of people needing Alaska State and Federal support. This contributes to family and community stability and is a bulwark against depression, substance abuse, suicide and other ills that plague remote Tribal communities. With the job opportunities made possible by CRRC programs, Alaska Native members are able to reinvest their wages into the community, supporting the employment of and opportunities for other Alaska Native and non-Native families. Our programs also support future economic and commercial opportunities for the Prince William Sound and Lower Cook Inlet regions – protecting and developing our shellfish industry and other natural resources.

Programs. As noted above, CRRC has leveraged its recurring BIA funding of $410,000 within the Tribal Management/Development Program, into almost $2 million to support our community-based programs. Specifically, the $410,000 in base funding provided through BIA appropriations has allowed CRRC to maintain core administrative operations and seek specific project funding from other sources such as the Administration for Native Americans (ANA), the State of Alaska, Bureau of Indian Affairs (BIA), U.S. Forest Service, U.S. Fish & Wildlife Service, the U.S. Department of Education, the *Exxon Valdez* Oil Spill Trustee Council, the North Pacific Research Board and other foundations. This diverse funding pool has enabled CRRC to develop and operate several important programs that provide vital services, valuable products, and necessary employment and commercial opportunities. These programs include:

Alutiiq Pride Shellfish Hatchery. The Alutiiq Pride Shellfish Hatchery is the only shellfish hatchery in the State of Alaska. The 20,000 square foot shellfish hatchery is located in Seward, Alaska, and houses shellfish seed (cockles, littlenecks and butter clams), brood stock and algae production facilities. Alutiiq Pride is undertaking a hatchery nursery operation, as well as grow-out operation research to adapt mariculture techniques for the Alaskan Shellfish industry. The Hatchery is also conducting scientific research on blue and red king crab as part of a larger Federally-sponsored program.

Alutiiq Pride has already been successful in culturing geoduck, oyster, littleneck clam, and razor clam species and is currently working on sea cucumbers. This research has the potential to dramatically increase commercial opportunities for the region in the future. The activities of Alutiiq Pride are especially important for the region; as the only shellfish hatchery in the state, it is uniquely qualified to carry out this research and production.

Alutiiq Pride staff are working on developing a shellfish sanctuary concept in Port Graham and Resurrection Bay, acquiring land use permits from the Department of Natural Resources for Port Graham and from the Alaska Railroad for Resurrection Bay. Port Graham

has been stocked with 220 little neck, 200 cockles and 220 butter clam adults and CRRC is working to reduce predation and ensure greater survival rates.

Alutiiq Pride also devotes considerable time to its Ocean Acidification (OA) monitoring lab, processing 300 discrete samples collected from villages and scientific partners. A Burk-O-Later, an instrument that tests for aragonite saturation, required for shellfish to form their shells, requires frequent maintenance and calibration.

Alutiiq Pride recently implemented a preventive maintenance program to prolong the useful life of essential capital equipment. Alutiiq Pride installed chillers at its facility that were donated by the University of Alaska. The chillers will house king crab brood stock in case water temperatures are too high. In 2016, warm waters caused the crabs to release their larvae early which reduced survivability.

Natural resource curriculum development. Partnering with the University of Alaska, Fairbanks, and the National Oceanic and Atmospheric Administration, CRRC continues its model curriculum in natural resource management for Alaska Native students. This curriculum integrates traditional knowledge with Western science. The goal of the program is to encourage more Native students to pursue careers in the sciences. In addition, we are working with the Native American Fish & Wildlife Society and Tribes across the country (including Alaska) to develop a university level textbook to accompany these courses.

In addition, we have completed a K-12 Science Curriculum for Alaska students that integrates Indigenous knowledge with western science. This curriculum is being piloted in various villages in Alaska and a thorough evaluation process will ensure its success and mobility to other schools in Alaska.

Alaska Migratory Bird Co-Management Council. CRRC is a member of the Council responsible for setting regulations governing the spring harvest of migratory birds for Alaska Natives, as well as conducting harvest surveys and various research projects on migratory birds of conservation concern. Our participation in this state-wide body ensures the legal harvest of migratory birds by Indigenous subsistence hunters in the Chugach Region. After a nearly 30-year moratorium, the Alaska Board of Game lifted a ban on the harvest of Emperor Geese once the geese population reached sustainable levels. We are proud to have participated in this work.

Statewide Subsistence Halibut Working Group. CRRC continues to participate in a working group to ensure halibut resources are secured for subsistence purposes, and to conduct harvest surveys in the Chugach Region.

Conclusion

We urge the Subcommittee and Congress to protect *and increase* CRRC's FY 2017 appropriation level of $410,000 in the BIA's FY 2019 budget for TMDP. With a five-to-one return on every Federal dollar invested in CRRC, we clearly demonstrate our ability to effectively administer these dollars. Thank you for the opportunity to present our testimony.

Mr. CALVERT. Thank you. Appreciate your testimony. Next is Sandra Lewis, the tribal counsel recorder for the Little River Band of Ottawa Indians.

WEDNESDAY, MAY 9, 2018.

LITTLE RIVER BAND OF OTTAWA INDIANS

WITNESS

SANDRA M. LEWIS, TRIBAL COUNCIL RECORDER

Ms. LEWIS. Sandra Lewis, Tribal Council Recorder, Little River Band of Ottawa Indians, Manasee, Michigan. I am honored to present this testimony on behalf of my Nation regarding our views and priorities for the fiscal year 2019 President's annual budget request.

I would like to begin by thanking the committee for the continued respect of our native sovereign nations, and prioritizing funding for Indian Country in 2018. While it seems that there is never enough to meet the needs of our people, we recognize your efforts to honor the treaty obligations. We are grateful the proposed cuts to programs in both Bureau of Indian Affairs and Indian Health Services did not take place in 2018. We ask for similar consideration related to the President's 2019 budget. We call on Congress to reject the proposed budgets.

I am certain I echo the testimony of several other nations when I commend the proposed increase to the Indian Health Service. Further, we request the 2019 budget address the important issues of contract support costs. Furthermore, while we applaud the increase in funding to address the opioid crisis, it is important to recognize the funding is largely targeting the problem when it has already manifested and destroyed members of our community.

Focusing on our funding and healthcare and substance abuse programs ignores the root cause of the problem. And I see that—you know, to not just blanket the issue, but we need a solution. And that solution, I really think, is giving hopes, dreams, goals, and giving people futures to look forward to.

A long-term solution for the substance abuse issues that plague many communities like ours is a commitment to programs that create opportunity and an alternate path. The President's budget proposed to eliminate programs for housing improvement and education, including job placement and training programs. The proposal also includes several reductions to social services, right protections, roads transportation programs, and infrastructure grants.

We focus on historic preservation for our culture and language because we believe it has a lot to teach our citizens and the United States. We include traditional medicines in our healing practices. We encourage Federal programs, specifically addressing substance abuse, to allow for the freedom to embrace cultural, relevant teachings, recognizing spiritual practices and native language builds pride in our community and affirms who we are as a Nishnawbe Nation.

In managing IHS funds, we look to the whole person. We look at them physically, emotionally, and spiritually. We recognize the

cycle of sicknesses, independence, and in the last years, we have been able to offer services, including telepsychiatry and pharmacy. The second way we promote our homeland is through our natural resources, management and preservation. The tribes work with the State of Michigan, tribes in other organizations, to protect our waters and promote the return of native fish and wildlife.

The connection of our people to the water is a spiritual connection. As people, we rely on water to sustain our life. Water does not discriminate. It does not make distinction over race, religion, or politics. Our belief is that it is a living spirit supporting us and shall be honored and respected by all of the Nishnawbe.

We agree that the President's request to include an increase for the Clean Water State Revolving Fund, but the proposed cuts to the Great Lake's restoration fund should be rejected. All Michigan tribes take stewardship of the Great Lakes very seriously. It is one of the United States' great resources. The health and the future of the Great Lakes has never been more important to us. We are blessed to be able to protect it, and we are asking Congress for the assistance to continue in this effort.

And I just want to say that we did reach out and we did start a program up, and it is the New Generation Learning Center, and we, aside from Federal grants, we reached out to Kellogg Foundation, and we reached out to the other grant sources, and we did start—it is not just a daycare, but it is an education system, like an early Head Start for children.

And with that, I just would like to say that Little River appreciates the opportunity to present this testimony to the committee on these important matters. Thank you.

[The statement of Sandra Lewis follows:]

WRITTEN TESTIMONY OF SANDRA M. LEWIS, TRIBAL COUNCIL RECORDER

LITTLE RIVER BAND OF OTTAWA INDIANS

BEFORE THE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR ENVIRONMENT and RELATED AGENCIES CONCERNING THE PRESIDENT'S FY2019 BUDGET REQUEST

UNITED STATES HOUSE OF REPRESENTATIVES

MAY 9, 2018

Chairman Calvert, Respected Members of the Committee:

I am Sandra Lewis, Tribal Council Recorder of the Little River Band of Ottawa Indians. I am honored to present this testimony on behalf of my nation, regarding our views and priorities for the fiscal year 2019 President's Annual Budget Request.

I would like to begin by thanking this Committee for the continued respect of our native sovereign nations and particularly for prioritizing funding for Indian Country in 2018. While it seems that there is never enough to meet the needs of our people, we recognize your efforts to honor the treaty obligations. We are grateful that the proposed cuts to programs in both the BIA and the IHS did not take place in 2018. We ask for similar consideration related to the President's 2019 budget. We call on Congress to reject the currently proposed cuts, which include cutting more than fifteen percent from the BIA's budget and the reduction or elimination of many of the most impactful programs for us.

I am certain I echo the testimony of several other nations when I commend the proposed increase to IHS. Further, we request the 2019 budget address the important issue of contract support costs. Congress sent a clear message to the administration related to this funding, but the Tribes have yet to see IHS act. I believe we all recognize the need to address health concerns and specifically we are heartened by Congress and the administration's evolving attitude toward funding programs related to substance abuse and mental health programs. However, when grant programs are not considered in the calculation of contract support costs the Tribes pay the price. Covering administrative costs for programs by cutting in to other vital programs.

Furthermore, while we applaud the increase in funding to address the opioid crisis, it is important to recognize the funding is largely targeting the problem after it has already manifested and destroyed members of our community. Focusing our funding on health care and substance abuse programs ignores the root cause of this problem. Proposed cuts and elimination to the funding of several BIA programs compounds the issue.

As a Tribal Councilor of a tribe with self-governance compacts with the Interior and IHS, I share similar responsibilities to the members of this committee—as a body we create Tribal law and manage the budget for our tribe. We as legislators, sit in a unique position to create policy

for future generations. We look at our budget and program development as investments. We are trying to build a strong foundation for our nation, because without that foundation our programs will fall. At Little River, we recognize common goals and we aim to benefit both our tribal citizens and our local communities. The work of the programs the administration is proposing to cut at the BIA is not done. We are not done.

We are working through historical trauma and it takes a generation of dedicated time and funding to reap the rewards of these programs. I speak from experience when I tell you that twenty-four years after federal recognition, we are just now beginning to see our hard work pay off. We are seeing our Tribal programs for buying school clothes, laptops, book stipends, and education funding become Tribal Members returning to our homeland as professionals. We hired our first Little River citizen attorney in 2016 and this year we will have a citizen medical student interning in our clinic.

A long-term solution for the substance abuse issues that plague many communities like ours is a commitment to programs that create opportunity and an alternate path. The President's budget proposes to eliminate programs for housing improvement and education, including job placement and training programs. The proposal also includes severe reductions to social services, rights protection, roads and transportation programs, and infrastructure grants. Moreover, this administration that speaks a good game of supporting law and order has proposed cuts to our law enforcement and Tribal Courts funding.

All of this is information you already have in front of you, so I would now like to speak in specifics about my nation and what we are trying to do for our people and our community.

While the overall increase to IHS funding is a good start the concern about contract support cost funding lingers. In addition to this issue, the proposed budget has eliminated the funding to Community Health Representatives and Health Education. These are critical services that allow our Clinic to understand our population and what they need. In addition to this, grant programs that include transportation costs are vital to reaching our citizens.

We have taken our commitment to education a step beyond what federal funding would allow us and by seeking and winning local grants, we have been able to open an early childhood development center: The Next Generation Learning Center provides much needed childcare and early childhood education options for a rural community that struggles to meet this need. While we hope to build this venture into self-sufficiency, a new small business takes time and investment. Federal funding of programs allows the Tribe to focus on efforts like Next Generation.

We also focus on historical preservation of our culture and language because we believe it has a lot to teach our citizens and the United States. We include traditional medicine in our healing practices. We encourage federal programs, specifically addressing substance abuse, to allow for the freedom to embrace culturally relevant teachings. Recognition of religious practices and native languages builds pride in our community and affirms who our people are. This heals generations of trauma. In managing our IHS funds, we look to the whole person: the spirit, the

emotion, and the physical. We recognize the cycle of sickness and dependency. In the last year, we have been able to expand our offered services to include tele-psychiatry and we have opened a tribal pharmacy. Funding, especially contract support cost funding, is vital for the administration of these programs. We are in a rural area and services like this are limited—the cost to run these programs runs at a premium and requires constant funding of contract support costs.

Promotion of our homeland through programs and services happens in two major ways. The first is through providing housing and services in our trust land. The new proposed budget cuts native housing programs drastically through cuts to the BIA programs and through HUD's housing block grants and housing loan guarantee programs. Our Tribal Council has committed to building quality housing for our community—in the last two years we have built twelve new homes and are on track to build two more homes this summer and are beginning plans for a complex for our Tribal Elders. The Tribe has consistently sought additional grant funding and applied for a tax credit program to alleviate some of the reliance on federal programs. Being a rural community puts us at a disadvantage when it comes to the tax credit program and to date, no tribe in Michigan has been successful when applying. We have waiting lists for every type of housing we offer. We cannot imagine our housing situation is unique compared to other tribes across the nation and urge Congress to reject any cuts to the costs of housing programs.

The second way we promote our homeland is through our natural resource management and preservation. The Tribe works with the state of Michigan, tribes, and other organizations to protect our waters and promote the return of native fish and wild rice. The connection of our people to the water is a spiritual connection. As people, we are made of water and we rely on water to sustain our life. The water does not discriminate; it does not make distinction of race, religion, or politics. Our belief is that it is a living spirit supporting us all and this should be honored and respected. We agree with the President's budget request that includes an increase for the Clean Water State Revolving fund but the proposed cut to the Great Lakes Restoration Fund should be rejected. All Michigan Tribes take our stewardship of the Great Lakes very seriously. It is one of the United State's greatest resources. The health and future of the Great Lakes has never been more important—it is the largest collection of freshwater in the world and we are blessed to be able to protect it. We require Congress's assistance to continue this effort.

Lastly, our protection of our land also includes protection of our people. As you are aware, the ability for the increase of criminal jurisdiction over non-tribal citizens addresses a critical need for justice in the native community. However, that justice comes at a price because the program for jurisdiction extension requires the traditional tribal court to change. The emphasis on law trained judges and funded defense for indigent offenders is supported but not easily achieved. For example, we are currently working on a public defense program, we have proposed legislation for a Victims Bill of Rights Ordinance, and any changes to our court system will require a constitutional amendment. These changes come at significant expense for the Tribe—both in attracting candidates and in educating our citizens.

Little River Band appreciates the opportunity to present this testimony to the Committee on these important matters. I am happy to answer any questions the Members of the Committee may have.

KchiMiigwech (Many Thanks)
Gdagaanaagaanik (All Our Relations)

Mr. CALVERT. Thank you. Thank you for your testimony. Next is Brian Newland, board of director—board member of the Chippewa Ottawa Resource Authority, recognized for 5 minutes.

WEDNESDAY, MAY 9, 2018.

CHIPPEWA OTTAWA RESOURCE AUTHORITY, BOARD OF DIRECTORS

WITNESS

BRYAN NEWLAND, BOARD MEMBER

Mr. NEWLAND. Thank you, Mr. Chairman. First let me say [Speaking native language]. My name is He Walks Many Paths, but you can call me Bryan. I am the member of the Wolf Clan and also chairman of the Bay Mills Indian Community. And, you know, with, I guess, all due respect to my friends from Alaska who came today, you know, the running joke in our part is that we are not at the end of the world, but you can see it from where we are. We are right on the Canadian border in the southern shore of Lake Superior.

So, Mr. Chairman and ranking member, I am here to talk about one and a half things, fish and the Great Lakes. Fish are so important to our people, the Nishnawbe people, that they shape our culture, they are part of our ceremonies, and our ancestors found them to be so important that we reserved the right to fish in a treaty with the United States.

We signed a treaty, our member tribes here, signed a treaty with the United States in 1836 that ceded what is now 40 percent of the State of Michigan. And that land secession allowed the State of Michigan to enter the Union as the 26th State in 1837. And as a condition of allowing the great State of Michigan to come into existence, our people reserved the right to fish, and we have exercised that right ever since. And it is a right that our people take so seriously and value so much that they have risked their personal safety and their freedom to exercise that right.

My grandparents, before I was born and before commercial fishing, under our treaty was recognized as a legal right by the State of Michigan, used to go out onto Lake Superior in the middle of the night to set their nets and then to haul fish out.

Now, Mr. Chairman and ranking member, I don't know if you have ever been in Lake Superior, but even on the hottest day, it is pretty darn cold. And, you know, my grandmother has a colorful description of how that process worked, it is probably not suitable for the Congressional Record, but suffice it to say, she found—her and my grandfather found the process of catching fish in the middle of the night rather uncomfortable.

And my father-in-law used to tell stories about the same thing, catching fish at night. And I recall one story he shared with me where he had to hide in the water in the dark because as they were coming to shore they saw a group of sport fisherman with guns and baseball bats waiting for them to teach them Indians a lesson about fishing. So he had to wait in the frigid waters of Lake Michigan until they left the boat launch.

And then in the early 1970s, a gentlemen who lived just down the street from where I grew up, Albert LeBlanc, was cited by the State of Michigan for fishing illegally, and that case—his case went all the way to the Michigan Supreme Court, which recognized that we, in fact, do have a treaty right to catch fish. And to enforce that right, the United States brought a lawsuit on our behalf against the State of Michigan, and that case is called the U.S. v. Michigan, and it has been open and active in the Federal courts for 45 years, which is longer than I have been alive.

And we—our tribes, in cooperation with the State of Michigan and Federal agencies, manage the Great Lakes Fishery under a consent judgment in that case. And that work is funded through the Rights Protection Implementation line item in the budget. And, you know, I served at the Department of the Interior in the last administration and helped formulate this part of the budget for the President's budget request. And, you know, it is fair to say that we found it to be an important line item, and Congress thankfully, and I think in your good wisdom, agreed. But in the most recent Presidential budget request, they have proposed a one-third cut to this line item, Rights Protection Implementation. That one-third cut, if implemented, would impair the ability of tribes in Washington State, Oregon, Minnesota, Wisconsin, and Michigan, to regulate treaty fishing under Federal court judgments. And if we are not able to regulate those activities, the treaty rights themselves will be at risk.

So we are before you asking today, Mr. Chairman and ranking member, that Congress maintain level funding for this line item and allow us to do the work that we have been doing for the past 40 years, hand in hand with the Federal Government, and also to keep fighting for the Great Lakes Restoration Initiative, that is a good program as well.

[Speaking in native language.] Thank you.

[The statement of Bryan Newland follows:]

TESTIMONY OF BRYAN NEWLAND
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 AGENCES
UNITED STATES HOUSE OF REPRESENTATIVES

on

MAY 9, 2018

Introduction

Aanii (Hello)! My name is Bryan Newland, and I am the President of the Bay Mills Indian Community, which is an Ojibwe tribe located on Lake Superior in Michigan's Upper Peninsula. I am appearing before the Subcommittee in my capacity as a Member of the Board for the Chippewa Ottawa Resource Authority ("CORA").

CORA is a consortium of five federally recognized tribes in Michigan that are parties to the 1836 Treaty of Washington with the United States: Bay Mills Indian Community, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, and the Sault Ste. Marie Tribe of Chippewa Indians.

Purpose

I appreciate the opportunity to present testimony to the Subcommittee to urge your continued support for funding the *Rights Protection Implementation* (RPI) program at the Department of the Interior. RPI funds are necessary to ensure that tribes are able to exercise their judicially-recognized reserved treaty rights in a meaningful way. Tribes use these funds to monitor and protect natural resources, enforce tribal, state, and federal laws, and to protect their reserved treaty rights.

In FY2018, Congress appropriated $39.4 million for the RPI program, of which $5,999,614 was allocated to the CORA Tribes. We are urging Congress to maintain this funding in FY2019.

Background

In 1836, the Ojibwe (Chippewa) and Odawa (Ottawa) tribes (the "CORA Tribes") in Michigan negotiated a treaty with the United States to cede much of the lands that were used to establish the

State of Michigan in 1837. Those ceded lands comprise more than forty percent (40%) of what is now the State of Michigan. In exchange for this valuable cession of land, the CORA Tribes reserved the right to hunt and fish throughout the ceded territory, including the adjoining waters in Lakes Michigan, Huron and Superior.

The citizens of the CORA Tribes continued to exercise their treaty rights following the ratification of the 1836 Treaty of Washington. In the 1950's and 1960's, the State of Michigan began efforts to regulate hunting and fishing activities by our tribal members, and to curtail the rights our tribes reserved in the Treaty of 1836. Many tribal members, including Bay Mills Indian Community member Albert "Big Abe" LeBlanc, resisted the State's efforts to erode our reserved treaty rights by continuing to catch fish with gill nets and without state licenses.

In 1971, the State of Michigan issued a citation to Big Abe LeBlanc for fishing with gill nets, and prosecuted him under Michigan's criminal laws. Bay Mills Indian Community defended LeBlanc against the charges by arguing that the rights reserved by the 1836 Treaty Tribes continued to exist, and that they superseded state hunting and fishing regulations under the supremacy clause of the United States Constitution. The case of *People of Michigan v. LeBlanc* was ultimately resolved by the Michigan Supreme Court in 1976, which held that the fishing rights expressly reserved in the 1836 Treaty remained in effect.

As a result of the State of Michigan's prosecution of Big Abe LeBlanc, in 1973 the United States filed a lawsuit against the State of Michigan on behalf of the 1836 Treaty tribes to uphold and enforce the fishing rights reserved in the 1836 Treaty. That case was titled *United States v. Michigan*. In 1979, Judge Fox of the U.S. District Court for the Western District of Michigan entered an opinion and order upholding the Tribes' fishing rights in what is now known as "the Fox Decision."

Following Judge Fox's famous decision, the parties to *United States v. Michigan* – the Federal Government, the Bay Mills Indian Community, the Grand Traverse Band of Ottawa and Chippewa Indians, the Sault Ste. Marie Tribe of Chippewa Indians, and the State of Michigan – began court-supervised negotiations regarding how the tribes would exercise and regulate our treaty rights. In 1985, the parties reached a tentative agreement to establish joint fishery management of the fishery with the State of Michigan, and to allocate harvest opportunities among tribal and state-licensed fishers. The U.S. District Court entered an order putting that agreement into effect.

The 1985 Consent Judgment remained in effect until August 2000. At that time, the Federal Government, the 1836 Treaty Tribes, and the State of Michigan negotiated a successor agreement to regulate tribal fishing activities on the Great Lakes. That agreement expires in August 2020, and the parties are preparing to negotiate another agreement to take its place.

In 2007, the United States, the CORA Tribes, and the State of Michigan finalized a separate agreement to implement the Tribes' reserved treaty rights on the "inland" portion of the territory ceded by the 1836 Treaty. That agreement was also entered as a consent decree by the U.S. District Court in the *United States v. Michigan* case as a means to regulate tribal hunting, fishing, and gathering activities under the 1836 Treaty, to establish joint management protocols with the State of Michigan, and to allocate harvest opportunity for certain species.

From 1985 until today, the Federal Government, the CORA Tribes, and the State of Michigan have worked together to manage the commercial fishery in the upper Great Lakes. Since 2007, we have also worked together to manage game and other natural resources across the ceded territory. While we have had disagreements over the years, this framework has allowed us to cooperate to ensure the protection of natural resources and the continued vitality of tribal treaty rights. This cooperative framework is now an accepted part of the fabric of natural resource protection and conservation law enforcement across much of the State of Michigan.

Funds appropriated to the *Rights Protection Implementation* program are used to implement this cooperative framework.

It is important to note that this framework is mandated by order of the U.S. District Court in the *United States v. Michigan* litigation; and, that the Federal Government negotiated the terms of the cooperative resource management framework on behalf of, and with, the 1836 Treaty tribes.

FY 2019 Budget Request: Rights Protection Implementation

The CORA tribes receive funding through the "Treaty Fisheries" line item in the *Rights Protection Implementation* program. Those funds are used to support the following activities:

- Establishment of conservation-based fishing regulations;
- Biological support services to monitor the fishery;
- Resource protection and enhancement programs;
- Conservation law enforcement activities and tribal courts for violation of fishing regulations; and,
- Intertribal coordination of activities and policies with federal and state agencies.

The CORA tribes also receive RPI funding to implement the 2007 Consent decree relating to the exercise of "inland" treaty rights. Those funds support the following activities:

- 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 courts for violation of hunting, fishing, and gathering regulations; and,
- Intertribal coordination of activities and policies with federal and state agencies.

CORA does not support the President's budget request of $24.7 million for *Rights Protection Implementation* in the FY 2019 Budget. The President's proposal would cut funding by 37%, and would leave inadequate funding to ensure that we are able to successfully able to implement the terms of the 2000 and 2007 Consent Decrees in *United States v. Michigan*. If enacted, the President's budget request will require the CORA tribes to scale back our conservation, monitoring, and enforcement activities. This will result in staff layoffs, increased risk of conflict

between tribes and other communities over resources, and a reduction in protection of the fishery, wildlife, and habitat throughout the ceded territory.

CORA is urging Congress to appropriate maintain $39.4 million for *Rights Protection Implementation* in the FY 2019 Budget, and to maintain the CORA Tribes' share at $5.999 million. We believe that this funding is adequate to allow us to successfully work with federal and state agencies to implement the terms of the 2000 and 2007 Consent Decrees.

CORA is also requesting that Congress appropriate $1.9 million to the Bureau of Indian Affairs for "Litigation Support" for tribal treaty rights litigation. While "Litigation Support" funds are not used to directly implement tribal treaty rights, they are used by tribes – like the CORA Tribes – to negotiate consent decrees that ensure cooperative resource management and avoid litigation between the United States and state governments over tribal treaty rights.

The Department of the Interior does not presently have adequate "Litigation Support" funds to ensure that the CORA Tribes are able to gather data, hire experts, and retain legal counsel to negotiate a new consent decree in the *United States v. Michigan* litigation.

The Department of the Interior has provided Litigation Support funding to the CORA Tribes throughout the forty-five year history of the *United States v. Michigan* case to litigate important issues and negotiate consent decrees. But, in the past year, the Department has denied our requests for $308,000 in Litigation Support funding to prepare to negotiate a new consent decree in *United States v. Michigan*. This is a dramatic departure from the Department's prior support to the CORA Tribes throughout this litigation; and, we are deeply concerned that the Department will not provide the resources necessary to negotiate a new consent decree. This will increase the odds of litigation over our treaty rights, and jeopardize our cooperative management framework.

CORA estimates a need for $450,000 in FY 2019 to negotiate a new consent decree (or, to prepare to litigate the scope of our treaty rights beyond 2020). This funding will ensure that the CORA Tribes can participate in negotiations for a successor agreement to the 2000 Consent Decree.

Conclusion

The *Rights Protection Implementation* Program is necessary to ensure that the United States continues to meet its obligations under treaties with tribes across the country. These funds are also necessary to ensure that tribes can meet our obligations under Federal Court orders applicable to our reserved treaty rights. As Supreme Court Justice Hugo Black famously proclaimed: "Great nations, like great men, keep their word."

For these reasons, the CORA Tribes respectfully request your support for FY 2019 RPI funding at the level of $39.4 million, with $5,999,614 allocated for the CORA Tribes. Miigwetch (thank you) for the opportunity to present our views. I am happy to answer any questions that you may have.

Mr. CALVERT. Thank you very much. Aaron Payment, chairperson of the Sault Ste. Marie Tribe of the Chippewa Indians.

WEDNESDAY, MAY 9, 2018.

SAULT STE. MARIE TRIBE OF THE CHIPPEWA INDIANS

WITNESS

AARON PAYMENT, CHAIRPERSON

Mr. PAYMENT. [Speaking native language.] My name is Aaron Payment, I am the chairperson of the Sault Ste. Marie Tribe. Also, the first vice-president for the National Congress of American Indians. Good afternoon, Chairman Calvert and Ranking Member McCollum. I am reminded that the last time that I testified here was actually the day before Billy Frank died. He testified the day before he died. So the last time I was here, I got the honor of testifying with Billy Frank. So thank you for inviting us to give our input on the fiscal year 2019 budget, which will either uphold the U.S. Government's treaty and trust responsibility, or abrogate this responsibility, under what feels like a new Indian termination era.

I am here today to sound the alarm to a policy shift which sees tribes as racial groups rather than as sovereign nations. I am hopeful that you will safeguard our funding and the fulfillment of providing health, education, and social welfare for as long as the rivers flow, grass grows, and winds blow. I am mindful that while the President proposes, Congress disposes.

Some of the proposal eliminations include community, Indian Community Development Block Grant, Low Income Home Energy Assistance, or LIHEAP, Indian and Native American programs and the Department of Labor, Native American Communities Development Financial Institutions, Tribal Energy Loan Guarantee Programs, and Eliminations within the BIA, including Small and Needy Tribes, Housing Improvement Program, Tribal Climate Resilience, Alaska Native Programs, JOM, scholarships and adult education. That is the list of the programs that will be eliminated. Here is a chart to show you on the bottom part of the President's proposed eliminations.

So the major reductions are Native American Housing Block Grant cut by 8.2 percent. Bureau of Indian Affairs cut by 15.6 percent. And major reductions within the BIA include social services cut by 37 percent, Indian Child Welfare cut by 27 percent, tribal welfare assistance cut by 11 percent, Rights Protection Implementation cut by 37 percent, and Job Placement and Training cuts by 35 percent.

I also want to sound the alarm of the administration's faulty view of tribes as racial groups rather than as governments. This is a current issue we are facing with CMS. Tribal governance existed long before intervention. Tribes continue to govern their citizens as recognized by the U.S. Constitution in several sections, including Article I, Section 8, Paragraph 3, which memorializes Tribes as sovereigns equal to or exceeding that of State sovereignty. Hundreds of treaties, Federal statutes, and Supreme Court precedence, including Morton Mancari, 1972, and Rice Cayetano, 2000, re-

affirmed Tribes as sovereign nations rather than racial ethnic populations.

As a subset of the U.S. populations, we do have the unfortunate distinction of having the worst of the worst statistics on a number of indicators like suicide, alcoholism, low graduation, unemployment, incarcerations, and violence against our people. These outcomes are attributable to the legacy of the Federal Indian Policy and resulting historical trauma and critical race theory through a cyclical lack of opportunity, which perpetuates the worst of the worst statistics.

However, the funding that exists for health, education, and social welfare is based on treaty and trust responsibility and not based on race, reparations, or even welfare. Rather, we repaid with the blood, sweat, and tears of the millions of acres of land of our ancestors. With this new federalism, I see the abrogation of treaty and trust responsibility in the President's proposed budget as it ignores the identified needs through the BIA budget formulation. I also brought copies for you of the same chart and a legal analysis synthesized between NCAI and my tribe of tribes as sovereigns and not as race.

The proposed overall level of the BIA and BIE would take funding and nominal dollars back to fiscal year 2013 sequestration levels and adjusted for inflation when proposed funding is lower than any enacted level going back to 2003, and 21 percent lower than the level in 2010.

Finally, as a member of CORA, I would like to also support our treaty rights implementation funds. We are looking for the full $39.4 million in Rights Protection Implementation dollars in 2019, and maintaining CORA's share of that at nearly $6 million, and then appropriate $1.9 million from the Bureau of Indian Affairs for Litigation Support, and additional $450,000 for fiscal year 2019 to negotiate our new consent decree. The States already appropriated the money in preparation for a battle, and we need to have the same consideration to be prepared.

As our trustee, we hope that you will give serious attention to this issue and uphold our treaty and trust responsibility. Thank you.

[The statement of Aaron Payment follows:]

Aaron A. Payment, MPA, MEd, EdD

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Testimony for the Oversight Hearing on
"The President's FY2019 Budget Request for Indian Programs"
May 9, 2018
Chairperson Aaron A. Payment, MPA, MEd, EdD

Ahneen, BiiWaagajiig, Ndzinakoz. My name is Aaron A. Payment. I am the elected leader of the *Sault Ste. Marie Tribe of Chippewa Indians*, the largest tribe east of the Mississippi. I proudly serve as the President of the United Tribes of Michigan, Vice-President of the Mid-West Alliance of Sovereign Tribes and 1st Vice-President for the National Congress of American Indians. I also serve as the Mid-West Alternate to the Tribal Interior Budget Committee. For a quarter of a century, I have trained future legislators though the non-partisan Michigan Political Leadership Program on tribal and treaty rights and the origins of federal trust responsibility pursuant to the Northwest Ordinance, United States Constitution and subsequent law.

The duty of the Presidential Administration, the Courts, and Congress in giving fidelity to the treaties and US Constitution is not a partisan one but one of a measure of the integrity of our great country in honoring our treaty obligations. Your fiduciary duty as Congressional appropriators is balancing the budget while honoring the contractual promise to provide, "health, education, and social welfare" into perpetuity. Let me be clear, however, that…

Our funding is NOT BASED ON RACE or reparations but instead was PRE-PAID through the exchange of millions of acres of lands.

Chi MeGwitch (thank you) for inviting tribal leaders to be heard in a government-to-government fashion by holding these hearings on the President's FY 2019 Budget Request for Indian Programs. The distinguished Congressman Don Young (AK) recently said it best, when he exclaimed, "he is my President but that is not my budget". We are comforted by the expression, "the President proposes, Congress disposes". Thank you for being the stop gap to the proposed draconian cuts to Indian Country which threaten the abrogation of the treaty and trust responsibility.

I respectfully ask for restoration of wholesale proposed eliminations and cuts to these tribal programs. Given tribes have long opposed pitting tribes against each other through competitive grant funding, we restate our request to formula fund grants to tribes as part of the treaty obligation. Further, I restate my request for moving tribal funding from discretionary to mandatory and to forward-fund programs to ensure continuity. Just as there have been no interruptions in the use of the land we exchanged, we ask that the monetary value for this exchange not be interrupted.

Drawing from my testimony to the *United States Senate Committee on Indian Affairs* last month, I restate that tribes seek only those things promised to us and every citizen by the Constitution, and the solemn treaties and agreements reached between our tribal nations and the United States. At the founding, the United States dealt with our tribal governments as sovereign equals. In exchange for Federal protection and the promise of

certain benefits our ancestors ensured into perpetuity in exchange for the benefits to the people of the United States including title to the very soil of our beloved country. To settle the process for admission of new states, the thirteen original states agreed to transfer western land claims to the United States under the principles in the Northwest Ordinance, including:

> ***The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them.***

These provisions signify the intent of the Framers to provide for the governance of Indian country, a compact between the original States and all that followed. We have never asked anything except that these protections be continued. Many of the proposed deep reductions in the President's Budget threaten to limit this protection and these benefits. The proposed budget cuts to tribal governmental services, if enacted, would represent a clear retreat from the federal commitments and treaty promises made to tribes.

In contrast to treaty obligations, the President's budget would cut the Bureau of Indian Affairs (BIA) by about half a billion dollars, or 15 percent! BIA Social Services would be reduced by more than a third, Indian Child Welfare by more than a 25 percent, and critical human services programs, law enforcement and courts programs, environmental protection, housing, and education programs would face unconscionable reductions. Infrastructure programs, such as the Indian Community Development Block Grant would be eliminated, and the Indian Housing Block Grant and road maintenance would be reduced.

Summary of Major Changes

As Congress has the final say on discretionary spending, I call your attention to the following proposals in the President's budget as stark and alarming. Some of the proposed eliminations that I respectfully request that you reinstate include: Indian Community Development Block Grant (in Housing and Urban Development); Low Income Home Energy Assistance Program (LIHEAP); Indian and Native American Program (INAP in Department of Labor); Community Development Financial Institutions, Native American program (Treasury); Tribal Energy Loan Guarantee Program; Eliminations within BIA include: Small and Needy Tribes, Housing Improvement Program ($10 million), Tribal Climate Resilience, Alaska Native Programs, Johnson O'Malley Program ($15 million), and Scholarships and Adult education ($35 million). When programs are zeroed out in the President's budget, this erodes the trust responsibility and cases a disruption in the delivery of service to our people.

Major reductions that I ask you to reject include: Native American Housing Block Grant cut from $654 million to $600 million, -8.2 percent; Bureau of Indian Affairs cut by $433 million, or -15.6 percent; and major reductions in BIA include- Social Services cut by $19 million, or -37 percent; Indian Child Welfare Act cut by $5 million, or -27 percent; Welfare Assistance cut by $8.4 million, or -11 percent; Rights Protection Implementation cut by $14.7 million, or -37 percent; and Job Placement and Training cut by $4.4 million, or -35 percent.

Here, again, I need to sound the alarm of what appears to be an abrogation of the treaty and

trust responsibility in the President's proposed budget which is either tone deaf to the identified needs though the BIA budget formulation process or intentionally draconian. In fact, some priorities as identified by tribes are proposed to be eliminated or face up to 40% reductions!

Bureau of Indian Affairs

The 2019 President's proposed budget for Indian Affairs is $2.4 billion in current appropriations, a 15.6% decrease from the FY 2018 CR level. Nearly every line item in the BIA budget would see reductions in the FY 2019 budget request. The BIA's budget provides funding for tribal base operations, including social services, education, road maintenance, water resources, forestry, law enforcement, tribal courts, and many other core governmental services. The proposed overall level for BIA/BIE would take funding in nominal dollars back to the FY 2013 sequestration levels. However, adjusted for inflation, the proposed funding is lower than any enacted amount going back to FY 2003, and 21 percent lower than the level in FY 2010.

I urge you to reject the steep reductions in the BIA's proposed budget and instead invest in the programs ranked as most in need of increases as a part of the FY 2019 tribal budget formulation process. As part of the FY 2019 budget formulation process, tribes from each BIA region completed a survey to outline which 10 budget lines they would prefer to provide increased funding to any why. The results of this process show that BIA Social Services, Indian Child Welfare Act implementation funding, Scholarships and Adult Education, Tribal Courts, and Aid to Tribal Government made up the top five.

Unfortunately, most of the programs identified by the tribes as needing increases in FY2019 would receive reductions in the FY2019 President's budget request. Four programs in the top 5 identified by tribes were proposed to be eliminated in the President's budget: Scholarship and Adult Education, Housing Improvement Program; the Johnson O'Malley Program, and Small and Needy Tribes. Social Services and ICWA would be cut by 37 percent and 27 percent respectively, both cuts disproportionately larger than the over reduction for the Department of Interior, which would see a reduction of 16.8 percent.

Faulty Treatment of Tribes as Race Rather than Governments

Tribal governance existed before intervention and tribes continue to govern their citizens as recognized by the *U.S. Constitution* in several sections including *Article I, Section 8, Paragraph 3* which institutionalizes tribes as sovereigns equal to or exceeding that of state sovereignty. Additionally, hundreds of treaties, federal statues and Supreme Court precedence, reaffirm tribes as sovereign nations rather than as merely a racial ethnic population. True, as a subset of the American population, we do have the unfortunate distinction of having the worst of the worst statistics on most social indicators including suicides, alcoholism, low education attainment, unemployment, incarcerations, and violence against our people. We believe these outcomes to be attributable to the legacy of historical trauma, tribal critical race theory characterized though a lack of opportunity, and various federal policies at the expense of our people. Nonetheless, the funding that exists for "health, education and social welfare" is based on the treaty and trust responsibility and not based on race. As a simple explanation, if programs and services were based on race, there would exist the same funding for other racial ethic populations.

One of the first statements from the current Presidential administration dealt with the

Secretary of Housing and Urban Development equating tribal housing with a race-based program. With virtually no platform or draft American Indian policies, this single statement gave pause to tribes as a foreshadowing of a new termination policy to discount the federal treaty and trust responsibility and therefore abrogation of the funding obligation.

More recently, in January, the Centers for Medicare and Medicaid Services (CMS) issued a Dear State Medicaid Director letter indicating a new policy supporting states mandating work requirements though Section 1115 waivers conditioning eligibility for Medicaid. The conflating of these indicators suggest the threat of a new termination era abrogating treaty and trust responsibilities though equating tribes as race based rather than sovereign nations. While the issue of Medicaid expansion is not under the purview of this committee, I ask that members of this committee and all members of Congress be vigilant in monitoring any efforts to regress the treaty and trust responsibility.

Treaty Rights Protection Implementation, Great Lakes Restoration and Environmental Protections as Trust Responsibility

As my friend Bay Mills Indian Community President Bryan Newland so expertly testified today, I wish to reinforce his testimony as it relates to our appropriations request for treaty right protections. As a prerequisite to Statehood for Michigan in 1837, the 1836 Treaty of Washington (Chippewa Ottawa Treaty) ceded nearly 14 million acres of land that connected the upper and lower peninsulas and qualified Michigan for Statehood. Like many treaties of the time, the federal government contractually obligated the United States to guarantee the rights of signatories and their descendants to the right to hunt, fish, and gather on such lands and in such waters until such time this territory is needed for settlement. This obligation is enshrined though judicial precedence. As both a signatory to the 1836 Treaty and in fulfilling the federal trust responsibility, the federal government retains responsibility to act as trustee to fully act advocate and defend the integrity of the original treaty obligations but also subsequent judicial precedence. Funds appropriated for treaty rights protection are used to implement this treaty obligation and trust responsibility.

As a signatory tribe and member of the Chippewa Ottawa Resource Authority, I do not support the President's FY2019 Budget which could cut funding by 37%. Managing the resource necessitates complex biological services, and conservation and enforcement activities. The current consent decree expires in 2020 such that we are entering a period of renegotiations with other parties to the 2000 Consent Decree. The State of Michigan, has already earmarked a large appropriations which suggests a long and protracted legal battle. I support CORA's request for Congress to maintain $39.4 million for Rights Protections Implementation for the FY2019 budget and to maintain the CORA Tribes' share at $5.999 million. I ask that Congress appropriate the full $1.9 million to the Bureau of Indian Affairs for "Litigation Support" for tribal and treaty rights litigation and to dispatch these funds to tribes post haste. CORA estimates a need for an additional $450,000 in FY2019 to negotiate the new Decree beyond 2020. Finally, I respectfully request you support our CORA request for FY2019 RPI funding at $39.4 million with $5,999,614 allocated for the CORA tribes.

Thank you for your attention and consideration of my testimony and upholding the treaty and trust responsibility. **After all, a government is only as good as its word.**

Mr. CALVERT. I appreciate your testimony. Thank you very much. And one thing I think I can say with a pretty good assurity is that we will be taking care of the Great Lakes. The ranking member is very insistent an that we do so. Plus, we have another gentleman from Ohio, another gentlelady from Ohio, that also represent Lake Erie. We have great representation on this committee for the Great Lakes.

And also, I could say with some assurity that though the President—any President sends over their recommendations, we look at them respectfully, and then we do what we are going to do. So we will be working together to make sure that we keep our obligations to Indian Country, and we will be doing that soon.

So, kelp farming. You know, I just saw a special on that the other day. It seems like that is a big business. People are eating kelp.

Ms. BROWN-SCHWALENBERG. The wave of the future.

Mr. CALVERT. The wave of the future.

Ms. BROWN-SCHWALENBERG. People have been coming to us asking if we are going to do kelp, can you raise kelp. So we just tried and we have a great staff there, and yeah.

Mr. CALVERT. I guess they do what they call layer farming. They put the shellfish on the bottom and the kelp above and so—

Ms. BROWN-SCHWALENBERG. There is a very short growing season, not much to do until they are ready to be harvested.

Mr. CALVERT. It is good for the waters and everything else, so it is great. I appreciate that. And it is great that you all gave Minnesota the land that they have. We wouldn't have Betty here today. I appreciate that. 1836. That was a long time ago. But I appreciate all of you coming here today. We appreciate your testimony, and we hear you on our government trying to do this racial situation. I am not quite sure why they did that, but we will be addressing that also. Ms. McCollum.

Ms. MCCOLLUM. Thank you. Sometimes with northern tribal nations, especially the MAST area, people look at the tribal names and they don't think French. We were part of the Louisiana Purchase, and so a lot of French is interwoven and intertwined in a lot of the language that you hear from the first people of the Great Lakes.

I wanted to just take a second and ask about reorganization. I have been concerned, and I think reorganization is always needed. You reorganize your house, your kitchen. You reorganize, you know, your garage. You reorganize your workplace. You reorganize sometimes your local units of government. The way your tribe is organized. You look at it so that it becomes more efficient and effective going out into the future.

Secretary Zinke has been talking about reorganizing the Department of Interior, and I don't object to looking at a reorganization, but we have heard from many of the tribal nations here that there has been no consultation. And, in fact, can you believe it, there was one map that didn't include Minnesota in the Great Lakes region. Not going to happen. We would have to redo every history and geography book.

So could I just ask you, one on one, so that we can hear from the other panel before we go to break to vote. And thank you for

your full testimony. Has there been consultation, either with your tribe or with the tribal organization that you are part of? We heard from the chairman of NCAI, not so, but I haven't heard from anyone from MAST yet?

Ms. BROWN-SCHWALENBERG. Actually, we contacted some of the Federal Interior agencies and asked, you know, what is going on? How is this going to affect our communities, and they didn't seem to really know. So we didn't get very far with that request to get some information on it.

Ms. MCCOLLUM. Okay.

Ms. LEWIS. I didn't get that information.

Ms. MCCOLLUM. But your tribe, to your knowledge, hasn't had a call saying, what do you think of our blueprint or our plan for reorganization?

Ms. LEWIS. Huh-uh.

Ms. MCCOLLUM. Thank you.

Mr. NEWLAND. Thank you, Ranking Member. Not only has there been no consultation, there has actually been worse than that, which is sham consultation. Several weeks ago, I got a phone call from our local BIA office in midmorning asking, Mr. Chairman, what do you think about the Department of the Interior's plan to reorganize? And I said, I haven't heard anything. And he said, Well, I have to submit comments by the end of today on what the tribes here in our agency think about Department of the Interior reorganization. And so my answer was, Well, until we see anything, we are against it because we have no idea how this will shake up.

And I have to add that in the last administration when I was at the Department of the Interior, we consulted endlessly on reorganization that didn't occur. But in this instance, Ranking Member, there hasn't—it has been sham consultation to the extent there has been any at all.

Mr. PAYMENT. So I would just add—so, again, I serve as the for vice for NCAI, and also the vice president of MAST. And shortly after the election we had a session with the executive team, and Jim Cason, who I would describe as the shadow administration. I am not really sure what his role is within the administration, but it seems to be all encompassing and advisory on Indian issues going forward.

Today, actually, at 4 o'clock they are having a hearing on the Assistant Secretary, Tara Sweeney, who I support for appointment. But a main point with that is that there aren't Indians in key positions that these issues are being bounced off of. There is a lot of—no offense to anyone in the room—there is a lot of white men setting directions for Indian people without taking consultation from Indian tribes.

And so I would say that they should put the brakes on this until tribes can come up and formulate what this would look like. We are the only people within the Interior Department that they are responsible for, so we would ask that they treat us a little bit better than the wildlife, that beautiful picture there, and the animals that they have responsibility for. But the people that are on the receiving end, and ask their implementation or how it would affect them. So thank you.

Ms. MCCOLLUM. Mr. Chair, I want us to take a look at the fund that the Tribes use to protect their hunting and fishing rights.

Being in junior high school back when things were happening in Wisconsin and Minnesota, I remember the sad but terrifying pictures on the news at night as our Tribal brothers and sisters were just enforcing their right to hunt and fish, and Minnesota went through some of that. And we have to be diligent that we don't slip back again. We have done a good job, but I know that there are other States where it is still a constant friction. So you have my commitment to do the best that I can to make sure that you have a partner in the Federal Government to uphold the signators to those treaties to do what is right.

Thank you, Mr. Chair.

Mr. CALVERT. Well, thank you for coming out today.

By the way, I talked to the Secretary and indicated to him very strongly that he needed to contact all the Tribes in the country and work with them and his people. So stay in touch with us and let us know when that occurs, if ever.

I appreciate your being here today. You are excused.

Our last group for today, Mark LeBeau, the chief executive officer for the California Rural Indian Health Board is our first one. Hi, how are you doing? Have a seat. Teresa, how are you? Deana Bovee, there is Deana, and Erika Eva Chase.

And you are all from southern California? Not all.

Two from southern and two from northern.

First, let's recognize you, Mark, for 5 minutes.

WEDNESDAY, MAY 9, 2018.

CALIFORNIA RURAL INDIAN HEALTH BOARD

WITNESS

MARK LEBEAU, CHIEF EXECUTIVE OFFICER

Mr. LEBEAU. Thank you, Chairman.

My name is Mark LeBeau. I am the CEO of the California Rural Indian Health Board. I want to thank the committee for the opportunity to testify today about the Indian Health Service budget.

CRIHB is authorized under the Indian Self-Determination Act to provide 638 contracted services to a series of Tribal clinics throughout California. Our total membership includes 44 federally recognized Tribes in the State.

CRIHB was founded in 1969 to work with Tribes to assist in bringing back Indian Health Service funding when it was eliminated as a part of the process of termination in the 1950s, that then segued into 1960s termination of Tribes and Federal Indian Health Services. As a result of termination, Tribes and Tribal clinics in California have been behind in ongoing priority setting and funding allocation over multiple decades.

I would like to thank the committee for providing additional funding into the IHS system. About $500 million was allocated over fiscal year 2017 through the 2018 Consolidated Appropriations Act. I would also like to thank the committee for providing $50 million for Tribes and Tribal organizations to receive opioid crisis interven-

tion support. That funding is going a long way to assist Indian Country in remedying those types of issues.

While the overall 2018 budget is $5.5 billion for the Indian Health Service, $15 billion or more is needed to actually bring the overall IHS system up to par with other standard delivery care systems.

At this time, I would also like to thank the committee for support of both the northern Indian youth regional treatment center in California and the southern YITC, critically important services. This committee has been steadfast in its commitment to ensure that those centers are built, are staffed, and are providing care to Indian youth in California, critically important service. I want to commend the committee.

And then also I thank Indian Health Service leadership for providing quite a bit of assistance in that regard.

Now to a series of requests. Priority one, the Tribes in the Tribal clinics that I am privileged to work with in California respectfully request that the committee do everything in its power to ensure the California IHS area receives equitable construction and facilities support funding. This can be accomplished by among other methods, including language of the infrastructure bill that provides such equity for areas that are rarely serviced by the IHS.

Language in the bill, including forgiveness or absorption of Federal loans, when Tribal clinics are built or purchased in California will help provide equity to Tribes.

Another way to achieve this would be to increase the small ambulatory construction program funding, directing the IHS to lift its $2 million cap on each project. That is an imposed cap at the administrative level. It is not a directive from Congress.

A national investment in Federal and Tribal construction funding is necessary. The California IHS area has received zero funding from the IHS healthcare facilities construction priority program. The IHS has moved forward to build 10 hospitals, 25 health centers, and 11 housing projects for healthcare staff to live in in areas other than the California IHS area. In fact, the only funded joint venture project occurred in central California. All of the other 18 awarded joint venture projects are located in other regions and other IHS areas.

These two IHS programs have provided substantial construction and facilities support funding to a number of areas other than California since 1993. As a result, many Tribes in California have had to borrow funding or collect donations to renovate community buildings, buy or rent new or used modular trailers or manufactured office units for use as healthcare facilities.

Priority two, we ask that the committee increase funding of the IHS facilities maintenance and improvement program to catch up with the amount of facilities space in the IHS facilities inventory, including in the California IHS area. We respectfully request that the committee fund the IHS facilities M&I funding program in the amount of $105 million.

Third priority, we ask that the committee increase funding to the IHS purchased and referred care program. IHS areas without IHS hospitals are termed PRC-dependent areas, and so there is a very

special need that they have to ensure equitable distribution of that type of healthcare to Tribes in California.

Thank you.

[The statement of Mark LeBeau follows:]

U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Testimony of Mark LeBeau, Chief Executive Officer for the
California Rural Indian Health Board
May 9, 2018

Good morning, Chairman and Committee members. My name is Mark LeBeau and I am the Chief Executive Officer of the California Rural Indian Health Board (CRIHB). Thank you for giving CRIHB the opportunity to testify about funding of the Indian Health Service. As authorized by the Indian Self Determination, Education, and Assistance Act (ISDEAA), CRIHB is authorized to provide ISDEAA services to eight Public Law 93-638 contracted Tribal Health Programs (THPs), with another seven THPs as associate members. CRIHB serves twenty-seven Tribes under the ISDEAA contract, with an additional seventeen other Tribes as associate members.

CRIHB was founded in 1969 to assist in bringing federally funded health services back to tribal communities in California. These services were withdrawn as a result of federal termination practices that began in the 1950s. As a result of these termination practices, many American Indians in rural areas had no access to medical or dental services, and child and maternal mortality rates were abysmal. Since CRIHB was founded, California Tribes have built a network of 32 THPs and serve more than 80,000 patients who are eligible for Indian Health Service (IHS) services. While our health has improved and our population is growing, we still face some of the worst health inequities of any underserved population in the United States. According to the Kaiser Family Foundation, American Indians and Alaska Natives (AIANs) are significantly more likely to report being overweight or obese, having diabetes or cardiovascular disease and experiencing frequent mental distress than other populations[1]. Additionally, according to the UCLA Center for Health Policy Research, those who self-report California Tribal heritage are twice as likely to have been diagnosed with diabetes as individuals from Tribes outside of California (31% versus 16%).[2]

I thank the committee for supporting the IHS budget receiving an increase of $500 million (10%) over the Fiscal Year 2017 enacted level through the 2018 Consolidated Appropriations Act (H.R. 1625). This funding will definitely assist in providing necessary healthcare to AIANs. While the total amount for IHS in 2018 is $5.5 billion, $15 billion or more is needed to meet the overall costs. I also thank the committee for supporting $50 million for Tribes and Tribal organizations in the legislation to respond to the opioid crises that is plaguing Indian Country.

As part of this hearing, here are our current requests:

1. First, we respectfully request that the Committee do everything in its power to **ensure the California Indian Health Service (CA IHS) Area receives equitable construction and facility support funding**. This can be accomplished by, among other methods, including language in the infrastructure bill that provides such equity for Areas that are rarely serviced by the IHS. Language in the bill including forgiveness or absorption of federal loans when

[1] Kaiser Commission on Medicaid and the Uninsured analysis of the Centers for Disease Control and Prevention's Behavioral Risk Factor Surveillance System Survey Data (BRFSS), (2011).
[2] UCLA Center for Health Policy Research. (2012). *American Indian and Alaska Native Diabetes: Critical Information for Researchers and Policy-Makers.*

Tribal clinics are built or purchased in California will help provide equity to Tribes. Another way to achieve this would be to increase the Small Ambulatory construction program funding, directing the IHS to lift its $2 million dollar cap on each project.

A national investment in federal and Tribal construction funding is necessary. The CA IHS Area has received zero funding from the IHS Health Care Facilities Construction Priority program. The IHS has built 10 hospitals, 25 health centers, and 11 housing projects for healthcare staff to live in in Areas other than California. The IHS has only funded one Joint Venture Construction Program staffing project in California; the other 18 awardees are located in other Areas. These two IHS programs have provided substantial construction and facility support funding to a number of Areas other than California since 1993. As a result, many Tribes in California have had to borrow funding or collect donations to renovate community buildings, buy or rent new or used modular trailers, or manufactured office units for use as healthcare facilities.

2. We ask that the Committee **increase funding of the IHS Facilities Maintenance and Improvement (M&I) program** to catch up with the amount of facility space in the IHS Facilities Inventory, including the CA IHS Area. We respectfully request that the committee fund the IHS Facilities M&I funding in the amount of $105 million. Millions of square feet of facility space are in the IHS Facility Inventory. If M&I funding is increased, our share will go a long way to help maintain and improve our Tribal health clinics.

3. We ask that the Committee **increase funding to the IHS Purchased/Referred Care (PRC) Program.** IHS Areas without IHS hospitals are termed PRC-Dependent Areas. This is because Tribal health facilities in these Areas only provide basic care services, forcing the Tribes to send patients to non-IHS hospitals or other specialty care facilities when they require more complex care. The cost of this care is expensive leaving patients with little options and exhausting Tribal PRC funds. Congressional guidance is needed in working with the IHS to provide more funding to PRC-Dependent Areas.

4. We ask that the Committee **support AI/AN mental health and substance abuse programs by funding the Methamphetamine Suicide Prevention Initiative and the Domestic Violence Prevention Initiative using a non-competitive method**. These programs are currently funded through a competitive grant process that creates barriers to care and requires Tribal programs to fight against each other for critical funding. We know that suicide, drug use, and domestic violence are more prevalent among AIANs in comparison to many other populations and these funds are critical for THPs to serve their populations that are in such need.

5. We ask that the Committee do everything in its power to **ensure the IHS clearly states that its new Contract Support Costs rule does not apply to annual re-issuances, including those of negotiated "indirect like costs."** During recent Tribal/IHS Contract Support Costs (CSC) meetings, Tribal representatives were under the impression IHS would only apply the new 97%—3% rule to new and expanded contracts and related renegotiated base amounts—not each time an Annual Funding Agreement is in the process of being reissued. Extending the new rule to straightforward yearly re-issuance is overly burdensome on a number of Tribes/Tribal organizations. It is not required under federal law and is unnecessary. In fact,

applying this rule to Annual Funding Agreements would subject Tribes to a decrease in their funding without the consent of Congress, since IHS is indicating that 3% of their base is for indirect CSC.

6. We ask that the Committee **support the continuation of the IHS Community Health Representatives (CHR) Program**. The President's proposed 2019 IHS budget calls for the elimination of the CHR program, which is currently funded at $60 million. CHRs are well-trained, medically guided Tribal community-based health care providers that make home visits while contributing to lowering mortality rates by providing education health promotion and disease prevention efforts.

7. We ask that the Committee do everything in its power to **ensure the IHS provides Commissioned Corps officers and practitioners without taking those funds out of Tribal clinics' contracts**. In providing U.S. Public Health Service Commissioned Corps officers and practitioners at Tribal clinics, the IHS extracts the funds for these workers from the Tribal clinics' contracts. The federal trust responsibility needs to include providing these workers to Tribal clinics in PRC-Dependent Areas at no cost to the clinics. Tribal clinics in a PRC-Dependent Area, lacking any IHS hospital, will benefit greatly from this operational savings. This is a matter of building equity where possible.

8. We ask that the Committee do everything in its power to **ensure the IHS provides ambulance services in rural and frontier regions of California**. Ambulance services are greatly needed by most Tribes in California located in rural and frontier regions; however, most do not have this option. For the few Tribes that do have ambulances, their ambulances can be rendered inoperable due to severe weather or maintenance needs.

9. We ask that the Committee do everything in its power to **ensure the IHS complies with the court order in *Rincon Band of Mission Indians v. Harris*, 618 F.2d 569 (1980)**. In this case, the U.S. Ninth Circuit Court of Appeals affirmed the district court's granting of summary judgment for plaintiffs. As a result, IHS must ensure equitable distribution of all existing and future IHS financial and other resources to Indians in the CA IHS Area.

In conclusion, on behalf of the California Rural Indian Health Board, I ask that you work with the IHS to ensure the Agency provides equitable services and funding to Tribes in the CA IHS Area.

Mr. CALVERT. Thank you.

And next, Teresa Sanchez, board vice president, the Riverside-San Bernardino County Indian Health, Incorporated.

Welcome.

WEDNESDAY, MAY 9, 2018.

RIVERSIDE-SAN BERNARDINO COUNTY INDIAN HEALTH, INC.

WITNESS

TERESA SANCHEZ, BOARD VICE PRESIDENT

Ms. SANCHEZ. I am Teresa Sanchez. I am the board vice president for Riverside-San Bernardino County Indian Health located in southern California. I am also a member of the California Area Tribal Advisory Council and also a member of the Morongo Band of Mission Indians. Thank you for the opportunity to testify.

We are thankful for the support of Congress and the funding provided to improve the health status of our people. This is why it is so disappointing to see that funding for Community Health Representatives, CHRs, has been eliminated from the President's 2019 budget. We are adamantly opposed to such cuts, as the CHR program has been one of the most successful during our 50 years of operation. We also oppose the elimination of the health education program.

Our organization provides services to Native Americans across two of the largest counties in the country. We employ nine CHRs that are a critical part of our program. Each CHR is specifically trained in home healthcare and fill an important gap providing care to patients outside the doctor's office. For instance, CHRs ensure patients follow the doctors' orders, such as eating properly, taking their medications timely and appropriately, and exercising when needed; talk through tough healthcare decisions with patients; direct patients to outside resources such as local food pantries or housing assistance. This list could go on and on.

The loss of CHRs would simply be devastating to many Native American communities that are located far from clinics in the urban areas. We, therefore, ask for this committee to keep the CHR and health and education program fully funded for fiscal year 2019 and thereafter.

Another serious and long-term problem we face is the lack of construction funding. The three main IHS construction programs have largely excluded California tribes. Tribes often sit on the priority list for decades without ever receiving funds to build a new clinic. While the fiscal year 2018 Appropriations Act contained $497 million of new IHS funding, half was designated for joint venture construction project and related staffing packages. No California tribes were approved for such projects, leaving almost no new money for California and no associated staffing dollars.

Indeed, only one California tribe has ever participated in the joint venture program, and that was many years ago. Why? Because IHS developed the selection criteria without consulting with California tribes.

Additionally, the 2017 Appropriations Act capped funding for the small ambulatory clinic program at $5 million, so no California tribes received grants from the program that year.

We appreciate that the subcommittee has identified $15 million for small ambulatory clinics construction in the fiscal year 2018 omnibus measure within the $243 million appropriation for healthcare facilities construction.

Our request is simple. We need help getting construction funds to California tribes. We would like to see California tribes receive a share of the FY 2018 small ambulatory clinic and other IHS construction funds to address healthcare facilities base needs in our Tribal communities.

Lastly, we need help getting the BIA to complete a lease of our clinic land. We have previously expressed our concerns regarding the BIA's lack of responsiveness and delays in processing this lease. Congressmen Aguilar, Garamendi, and the staff of Congressman Ruiz and Congresswoman McCollum heard our concerns and agreed to write a letter to the BIA. We thank them for their help in removing these barriers.

I thank you for your time and consideration.

[The statement of Teresa Sanchez follows:]

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
TESTIMONY OF TERESA SANCHEZ, BOARD MEMBER
RIVERSIDE-SAN BERNARDINO COUNTY INDIAN HEALTH, INC.
CONCERNING THE PRESIDENT'S 2019
BUDGET REQUEST
FOR THE INDIAN HEALTH SERVICE
May 9, 2018

I am Teresa Sanchez and I am the Board Vice-President for Riverside-San Bernardino County Indian Health, Inc. located in Southern California. I am also a member of the California Area Tribal Advisory Council and a member of the Morongo Band of Mission Indians. Thank you for the opportunity to testify concerning the health needs of tribal beneficiaries in southern California.

We are thankful for the support of Congress and the funding provided by the Subcommittee in the recently enacted FY 2018 Consolidated Appropriations Act, Pub. L. 115-141, to improve the health status of our people. This is why it is so disappointing to us to see that funding for Community Health Representatives ("CHRs") has been eliminated from the President's 2019 budget for the Indian Health Service (IHS). We are adamantly opposed to such cuts, as the CHR program has been one of the most successful during our 50 years of operation. We also oppose the elimination of the Health Education program.

For these reasons, we call upon the bipartisan spirit demonstrated daily by this Subcommittee to restore these harmful budget cuts to the IHS budget and to the health programs our tribal citizens depend on for their health and wellbeing.

Our organization provides services to Native Americans across two of the largest counties in the Country. We employ nine CHRs that are a critical part of our program. Each CHR is specifically trained in home health care and they fill an important gap, providing care to patients outside the Doctor's office. For instance, CHRs:

- Ensure patients follow the Doctor's orders, such as eating properly, taking their Medications timely and appropriately, and exercising when needed;
- Talk through tough health care decisions with patients; and
- Direct patients to outside resources, such as local food pantries or housing assistance.

The list could go on and on. The loss of CHRs would be simply devastating to many Native American Communities that are located far from health clinics in urban areas. We therefore ask this Subcommittee to keep the CHR and the Health Education program fully funded for FY 2019 and for many years to come.

Another serious and long-term problem we face is the lack of IHS facilities construction funding. The three main IHS construction programs have largely excluded California Tribes.

For instance, Tribes often sit on the priority list for decades without ever receiving funds to build a new clinic. While the FY 2018 Appropriations Act contained $497 million of new IHS construction funding, half of these funds were designated for Joint Venture Construction projects and related staffing packages. No California Tribes were approved for such projects, leaving almost no new money for California and no associated staffing dollars. Indeed, only one California Tribe has ever participated in the Joint Venture Program, and that was many years ago. Why? In our opinion, it is because IHS developed the selection criteria without consulting California Tribes.

Additionally, the 2017 Appropriations Act capped funding for the Small Ambulatory clinic program at $5 million, so no California Tribes received grants from the program that year. We appreciate that the Subcommittee has identified $15 million for small ambulatory clinics construction in the FY 2018 omnibus measure, within the $243.48 million appropriation for Health Care Facilities Construction. Our request to the Subcommittee is simple. We need help getting construction funds to California Tribes. We would like to see California tribes receive a share of the FY 2018 small ambulatory clinic and other IHS construction funds to address healthcare facility space needs in our tribal communities.

Lastly, we need help getting the Bureau of Indian Affairs (BIA) to complete a lease of our clinic land. We have previously expressed our concerns regarding the BIA's lack of responsiveness and delays in processing this lease. Members of the House of Representatives, Congressmen Aguilar, Garamendi and the Staff of Congressman Ruiz and Congresswoman McCollum heard our concerns and agreed to write a letter to the BIA. We thank them for their help in removing these barriers.

Thank you for affording the Riverside-San Bernardino County Indian Health, Inc. the opportunity to submit testimony.

Mr. CALVERT. Thank you.

Next, Deana Bovee, tribal chairwoman, Susanville Indian Rancheria.

WEDNESDAY, MAY 9, 2018.

SUSANVILLE INDIAN RANCHERIA

WITNESS

DEANA M. BOVEE, TRIBAL CHAIRWOMAN

Ms. BOVEE. Good afternoon, chairman and the members of the subcommittee. My name is Deana Bovee, chairwoman of the Susanville Indian Rancheria, located in rural northern California.

And I appreciate the opportunity to appear before you regarding fiscal year 2019 appropriations. I would also like to thank the members for their support of the fiscal year 2018 budget appropriations.

Our Tribe operates a large range of BIA programs under the Indian Self-Determination Act: education, social services, fire protection, Johnson O'Malley, higher education, and road maintenance, to name a few. We also operate a health clinic via an IHS self-governance agreement serving not only our own Tribal members and other federally recognized Indians. We also provide access to services for other community patients. We are one of two health clinics in all of Lassen County that provide Medicaid services to patients.

If you don't know, Lassen County is a very large county, but it has a very small population because the entire county is very rural. So when you think of how large that county is and only having two medical providers that will actually—medical and dental—that will take on Medicaid patients, it is a lot of work. And this is vital to the part of Susanville and Lassen County economy.

Given my background in social services, first as an IHS community health representative, followed by other social services work and now being the Tribe's ICWA, coordinator along with the chairwoman, I will begin by asking that you reject the administration's social services funding proposals.

Specifically, we ask that you please reject the proposed 37 percent cut in BIA social services. We estimate that we need at least a 140 percent increase in our Tribal priority applications to keep up with the minimum needs. In the last 2½ months, we have processed over 100 social services types of requests.

Please reject the proposed 27 percent cut for the Indian Child Welfare Act. We estimate that we have an unmet need of over 300 percent, and an increase is needed to meet the minimum ICWA-related needs for our Tribal children and families. We average over 12 active ICWA cases each month, and in addition, receive five to eight daily correspondence on ICWA matters that require a response to each county and/or State.

While we have worked with Lassen County family services in certifying a few Native foster homes, this nowhere meets the needs, and many of our member and nonmember Tribal children are not placed in homes that are ICWA-compliant regarding placement preferences.

We also have a large problem in that there are several issues that concern the legality of how each State and/or county treats our ICWA cases. This requires utilizing the services of legal counsel, again, creating a financial hardship on the Tribe's ICWA budget.

Please reject the proposal to eliminate the Johnson O'Malley program. This program provides valuable educational services to our Tribe, including making it possible to have three to four tutors, afterschool tutors. We are on track with increasing the reading levels, math proficiency, and cultural awareness of our children. Our program has grown within the last 5 months by 100 percent, and the students' grades have followed suit. These programs are vital to our Tribe being healthy, from our children on up.

We ask that you keep funding IHS Community Health Representatives program. It is shocking that it is proposed for elimination. Speaking from personal experience, this is a very good program. And it, in fact, opened my mind to social work. This is the reason I spent 2 years as a social worker in our own facility. And this isn't just a medical program; this is a medical social worker. And you learn from there, your doctor is helping, you know, telling you what he needs you to do, but you are also bringing back those psychosocial issues that are so important for our tribal—our community's health.

Please continue your support for construction of IHS and Tribal health facilities. We were glad to see the significant increase in the fiscal year 2018 appropriations in this area. We are in dire need of a new medical clinic. We have one. We have outgrown our clinic and its footprint as well. There is no feasible way that we can update this very old facility, so we will need to be building a new facility. We have undertaken the planning and started feasibility studies.

Finally, we join with others in Indian Country in supporting the special diabetes program for Indians and wanting the funding for it to remain mandatory funding. We join with others in thanking you for fully funding contract support costs and ask that it remain that way.

We ask that the IHS and BIA budgets be protected from funding rescissions or automatic sequestration of funds. Thank you very much.

[The statement of Deana Bovee follows:]

Deana M. Bovee
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Testimony to the House and Senate Appropriations
Subcommittees on Interior, Environment, and Related Agencies
Regarding the Fiscal Year 2019 IHS and BIA Budgets

April 27, 2018

The Susanville Indian Rancheria submits the following recommendations regarding the FY 2019 Interior Appropriations bill:

- Reject the large proposed cuts in the Bureau of Indian Affairs Social Services program (37%) and the Indian Child welfare Act (27%).
- Retain the BIA's Johnson O'Malley Program Which is Proposed for Elimination
- Reject the Proposal to Eliminate the IHS Community Health Representatives Program
- Continue Full, Mandatory Funding for IHS and BIA Contract Support Costs
- Funding for a New Medical Clinic
- Maintain the Special Diabetes Program's Funding as Mandatory
- Reject Rescissions and Protect the IHS and BIA from Sequestration

The Susanville Indian Rancheria includes over 1,180 tribal citizens located in Northern California. The Tribe operates several programs through Indian Self-Determination Act compact and contracts with the Bureau of Indian Affairs (BIA), including the Tribe's two largest: The Consolidated Tribal Government Program and the Road Maintenance Program. Through these programs, the Tribe operates aid to tribal government, Johnson O'Malley, social services, Indian child welfare, community fire protection, adult and higher education, and job placement programs, as well as projects to maintain the Tribe's infrastructure. Through these programs, the Tribe is a vital part of the Susanville and Lassen County economic community.

The Tribe also operates the Lassen Indian Health Center via a Title V self-governance compact with the Indian Health Service (IHS). The Tribe and the Health Center serve not only our tribal members, but also lineal descendants of California and other federally recognized Indians. As a result, our service population for Lassen County is over 1,900 individuals of Indian descent. The Health Center is a vital link for our patients, who receive medical, dental care, behavioral health services, substance abuse counseling, and pharmacy services. Providing

both governmental and health care services is an important role for the Tribe, although we depend on our partners -IHS, BIA, and Congress, to fulfill their contractual obligations.

Reject the BIA Social Services Reduction of 37 percent. The Administration's proposed cut to BIA social services is astonishing. We use our limited Tribal Priority Allocation funds ($22,506) toward urgent needs of our tribal members. In the past two and one half months, the tribal office has processed over 100 social services types of requests. We estimate that we would need a 141% increase in our TPA just to meet the minimum needs for our tribal members.

Reject the Proposed Indian Child Welfare Act Reduction of $5 million or 27 percent. The Susanville Indian Rancheria uses what limited TPA funding it receives ($44,414) towards salaries, telephone costs, supplies, NICWA membership dues, expert witness fees, training, and legal fees. We have averaged slightly over 12 active cases each month with some cases being closed and others being opened due to various reasons (abuse, parent reunification, etc.). In addition we receive an average of 5-8 daily correspondences on ICWA matters that require a response. We have an urgent need for more Native foster homes and have worked with Lassen County Child and Family Services in certifying some Native foster homes. But many of our Tribal member children (and tribal children who are not Susanville Indian Rancheria members) are being placed in homes that do not meet with ICWA placement preference law. It is very important that Native children do not lose their connection with their culture as this this connection is what keeps children whole and provides strength of mind and body. We estimate that would need a 323% increase to meet the minimum ICWA-related needs for our tribal children.

Retain the Johnson O'Malley Program. We strongly oppose the proposal to eliminate the Johnson O'Malley Program (JOM). The JOM serves a very important function for the Susanville Indian Rancheria as it makes possible three after school tutors and also provides the partial salary of our Education Programs Director. In addition, these funds are used for Renaissance learning dues that help our students increase their reading skills, as well as providing assistance for summer activities. We are pleased as we are on track with increasing the reading levels of our students, increasing their math proficiency and increasing cultural awareness. Without these funds we would lose all that we have gained in the past few years. We are proud of our students and what they have accomplished.

Reject the Administration's Proposed Elimination of the IHS Community Health Representatives Program. We are astonished that the Administration would propose the elimination of the Community Health Representatives Program (CHR) which was funded at $62.8 million in FY 2018. The CHR program provides community-based essential home visiting services to elders and to people of all ages, serving both medical and psycho-social health needs. These home-based services increase the involvement of individuals in managing and improving their own health – especially with chronic disease management - and help prevent avoidable emergency room visits and hospital re-admissions.

Funding for a New Medical Clinic. The Susanville Indian Rancheria is in dire need of a new medical clinic. Our current facility is no longer large enough to house our employees that provide services to our Indian people in Lassen County. It is not cost effective to update this

very old facility. While we have undertaken the planning of a facility but we lack the funding for construction. We are pleased to see the FY 2018 IHS health facility construction funding increase and encourage you to keep providing such funding for replacement of medical facilities.

Maintain the Special Diabetes Program Funding as Mandatory. We oppose the Administration's proposal to change the SDPI program from one which is funded on a mandatory basis to discretionary funding. We understand that the same would be true for the HHS Community Health Centers programming. It appears to be a way to require appropriations subcommittees to have to use their funding allocations for what previously was mandatory funding and thus not counted against their allocation. Many people in Indian Country would like all IHS funds to be mandatory. Making SDPI funds discretionary could open it up to reductions and also subject it to short-term Continuing Resolutions thus leading to difficulties in planning and recruiting and retaining staff.

Continue Full Funding of Contract Support Costs. We are so appreciative of the House and Senate Interior Appropriations Subcommittees' support of full and mandatory funding for IHS and BIA Contract Support Costs and for finding a way to make that happen. This action has been crucial to the strengthening of tribal governments' ability to successfully exercise their rights and responsibilities. We do feel that the IHS should pay Contact Support Costs on its grant programs and appreciate the House Committee Report language from FY 2018 encouraging them to do so.

Reject Funding Rescissions and Protect IHS and BIA from Sequestration. We are aware that there is an effort among some in Congress and by the Office of Management and Budget to rescind some funding made available by the Bipartisan Budget Act and the Consolidated Appropriations Act for FY 2018, and we urge you reject such a proposal. The bipartisan agreement that was reached should not be broken. We are grateful for the FY 2018 funding increases made available for the BIA and IHS – notably in the Facilities Accounts. Also of particular significance is the increase in funds to address the national opioid abuse epidemic for which tribes will belatedly have direct access.

While we have not had an automatic across-the-board sequestration of discretionary federal funds since FY 2013, the Balanced Budget and Emergency Deficit Control Act should nevertheless be amended to exempt the IHS and BIA from such reductions. Other health programs, e.g., the Veterans Health Administration, Medicaid grants, and Medicare payments (except for a 2 percent reduction for administration) are held harmless.

Thank you for your consideration of the views of the Susanville Indian Rancheria.

Mr. CALVERT. Thank you.
And last, Erika Eva Chase.

WEDNESDAY, MAY 9, 2018.

TRIBAL EDUCATION DEPARTMENTS NATIONAL ASSEMBLY

WITNESS

ERIKA EVA CHASE, SECRETARY

Ms. CHASE. [Speaking native language.]

My name is Erika Eva Chase, and I am a citizen of the Hoopa Valley Tribe in far northwestern rural California where I am the executive director of the Hoopa Tribal Education Association. I also currently serve as secretary for the Tribal Education Departments National Assembly, also known as TEDNA, a national nonprofit membership organization for the education departments and agencies of American Indian and Alaska Native Tribes, also known as TEDs. Ts'ehidyah for the opportunity to speak today about funding for TEDs.

First and foremost, our sincerest gratitude for appropriating funds to support TEDs through section 2020 grants, especially for increased funding in fiscal year 2017.

Today, Tribal governments and TEDs are making historic progress in directing educational services for our people. Continued funding and increased funding is required to maintain and expand vital and successful programs, such as Tribal education department grants, sovereignty and education enhancement programs, Johnson O'Malley funding, and BIA higher education programs.

For this, TEDNA respectfully requests $5 million, at minimum, to support TEDs in the Department of the Interior, Environment, and Related Agencies appropriations bill for fiscal year 2019, so that we are able to serve our Native American students who attend BIE-funded schools, other LEAs, and every facet of our Tribal citizens' lifelong educational experiences as I will explain further.

The Natinixwe, Hupa people, have educated their citizens from time immemorial, and for us and all Tribes, education continues to be a sovereign right, a trust obligation, an issue of local control, and a sacred responsibility.

According to the Northwest Evaluation Association Measures of Academic performance testing, in our local school district, nearly 71 percent of our Native American students are currently performing at low or low average in every subject matter. It is apparent that our Tribal students and those across Indian Country need and deserve better coordination and collaboration between LEAs, BIE-funded schools, and Tribes for their student success and personal growth as our Tribal nation's future leaders.

TEDs are in a unique position to reverse the historic negative outcomes for Native students. Through section 2020 grants and other initiatives, the important work of developing Tribal education codes, policies, and standards pertaining to curriculum, personnel, students, facilities, and support programs are underway.

In my experience as education director of the Hoopa Valley Tribe, I can attest to the value of building these relationships with LEAs and SEAs, and also the importance of asserting our Tribal sovereignty and authority of education as it pertains to our own Tribal citizens recognizing many interventions, prevention, services, and strategies to enable student and family successes.

Most recently, many of the previously stated poor performance academic statistics have been directly correlated with adverse childhood experience scores in our community, and there is now recognition that trauma informed and culturally responsive techniques must be built into curriculum and instruction models that are offered to our students to enhance their resiliency in social-emotional wellness before they can achieve academically.

Through section 2020 grants, Tribes like the Leech Lake Band of Ojibwe in Minnesota and the Pueblo of Acoma of New Mexico have both utilized that funding to identify community-based approaches to develop Tribal education codes, comprehensive education plans, and also pursuing meaningful consultation, to result in data-sharing partnerships to address academic achievement in truancy and Tribal participation on both planning and budget committees.

STEP grantees have also taken on the realization that many State education agencies do not have the expertise to provide training or technical assistance that meets the unique educational and cultural needs of Native American students. And the Nez Perce in Idaho has filled that void.

The Gila River Indian community in Arizona, an SIE grantee, has, for the first time in 20 years, had the opportunity to gauge their growth and progress in four specific assessment areas, and are now in the process of developing standards for school operations and performance as well as school accountability to the community.

The section 2020 grantees are only just beginning to demonstrate the positive impact they can have on Native American education. We want to continue our important work and build on our fledgling success, and continued and increased funding will help us do that.

Sustained investment in TEDs is sound Federal policy. It efficiently focuses on maximizing scarce resources for a historically underserved population. Direct Tribal involvement in education eliminates undue bureaucratic barriers and streamlines administration. It encourages and supports local control and Tribal self-determination in education, thus the subcommittee is presented with the unique opportunity to continue to increase Tribal involvement, leverage the expertise of TEDs, and provide support in furthering these goals to help generations of Native American students.

The education of our people is a sovereign and fundamental right as well as a trust obligation. We must have control in shaping the experiences, outcomes, and planning of education that guides our people in their birthright as the leaders of our Tribe.

TEDNA respectfully requests $5 million, at minimum, for TEDs in the Interior, Environment, and Related Agencies appropriations bill for fiscal year 2019, so that we may continue the vital work being done through section 2020 grants, SIE, and other programs

like Johnson O'Malley grants, and increasing the tribally controlled scholarships for post-secondary education.

With these things in place, our Tribal nations can realize the promise of local control and quality education as embodied in the Every Student Succeeds Act. And by investing in TEDs, we will see the benefits of meaningful Tribal consultation realized, as required under section 8538, for we are the best advocates for the benefits and successes of our Native American students and the future of our Tribal nations. Ts'ehdiyah.

[The statement of Erika Eva Chase follows:]

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HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

TESTIMONY OF ERIKA EVA CHASE, EXECUTIVE DIRECTOR OF THE HOOPA TRIBAL EDUCATION ASSOCIATION AND SECRETARY OF TEDNA, REGARDING FY 2019 FUNDING FOR TRIBAL EDUCATION

MAY 9, 2018

Chairman Calvert, Ranking Member McCollum, and Members of the Committee, He:yung/Kile' Ts'ehdiyah Nohtsa:n. Erika Eva Chase, a:who:lye,' Na:tinixwe' awhte hayaL Shinnecock qeh iwha:l.' My name is Erika Eva Chase and I am a citizen of the Hoopa Valley Tribe where I am the Executive Director of the Hoopa Tribal Education Association. I also serve as Secretary for the Tribal Education Departments National Assembly ("TEDNA"), a national non-profit membership organization for the Education Departments/Agencies ("TEDs") of American Indian and Alaska Native Tribes. Ts'ehidyah, thank you, for the opportunity to speak today about funding for TEDs. First and foremost, our sincerest gratitude for appropriating funds to support TEDs through Section 2020 grants—especially for increased funding in Fiscal-Year 2017. This Subcommittee clearly values the crucial role of TEDs in providing educational services to Native American students. As this Subcommittee noted in its 2016 report, "TEDs are instrumental in helping tribes build the capacity to oversee the high quality and culturally appropriate education of tribal members."

Today, tribal governments and TEDs are making historic progress in directing educational services–fulfilling Congress's intent after decades of Federal neglect. Although Congress stated a policy supporting local, tribal control of education as early as the 1980s, these measures received significant funding only in recent years. Continued funding is required to maintain and expand vital and successful programs such as Tribal Education Department ("TED") Grants, Sovereignty in Education Enhancement Programs ("SIE"), Johnson O'Malley ("JOM") and BIA Higher Education programs. For this, TEDNA respectfully requests $5 million to support TEDs in the Department of the Interior, Environment, and Related Agencies appropriations bill for Fiscal-Year 2019 so that we are able to serve our Native American students who attend BIE funded schools, other LEAs, and every facet of our tribal citizens' lifelong educational experiences, as I will explain further.

AUTHORIZATION FOR FUNDING

Federal funding for TEDs is authorized in the 25 U.S.C. § 2020.

JUSTIFICATION FOR FUNDING

The Na:tinixwe,' Hupa People, have educated their citizens from time immemorial, and for us and all Tribes education continues to be a sovereign right, a trust obligation, an issue of local control and a sacred responsibility. That we have entrusted a part of the education of our students to our local public school districts speaks to our expectation of the state, local and federal obligation to honor that same responsibility. However, these expectations remain unrealized at a cost that is too high. Currently, in our local Klamath-Trinity Joint Unified School District, which has a population of 94% Native American district wide, only Indian children are dropping out beginning at grade 7 and a staggering 22% of Indian students at our local K-8 school are being suspended in comparison to their non-Indian peers at 0%. Further, according to the Northwest Evaluation Association Measure of Academic Performance (MAP Testing) nearly 71% of our Native American students are performing at "Low or Low Average" levels in Math, Reading, and Language (ELA). It is apparent our tribal students, and those across Indian Country, need and deserve better coordination and collaboration between LEAs, BIE-funded schools and Tribes for their students' success and personal growth as our tribal nations' future leaders.

At the same time, Tribal government involvement in the education of Native American students has been severely limited until recently. In 1988, Congress authorized funding specifically to build Tribal capacity for directly serving Native students in BIE-funded schools – Section §2020. Although unfunded for over 25 years, it was through the commitment of this Subcommittee that eleven tribes were awarded Section §2020 Grants in FY 2015, and comparable appropriation is needed in order to continue forward movement and guarantee success of these vital efforts. The Section §2020 TED grantees and many other TEDs need continued and increased Section §2020 funding so student-centered work and initiatives may continue. A similar authorization for tribal capacity building aimed at *public schools* on Indian reservations has been funded since Fiscal-Year 2012, resulting in the Department of Education's pioneering State-Tribal Education Partnership Program ("STEP"). Congress recognized the importance of this program by statutorily authorizing it in Title VI of the Every Student Succeeds Act. Though important, the STEP program only addresses one aspect of the existing need, and a corresponding funding opportunity for TEDs serving BIE-funded schools is also required to address BIE-funded schools that this Subcommittee knows historically have been drastically underfunded. Undoubtedly, the BIE-funded schools and the students they serve are most in need of the assistance of TEDs.

TEDs are in a unique position to reverse the historic negative outcomes for Native students. Through Section §2020 grants and other initiatives, the important work of developing Tribal educational codes, policies, and standards pertaining to curriculum, personnel, students, facilities, and support programs are under way.

For example, the Hoopa Valley Tribe of California, a former U.S Department of Education Indian Demonstration grantee and TEDNA member, currently operates 14 different education programs, spanning all areas of lifelong learning from Early Head Start to managing a branch of the local community college and providing Tribal Vocational Rehabilitation services aiding our citizens in their education and development from prenatal to PhDs and Vocational Expertise. In my experience as Education Director of the Hoopa Valley Tribe, I can attest to the value of building relationships with LEAs and SEAs, and also the importance of asserting our Tribal Sovereignty and authority of education as it pertains to our tribal citizen students, recognizing many needed

interventions, preventions, services and strategies to enable student and family successes. Most recently, many of the previously stated performance statistics have been directly correlated with Adverse Childhood Experience scores in our community, and the recognition that trauma-informed and culturally responsive techniques must be built into curriculum and instruction models offered to our students to enhance resiliency and social-emotional wellness.

The Leech Lake Band of Ojibwe in Minnesota, a Section §2020 grantee and a TEDNA Member, is developing a program under Section §2020 to address the Tribe's inherent authority over all areas of education. The Tribe operates the Bug-O-Nay-Ge-Shig BIE-funded school and administers JOM funds for public schools on and near the Tribe's reservation. Through Section §2020 grant funds, they have taken a community based approach, utilizing community and youth input to shape priorities that will develope into tribal education codes and a comprehensive education plan that will be culturally specific to that Tribe. The Section §2020 grant has been a catalyst for Leech Lake's involvement in areas beyond its grant and is making sovereignty in education a reality.

The Section §2020 grant has empowered the Pueblo of Acoma to engage in meaningful consultation with the State of New Mexico Public Education Department and the Local Grant Cibola School District, resulting in data sharing, partnerships to address academic achievement and truancy, and tribal participation on both planning and budget committees.

The Nez Perce Tribe of Idaho, a STEP grantee, has provided a platform for the Tribe's TED and LEAs to work together to improve Native American student performance through partnerships across three federal Elementary and Secondary Education Act programs. Current research indicates that low Native American academic achievement rates correlate with low cultural relevance in curriculum. Many State Education Agencies, acknowledge that they do not have the expertise to provide training or technical assistance that meets the unique educational and cultural needs of Native American Students. The Nez Perce TED has filled this void to provide teacher training for the integration of cultural pedagogy, tribal education standards, and common core standards.

The Gila River Indian Community in Arizona, an SIE grantee, is making strides in developing accountability standards for LEAs serving the Tribe's students. Seven SIE Grants were initially awarded to tribes for the purpose of conducting feasibility studies for Tribal control of schools, which included four school management focus areas: 1) academics, 2) human resources, 3) finances, and 4) governance as a result of many requests of the BIA/BIE to give more Tribes control of education in their tribal communities. At Gila River, their SIE project is still underway, and for the first time in over 20 years the community has the opportunity to gauge growth and progress in the four assessment areas and many questions have been raised. Consequentially, standards are being set for school operations and performance, as well as measures of school accountability to the community. Tribes are now requiring LEAs and SEAs to account for their years of substandard performance and identifying improvements that must be made so that our tribal students and communities are served better.

The Section §2020 grantees are only just beginning to demonstrate the positive impact they can have in Native American education. We want to continue our important work and build on our fledgling success, and continued – and increased – funding will help us do that.

The successes of TEDs, like that of the Hoopa Valley Tribe and others, demonstrate the positive impact and high need for Tribal involvement in Native American education. Moreover, the initiative of the Leech Lake Band of Ojibwe shows that with the support of this Subcommittee, the Section §2020 funds will *facilitate local tribal control* in all matters relating to Native American education on reservations and implementing programs to increase graduation rates and post-secondary school readiness, and foster much-needed cooperation and coordination with entities carrying out education services and programs. More specifically, Tribes will be able to 1) support early education initiatives and develop culturally relevant curriculum and assessments; 2) increase tribal participation through TEDs providing coordination, administrative support services, technical assistance to schools and education programs on Indian reservations, including maintaining and sharing electronic data regarding Native American students; and 3) develop and enforce tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs. As Congress has recognized, these three areas are core educational functions that are most appropriately left to Tribes.
While TEDNA recognizes this Subcommittee's long-standing commitment to funding TEDs, we would be remiss if we did not again point out that the $2 million authorized in Section §2020 for TED funding through the BIE is more than 25 years old and in need of updating. If the authorization was simply adjusted for inflation, it would more than double. Accordingly, we view a $5 million authorization as the minimum required to fulfill the intent of funding the important work of TEDs in Native American education. Further, while Section §2020 funding goes directly to TEDs, TEDNA (working closely with BIE) continues to play an important role in providing technical assistance to TEDs. TEDNA's role is one that this Subcommittee understands and has long-acknowledged, and we respectfully request that it be memorialized in the report issued by this Subcommittee.

REQUEST

Sustained investment in TEDs is sound federal policy. It efficiently focuses and maximizes scarce resources for a historically underserved population. Direct Tribal involvement in education eliminates undue bureaucratic barriers and streamlines administration. It encourages and supports local control and tribal self-determination in education. Thus, this Subcommittee is presented with a unique opportunity to increase tribal involvement, leverage the expertise of TEDs, and provide support in furthering these goals to help generations of Native American students. The education of our people is a sovereign and fundamental right, as well as ~~and~~ a trust obligation. We must have control in shaping the experiences, outcomes, and planning of education that guides our people in their birthright as the leaders of our Tribes.

TEDNA respectfully requests $5 million for TEDs in the Department of the Interior, Environment, and Related Agencies appropriations bill for Fiscal-Year 2019 to continue the vital work being done through the Section §2020 grant, SIE and other programs like Johnson O'Malley grants and increases for tribally controlled scholarships for post-secondary education. With these things in place, our Tribal nations can realize the promise of local control and quality education as embodied in the Every Student Succeeds Act (ESSA) and by investing in TEDs we will see the benefits of meaningful Tribal Consultation realized, as required under Section 8538, for we are the best advocates for the benefit and success of our Native American students and the future of our Tribal Nations. Ts'ehdiyah, thank you.

Mr. CALVERT. Thank you.

And thank you all for your testimony. Happily, we started TEDs in this committee a couple of years ago, so I am happy to hear that it is working well; just need more money. I hear that a lot. We need more money. We try to do the best we can with the resources we have.

Ms. McCollum and I were able to get a little boost last year, so we have been able to help in some ways. We hope to help a little bit more this year. We will do the best we can with the resources we have.

Obviously, you know, California is a big State and has a lot of obligations. And I know you all down south, we have a lot of Indian tribes, Morongos, I know quite well. The Tribal chairman is a good friend of mine. The prior Tribal chairman was a good friend of mine. The Pechanga and all the rest, I hope you all work together. That is one thing we all talk about is getting the various Tribes down south to work together.

And I don't know, in northern California you are kind of spread out so it is more difficult. I have been up in that area. It is hard to believe California, as big a State as we are, the many people we have, but there are some rural areas, almost as rural areas in Minnesota. It is a big State.

But we certainly appreciate your coming here today. We certainly heard what you had to say, and we will do everything when we can to help.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman.

You reinforced what we have heard from rural tribes and tribes in urban areas, and put the focus on how we have to keep listening and working together to achieve the goals of healthy populations, healthy communities, healthy nations plural, are really on track, and that includes education. So thank you all.

Mr. CALVERT. Thank you.

I want to make sure, Dr. LeBeau, we have been concerned with a past GAO report suggesting that the purchase referred care dollars might have been unfairly allocated. That is why we are focusing attention on the Indian Healthcare Improvement Fund, which is designed to fix funding disparities across this system. And so, hopefully, that will fund—help California tribes.

Would you concur with that?

Mr. LEBEAU. Yes, Chairman. I want to thank the committee for providing funding to the Indian Health Care Improvement Fund in the 2018 budget. I serve on the workgroup at IHS to assist in identifying a formula to distribute that funding in an equitable way across all IHS areas, taking into account unique needs, such as the need for additional PRC funding to tribes in California, and we continue to work on that. I would be glad to give you a report on that. We are meeting next week in Denver. I will have more information coming out of that meeting.

Mr. CALVERT. If you can pass that on to the committee, that would be very helpful.

We have to go down and vote, so we appreciate your attendance.

We are adjourned for this evening. We will reconvene tomorrow morning.

THURSDAY, MAY 10, 2018.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

PUBLIC WITNESSES—AMERICAN INDIANS AND ALASKA NATIVES

Mr. CALVERT [presiding]. The meeting will come to order. Welcome. Welcome to this public witness hearing on American Indian and Alaska Native programs under the jurisdiction of the Interior, Environment Appropriations Subcommittee.

I especially want to welcome the distinguished tribal elders and leaders testifying today and in the audience. Most of you have traveled a long way to be here this week. I hope you will seize the opportunity to meet with other members of Congress outside this subcommittee to remind them that honoring the Nation's trust obligations is a responsibility shared by all members of Congress, regardless of the State or congressional district. I can assure you that your voices are heard by this subcommittee, but we need your help to continue to build awareness and support among our colleagues in Congress.

For those new to this process—many of you are not. I see you almost every year I think. It is great to see you. But those who are new to this process, today's hearing is just the start of a dialogue we have come to depend upon to help us make smart choices in the budget and to earn the votes of our colleagues. Be assured that the American Indian and Alaska Native programs will continue to be a nonpartisan priority for this subcommittee, just as they have been in recent under the chairmanship of both Democrats and Republicans.

Before we begin, I have a bit of housekeeping to share. Committee rules prohibit the use of outside cameras and audio equipment during the hearing. The hearing can be viewed in its entirety on the committee's website, and an official hearing transcript will be available at gpo.gov.

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 do not feel pressured to cover everything in 5 minutes. Finishing in less than 5 minutes will earn you extra brownie points. I do not know about extra appropriations, but we will see. [Laughter.]

Mr. CALVERT. We will be using a timer to track the progress of each witness. When the light turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. When the light blinks red, I will have to ask the witness to stop. 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 in order to stay on schedule and respect each other's time. I know that many people have to catch planes and we have got thunderstorms coming in, so that is going to be interesting.

With that, I thank you all again for being here today, and I am happy to yield now to the distinguished ranking member, Betty McCollum, for her opening remarks.

Ms. MCCOLLUM. Thank you very much, Mr. Chair, and good morning, everyone. We look forward to the hearing, and to keeping things moving because I know we are going to have one vote series this morning. I will just let you get started, Mr. Chair.

Mr. CALVERT. Well, thank you. I appreciate that. And to start off today, we have Russell Begaye, president of the Navajo Nation. It is good to see you.

THURSDAY, MAY 10, 2018.

NAVAJO NATION

WITNESS

RUSSELL BEGAYE, PRESIDENT, NAVAJO NATION

Mr. BEGAYE. Yes, good morning. Ya'at'eeh. Chairman Calvert, Ranking Member McCollum, and members of the subcommittee, my name is Russell Begaye, and I am president of the Navajo Nation. I want to commend this subcommittee for working on a bipartisan basis to increase funding for Indian programs for Fiscal Year 2018 despite the President's request for cuts. While the President calls for indiscriminate cuts in 2019, we request the committee to continue a positive trend for Fiscal Year 2019.

First and foremost, you should know that we oppose the Department of the Interior's reorganization unless there is meaningful consultation that occurs. We have not been consulted as of today. For instance, we recently learned that the Interior reassigned the BIA Navajo regional director to D.C., and that the Agency had proposed to split Navajo into 2 or 3 regions. That is totally inefficiency, and we are moving backwards, and we oppose that. Also, we are greatly concerned that the United States has not fulfilled obligations while there is a move to close ONHIR Office of Navajo and Hopi Relocation.

We provided separate testimony on ONHIR. We urge and request that this subcommittee intervene to ensure that relocation efforts are not ended, while relocatees lack access to water, power, and sanitation. Further, the DOI should not be spending money to transition activities to the Office of Special Trustee without congressional authorization or without any meaningful consultation with the Navajo Nation. Also, if at some point ONHIR has to be transitioned, we prefer that it be transitioned to the Bureau of Indian Affairs.

We also lack adequate funding for public safety. We have 11.4 officers per 10,000 citizens, which is less than the national average of 24 per 10,000. Thus, many bad actors evade crime on our reservation, and it is unacceptable that our detention facilities and courts lack funding for a full staff and updated facilities. In regard

to welfare assistance due to funding cuts, we had to shut down a youth shelter home for teenage children. We need adequate funding to take care of our displaced children.

The Navajo Nation is also undergoing a drought. You recently heard of a report of over 200 horses that died within the last couple of weeks, and most Navajo travel long distances to haul water, and that will increase over the summer. We need additional funding to address the backlog in maintenance and construction of our livestock water facilities like windmills.

We also need more funding for road maintenance and appreciate the committee coming out and visiting our nation. And I believe, Chairman, you mentioned the roads are bumpy, and they are still bumpy. And we still have 7,000 miles of unpaved road. We also ask the committee to ignore the proposed harmful cuts to the Bureau of Indian Education and continue to provide basic funding for BIE programs and facilities, including our higher education scholarships. Our Navajo children are our most prized assets, and they are our future.

In regards to healthcare, we appreciate the increase in Fiscal Year 2018 funding for IHS. We ask that you continue funding increases for healthcare facilities construction, specifically specialty centers like the cancer center. Cancer is the number two killer of Navajo Nation people, and we need a specialty center on the Nation. We need the funding.

In 1966, with the heavy hand, the Federal government froze all development in the 1.5 million acres for the Navajo Nation known as the Bennett Freeze Area. This was lifted in 2006, but the damage was done. We are working to develop the area with decent housing, roads, schools, healthcare centers, and a lot of other infrastructure, but we require a lot more funding to fix this federally-created problem.

In regards to the August 5th, 2015 Gold Key Mine spill, we are going 3 years and our farmers have yet to be compensated. Have yet to be compensated. This is unacceptable, and we ask this committee to push EPA to resolve this matter. In regards to our Navajo Indian irrigation project, the construction of all 11 blocks of NIIP must be completed. The appropriation needs to be increased so the Bureau of Reclamation can accelerate the construction. NIIP was authorized and signed into law under John F. Kennedy, and it is one of the few water projects authorized in that time that has not been completed. Congress must finish the job.

I also want to acknowledge and express support for Ramah Navajo's issue stated in the written testimony to the committee. And we also ask you to come back and visit the Navajo Nation, particularly as we celebrate the 150-year signing of the Navajo Nation Treaty. Thank you.

[The statement of Mr. Begaye follows:]

THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

Testimony of Russell Begaye, President of the Navajo Nation
Before the
United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Hearing on Thursday, May 10, 2018

Yá'át'ééh. Good morning Chairman Calvert, Ranking Member McCollum and members of the subcommittee. My name is Russell Begaye and I am the President of the Navajo Nation. I appreciate this opportunity to provide testimony to the committee to address the Navajo Nation's funding priorities and needs in fiscal year (FY) 2019. First and foremost, I commend this subcommittee for working on a bi-partisan basis to increase funding for Indian programs for fiscal 2018 despite the President's request for budget cuts. As you well know, Indian Country is very far from sufficient funding, however it is good to see an incremental increase. Despite these increases, we are concerned that the President's FY 2019 budget calls for cuts again. Therefore, we again request that the committee to continue a positive funding trend for FY 2019.

Bureau of Indian Affairs Reorganization

The Navajo Nation opposes Department of Interior (DOI) reorganization pending meaningfully open, detailed, and respectful tribal consultations, as required by statute, Executive Order, and the Departmental Manual. We have not been consulted so far about this or related major decisions. For example, we recently learned after-the-fact that DOI had reassigned the BIA Navajo Regional Director, which we then promptly informed DOI that we opposed. We also recently learned that DOI has proposed to split Navajo operations into two or three regions. Instead of improving efficiency and effectiveness, that would increase bureaucracy, red tape, and possibly conflicting federal decisions affecting Navajos. Tribal Nations should not be divided into regions based on water or range management. Because of the numerous, significant effects of DOI reorganization on Tribal Nations, DOI must consult about that with us. We therefore urge Congress to include language in appropriation legislation to withhold funding for DOI reorganization pending meaningful consultations with Indian tribes.

Public Safety

Our main funding priority this upcoming fiscal year is public safety. Our public safety division includes a Criminal Investigations, Department of Corrections, Training Academy, Police Department, and 7 police districts. We requested an additional $4 million based on Interior guidelines, however we estimate that it would take at least $74 million in additional funding to ensure proper law enforcement, detention and judiciary services.

- Criminal Investigations & Police Services. The Navajo Nation Police Department (NNPD) currently has 199 patrol officers, 35 criminal investigators, and 5 internal investigators. With about 174,000 people residing on the Navajo Nation, we have 11.4 patrol officers/10,000 citizens, which is less than the national average of 24 officers/10,000. Assuming vacancies are filled, NNPD would have to hire 142 more patrol officers to close the gap. Furthermore, our criminal investigations unit needs about 30 more positions to address cases effectively. In 2015, officers responded to about 213,600 service calls and made 25,700 arrests. The deficit in police officers and the vast travel distances results in increased response times, which allows more bad actors to evade crime. Police vehicles are also subject to wear and tear due to the

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significant service territory. As of last year, NNPD had about 254 vehicles -- 86 of these units have more than 150,000 miles. Navajo requested an additional $2.3 million to increase the number of full time criminal investigators and the number of police officers.

- Detention and Corrections. Navajo operates 6 Adult Detention Facilities with 345 beds and 4 juvenile detention facilities with 98 beds. All facilities provide 24-hour supervision and other services to ensure full compliance with mandated standards. Staffing has been a challenge due to funding and training. One of our new facilities recently received a certificate of occupancy, which means staffing is required to get it fully operation. We request an increase of $1.3 million for operations and maintenance and to staff the facilities to operate at full capacity.
- Tribal Courts. Navajo has one Supreme Court and trial courts in 11 judicial districts. There are 3 supreme court justices and about 13 judicial court judges that handle about 52,000 cases every year. With average of 4,000 cases per year, we are in dire need of funding for additional judges and court personnel. We requested an additional $500,000 to fund new positions. The recurring allocated funds is insufficient to fund operational and facilities costs, as well as replacing outdated and substandard judicial courthouses and two are in modular buildings.

Welfare Assistance – Human Services

As part of our budget submission, we highlighted welfare assistance as one of our priorities. Our Department of Family Services (DFS) utilizes this funding to handle cases involving placement of children, adults and elders in-residential care, adult in-home care, institutional care, foster care and group homes, youth/children emergency shelter homes, burial assistance, assistance to individuals and families with needs during temporary financial hardship. DFS manages about 777 cases per month, which is an increase of 12% from 2015. The number of children in need of foster care also increases every year with 2,108 in 2016 as compared to 1,305 in 2015. Despite the need, funding has been cut in the past couple of years. Due to cuts, DFS had to shut down a youth shelter home for teenage children and the children were placed in off reservation facilities. Current funding has also not kept up with increasing cost of services. The Navajo Nation requested a $4 million increase in funding.

Natural Resources

Our Natural Resources Division oversees our natural resources and about 17.2 million acres of land through 12 departments: Land, Agriculture, Forestry, Enforcement, Parks/Recreation, Museum, Archaeology, Fish & Wildlife, Abandoned Mines/Uranium, Historic Preservation, and Water Resources. We emphasized the following priorities in our budget submission to Interior.

- Forestry Program. The forestry department manages 596,728 acres of commercial forest and 4,818,815 acres of woodlands. Navajo requested an additional $138,000 to implement biological and archaeological clearances for timber treatment, NEPA clearances, providing thinning treatments for areas prone to high wild land fire risk, and additional planting of trees where natural regeneration is not occurring.
- Water Resources Program – Drought Relief. The Navajo Nation consist of semi-arid land where drought conditions continue to exist. Since Navajo people travel long distances to haul water for their livestock, the backlog in construction of over 96 livestock water facilities and maintenance of 125 needs to be addressed. Navajo requested an additional $783,000 to plan, design, secure permits and construct water facilities in remote areas and fund personnel costs. Navajo also requested an additional $420,000 for operation and maintenance of the stream and precipitation gage network, and bringing climate monitoring network back in service, and for assisting and administering New Mexico and USDA Rural Development funded projects.

- Division of Fish and Wildlife. This division implements and enforces Navajo and Federal law to conserve and protect fish, wildlife, endangered species and plants. Navajo requested an additional $320,000 for additional personnel, upgrade safety equipment, replace failing fish hatchery equipment and aerators to improve water quality. Navajo also requested an additional $321,000 to address personnel and operational needs for the Natural Heritage Program to meet the additional NEPA clearance requirements, to improve monitoring of plant and animal species, to provide technical advisory support, address federal listing of sensitive species and improve technical reports.
- Heritage and Historic Preservation Department (NNHHPD). The NNHHPD protects and preserves Navajo cultural heritage and traditions. The Navajo Nation has an agreement with the National Park Service to assume certain responsibilities under the National Historic Preservation Act, 16 USC 470a et seq. Navajo requested an additional $19,000 for employee costs and new positions to handle compliance and consultation responsibilities, to decrease review time and to help scan and digitize archaeological inventory reports and forms.

Education

We are very concerned about President Trump's proposed deep cuts to the Bureau of Indian Education. We request that the committee ignore the President's proposal and continue to fully fund these programs. Also, as part of our FY 2019 budget priorities, we requested an additional $1.25 million to $13 million for scholarships for an additional 187 students. This requested increase was based on Interior budget requirements, but our ultimate need is $64.3 million to fund all our applicants. Navajo receives about 12,800 applications/year, however only 1,074 students were funded in 2015. Of these students, 494 received their associates degree, 236 obtained their bachelors degree, 76 obtained their masters degree and 8 received their doctorate.

Housing Improvement Program

In recent years, there have been cuts every year to our Housing Improvement Program even though there is a need to provide decent housing. The Navajo Nation has a very high unemployment rate, which creates a high rate of poverty and high number of residents who live in substandard housing. We requested an additional $1.5 million in funding.

Healthcare

The Navajo Nation appreciates the increases in fiscal 2018 funding for the Indian Health Service. Our funding increases for Health Care Facilities Construction (HCFC) are currently used to complete the design of the new Alternative Rural Health Center in Dilkon, Arizona. This facility is projected to serve over 34,391 primary care visits per year until 2025. Subsequently, increased funding for Sanitation Facilities Construction will improve the overall health of those served. We urge Congress to continue Navajo Nation priority health care facilities projects until completion (including the Health Care Facility in Pueblo Pintado, New Mexico and the Health Center in Bodaway Gap, Arizona). The only inpatient facility on the outstanding priority list for HCFC is the Gallup Indian Medical Center (GIMC), cited by the U.S. Commission on Civil Rights as an "utter disaster." We continue to urge Congress to start funding HCFC at $170 million yearly so GIMC will see construction in 14 years versus 20 years under the pre-2016 funding levels.

Bennett Freeze Area Development

In 1966, as a result of litigation of boundary dispute, the Commissioner of Indian Affairs Robert Bennett ordered a "freeze" on any development in a 1.5-million-acre area. Due to subsequent

legislation and litigation, no development occurred in the area. In 2006, the Navajo and Hopi tribe reached a settlement agreement and the "freeze" was lifted. However, the damage was done and homes and infrastructure are in poor condition. There is the lack of needed housing, roads, schools, health centers, etc. The Navajo Nation is working on bringing development back to the area, but it requires funding and we continue to request about $20 million in order to start construction and repair of houses and infrastructure, as well as to implement a management plan for agriculture, permit administration, range management and conservation plans, water resources, fence construction, and additional employees, enhance livestock economy.

The Office of Navajo and Hopi Indian Relocation (ONHIR)

The Navajo Nation appreciates the previous appropriation of funds to expedite the completion of home construction for Relocatees. This has greatly accelerated the provision of the promised housing benefit. However, we are at a critical juncture where unfulfilled obligations remain while there is a push to close the office. In separate written testimony on ONHIR, we highlight the unfulfilled obligations of the federal government to the Relocatees as well as problems with ONHIR. We also highlight our objection to characterizations made in a recently released Government Accountability Office report on ONHIR. We urgently request that this Subcommittee intervene to ensure that the relocation efforts are not ended while some Relocatees lack access to basic infrastructure such as water, power, and sanitation. It is critical that the United States fulfill its promises to provide Relocatees with decent and livable homes.

Environment – Gold King Mine

On August 5, 2015, the U.S. Environmental Protection Agency (EPA) and other parties caused a massive spill of toxic contaminants into the Animas and San Juan River from the Gold King Mine (GKM). The 2017 appropriations language directs EPA to explore all legal and financial recourses to compensate individuals for damages and to report to the committees within 60 days of enactment on the details and timeline for such efforts as well as plans for stakeholder engagement. As of this date, we have yet to see farmers compensated. We encourage this committee to continue its oversight over this issue.

Navajo Indian Irrigation Project (NIIP)

The Navajo Nation requests that the cap be lifted on appropriations for construction and that appropriations for construction be increased so Bureau of Reclamation can complete construction of all 11 blocks of NIIP. An estimated 75,000 acres have been developed out of the 110,630 acres of federal responsibility. Based on a Bureau of Reclamation memorandum dated June 16, 2016, the total cost of completion of NIIP is approximately $556.49 million and NIIP Gallegos Dam and related structures is about an additional $286.2 million.

Office of Surface Mining Reclamation and Enforcement

We urge you to support continued funding for the Certified Tribal and State programs, which provide funding for the Navajo Abandoned Mine Land programs and activities.

Conclusion

In conclusion, the Navajo Nation entered into a treaty with the United States in 1868. As such, the federal government has a treaty responsibility, as well as a trust obligation, to protect and assist the Nation in securing our land and resources, and developing a sustainable permanent homeland. The priorities outlined by the Navajo Nation seek to strengthen the sacred trust relationship and assist the Navajo Nation in furtherance of self-determination and tribal sovereignty. Thank you.

Mr. CALVERT. Thank you. Thank you for your testimony.

Next, Carrie L. Billy, president and CEO of the American Indian Higher Education Consortium. Welcome.

THURSDAY, MAY 10, 2018.

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM (AIHEC)

WITNESS

CARRIE L. BILLY, PRESIDENT AND CEO, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM (AIHEC)

Ms. BILLY. Ya'at'eeh, Mr. Chairman and Ranking Member McCollum. I am Carrie Billy, president of the American Indian Higher Education Consortium, which comprises the Nation's 38 tribal colleges. And I am here this morning to say thank you, 160,000 thank you's. That is the number of American Indians, Alaska Natives, and other rural community residents that you directly impact, who you directly touch every year through your investment in community-based and academic programs at tribal colleges.

This year, Dine College on the Navajo Nation, the Nation's first tribally-charted college, is celebrating its 50th anniversary. Fifty years ago, a group of Navajo educators came together and asked our people how do you want our schools to work. It was a question never asked before, and it led to the greatest experiment and experience in American Indian self-determination, the tribal college movement.

It began with a group of people who had no money and no real template to follow, but who had this enormous vision of an education system like none other in the world, one rooted, nurtured, and growing from our own language, culture, and traditions, where Navajo philosophy and ways of knowing are at the heart of the curriculum, not added to it. They are creating the curriculum.

That is the heartbeat, the center, and the lifeblood of all the tribal colleges. It is what gives our underfunded institutions the power to work miracles and create opportunities where others see none, opportunities for a better life, for economic stability, for hope for the future. That is what empowers tribal colleges to work to transform families, communities, and tribal nation, and it is just about the best investment you could ever make.

Our requests this year are very modest. We think they are very doable, and they are outlined in our prepared statement, so I will just mention one: that is full and fair operating funding perhaps through a phased-in plan for equity. We believe conservatively that tribal colleges need a baseline of about $13 to $14,000 per full-time Indian student to operate at all. But that is a big ask in 1 year, so for about $16 million over our current operating level, we could actually get to $9,000 per Indian student this year for the Title I schools, and there would still be about $2 million to raise some of the other schools that are not up to that baseline funding level. So, that is it.

An additional $16 million or so for institutional operations and technical assistance under Titles I, II, and V of the Tribal College

Act as we work toward a parity baseline for all the tribal colleges. It is an investment that you will not be making alone. The proven return is tremendous, and, most important, the investment will be transformative.

First, you are not alone. Tribes, tribal colleges, and even students are leveraging their resources to leverage the Federal investment. The Navajo Nation, for example, just announced a new $14 million investment in the Navajo Technical University to help build new student housing for up to 300 students a year, and they need it. Aaron Sansosie is a veteran, father of four, and student at Navajo Tech. He set some really pretty impressive goals, and to achieve them he has to take 17 to 19 credits every semester. That would be a grueling schedule for any student. I cannot imagine what it is like for a father of four. But Aaron does it all while sleeping out of his truck. The cost of living here is pretty high, especially living in the dorms and having three meals a day. Sometimes Pell will not cover it, Aaron says. But the investment made through personal sacrifice is worth it.

Every year, your investment is yielding remarkable and proven returns. Take SIPI, Southwestern Indian Polytechnic, for example. Over the past 3 years, SIPI's team of native students has placed in the top three in NASA's National College Robotics Competition. It is called the Swarmathon. This year, they placed second against 22 universities and MSI teams from around the country. These students are developing complex algorithms for cooperative robotics that will revolutionize space exploration. Your investment made that possible, so take that, Elon Musk. [Laughter.]

Ms. BILLY: In addition to contributing to the future of space exploration, your investment is most fundamentally and, most important, advancing intellect, advancing knowledge for the common good for our common future. Recently, John Eagle was at Sitting Bull College when he saw a group of little 2- and 3-year-olds walking by with their teachers. Sitting Bull has turned their daycare center into a Lakota Language Immersion Program. Just as the kids were walking around out of sight, a little straggler at the end of the line leaned back and said, [Speaking native language].

People say that we are one generation away from losing our languages. No, we are one generation away from saving our languages. Sitting Bull College made that possible, along with all of the other tribal colleges.

So, today I am not asking you for the payment of an obligation. I am asking you for an investment in the future. Invest in that little boy. Invest in Aaron. Invest in SIPI space champions and their future and our collective future. Thank you.

[The statement of Ms. Billy follows:]

STATEMENT OF CARRIE L. BILLY, PRESIDENT & CEO
AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM
SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES - COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
ADDRESSING HIGHER EDUCATION PROGRAMS IN THE BUREAU OF INDIAN EDUCATION

April 30, 2018

REQUEST SUMMARY

On behalf of the nation's Tribal Colleges and Universities (TCUs), which collectively are the American Indian Higher Education Consortium (AIHEC), thank you for this opportunity to present our Fiscal Year 2019 (FY 2019) appropriations recommendations for the 29 colleges funded under Titles I and II of the Tribally Controlled Colleges and Universities Assistance Act (Tribal College Act); the two tribally chartered career and technical postsecondary institutions (Tribal College Act, Title V); the two Bureau of Indian Education postsecondary institutions; and the Institute of American Indian Arts (IAIA). The Bureau of Indian Education administers each of these programs, with the exception of IAIA, which is congressionally chartered and funded in its own account. The following is a list of recommended funding levels:

DEPARTMENT OF THE INTERIOR

- $86,354,000 to fund institutional operations under Titles I ($68,544,000) and II ($17,009,000), TCU Endowments ($109,000) and technical assistance ($701,000) authorized in the *Tribally Controlled Colleges and Universities Assistance Act of 1978*, or Tribal College Act, which would fund 29 TCUs at the authorized level for the first time in 40 years and provide an additional $100,000, for increasingly needed technical assistance. The technical assistance program has been level funded for 13 years despite growing demands for assistance for developing TCUs.
- $10,000,000 for Title V of the Tribal College Act, which provides partial institutional operations funding for two tribally chartered postsecondary career and technical institutions.
- $9,960,000 for the Institute of American Indian Arts.
- $25,000,000 for Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, the Bureau of Indian Education's two postsecondary institutions.
- $31,000,000 for TCU Infrastructure Improvement, authorized under section 113 of the Tribal College Act.

OPPORTUNITY AND INNOVATION IN INDIAN COUNTRY

Tribal Colleges and Universities are essential to success in American Indian/Alaska Native (AI/AN) education. Currently, 38 TCUs operate more than 75 campuses and sites in 17 states, within whose geographic boundaries 80 percent of all American Indian reservations and federal Indian trust land lie. TCUs serve students from well over 250 federally recognized tribes and 30 states. More than 85 percent of our students receive federal financial aid – primarily Pell grants. In total, the TCUs annually serve 160,000 AI/ANs and other community members through a wide variety of academic and community-based programs. TCUs are public institutions accredited by independent regional accreditation agencies, and like all U.S. institutions of higher education, must regularly undergo stringent performance reviews to retain their accreditation status. Each TCU is committed to improving the lives of its students through higher education

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and to moving AI/ANs toward self-sufficiency. To do this, TCUs serve many roles in their reservation communities, functioning as workforce and job creation engines, community centers, public libraries, tribal archives, entrepreneurial, small business, and career centers, computer labs, summer camps, community farms and gardens, economic development centers, applied research hubs, child care centers, and more.

The federal government, despite its direct trust responsibility and binding treaty obligations, has never fully funded TCU institutional operations as authorized under the Tribal College Act. Despite funding challenges, TCUs are leading the nation in preparing an AI/AN workforce, including nurses, land managers, and teachers for our Native schools. For example, half of all AI/AN special education teachers in Montana are graduates of one college: Salish Kootenai College. TCUs prepare other professionals in high-demand fields, including agriculture and natural resources management, human services, IT, and building tradesmen. By teaching the job skills most in demand on our reservations, TCUs are laying a solid foundation for tribal economic growth, which is the *only* way to move tribes and tribal members to self-sufficiency. But workforce development is not enough. TCU leadership understands that we must do more to accelerate the move to self-sufficiency – we must move beyond simple workforce training. Today, TCUs are tackling the tougher – but much more significant – issue of job creation, because we know that to break the cycle of generational poverty and end the culture of dependency that grips so much of Indian Country, simply filling jobs that would be filled anyway is not enough. We must create new industries, new businesses, and build a new culture of innovation. Our job creation initiative is focusing initially on advanced manufacturing, through a partnership with the U.S. Department of Energy, National Laboratories, TCUs, and industry. Already, we are seeing results, with new TCU-tribal-industry partnerships, new contracting opportunities, and new jobs for our students and graduates.

Tribal Colleges continually seek to instill a sense of hope and identity within Native youth, who one day will lead our tribal nations. Unacceptably, the high school drop-out rate for Native students remains around 50 percent. TCUs are reaching back to create a bridge for Indian students as early as the elementary school, encouraging them to stay focused on achievable goals and believe that the natural course is to finish high school and go on to the local TCU. TCUs offer dual credit courses for high school students, provide math teachers for local high schools as a strategy for improving course delivery, host weekend academies, after school programs and summer camps for middle and high school students, and at the other end of the spectrum, offer GED or HiSET training and testing, and 2+2 partnerships to bridge programs with regional universities. All are solid steps to bolster the prospects for future of Native youth and breaking the cycle of generational poverty.

TRIBAL COLLEGES AND UNIVERSITIES: A SOUND INVESTMENT FOR THE FEDERAL GOVERNMENT AND RURAL GOVERNMENT. Aaron Sansosie of Flatrock, AZ, is a U.S. Army veteran, father of four, and Navajo Technical University (NTU) student. He is one of thousands of American Indian and Alaska Native (AI/AN) students gaining valuable education and technical skills to enter the workforce at Tribal Colleges. Aaron is enrolled in NTU's Carpentry certificate program and Building Information Modeling Applied Science associate's degree program. To achieve his goals, Aaron has been taking 17-19 credits each semester, which keeps his days busy. While the schedule may seem grueling for any student, it is important to note that

Aaron does this all while sleeping out of his truck. "*The cost of living here is pretty high, especially in the dorms and having three meals a day. Sometimes Pell won't cover it all, which leaves me in debt. Even with my veteran benefits, which help me out a lot, [I need to save],*" explained Aaron, whose desire to help his family and community is powerful.

Stories like Aaron's can be found across Indian Country as TCUs attempt to stretch federal dollars to meet the unique needs of AI/AN students. In fact, a 2015 economic impact study on the TCUs, conducted by Economic Modeling Specialists International (EMSI), revealed that for every federal dollar invested in the TCUs, the taxpayers receive a cumulative value of $2.40. The average annual rate of return is 6.2 percent, a solid rate of return that compares favorably with other long-term investments. On an individual basis, TCU students see an annual return of investment of 16.6 percent, and the vast majority of TCU-trained workers remain in Indian Country and contribute to the local economy. TCUs benefit taxpayers through increased tax receipts and reduced demand for federal social services – a win all-round.

FUND TCU INFRASTRUCTURE IMPROVEMENT AUTHORITY FOR FIRST TIME EVER ($31 MILLION/YEAR): We urge Congress to finally fund section 113 (25 U.S.C. 1813) of the Tribal College Act, established 40 years ago, and create a TCU Infrastructure Improvement program for Tribal Colleges. A key mission of TCUs is to prepare AI/ANs and other rural community members to be self-sufficient members of the nation's workforce. For TCUs to realize this goal, they need facilities to educate and train their students in a safe environment for 21st century jobs. Facilities construction and maintenance are needed at the Tribal Colleges, many of which have hazards such as leaking roofs, asbestos insulation, exposed and substandard wiring, crumbling foundations, and outdated computer labs. One TCU needs-assessment revealed a need of $120 million to address current shovel-ready projects and rehabilitation needs at our nation's 38 Tribal Colleges. We urge the Subcommittee to allocate a tiny portion of its increased funding allocation, resulting from the 2 year budget deal, to help meet the dire facilities and infrastructure needs of the TCUs.

CHALLENGES: INDIAN STUDENT COUNT, TAX BASE & GAMING MISCONCEPTIONS
ISC Formula and Non Beneficences: As noted earlier, the TCUs' operations funding remains insufficient, and their budgets are further disadvantaged because unlike other institutions of higher education, most TCUs receive operations funding based on the number of Indian students served, with "Indian student" defined as a member of a federally recognized tribe or a biological child of enrolled tribal members. Yet, approximately 15 percent of the TCUs' collective enrollments are non-Indian students. While many TCUs do seek operating funds from their respective state legislatures for their non-Indian state-resident students (also referred to as "non-beneficiary" students) successes have been, at best, inconsistent. Given their locations, often hundreds of miles from another postsecondary institution, TCUs are open to all students, Indian and non-Indian, believing that education in general, and postsecondary education in particular, is a catalyst to a better economic future in remote areas.

LOCAL TAX AND REVENUE BASE: TCUs cannot rely on a local tax base for revenue. Although tribes have the sovereign authority to tax, high reservation poverty rates, the trust status of reservation lands, and the lack of strong reservation economies hinder the creation of a reservation tax base. As noted earlier, on Indian reservations that are home to TCUs, the

unemployment rate can well exceed 70 percent. By contrast, the national unemployment rate is currently 4.5 percent.

GAMING AND THE TCUS: Although several of the reservations served by TCUs have gaming operations, they are not the mega-casinos located in urban areas and featured in the broad-based media. Only a handful of TCUs receive regular income from the chartering tribe's gaming revenue, and the amounts received can vary greatly from year to year. Most reservation casinos are small businesses that use their gaming revenue to improve the local standard of living and potentially diversify into other, more sustainable areas of economic development. In the interim, where relevant, local TCUs offer courses in casino management and hospitality services to formally train tribal members to work in their local tribally run casinos.

Some form of gaming is legalized in 48 states, but the federal government has not used the revenues generated from state gaming as a justification to decrease federal funding to other public colleges or universities in those states. Some have suggested that those tribes that operate the handful of extremely successful and widely publicized casinos located in or near urban areas, should be financing higher education for all American Indians. And yet, no state is expected to share its gaming revenue with a less successful or non-gaming state.

APPROPRIATIONS REQUEST FOR FY2019

As noted earlier, the Tribally Controlled Colleges and Universities Assistance Act will be 40 years old this year. As we approach this significant milestone, it is disheartening to note that in 40 years, the TCUs have yet to receive the Congressionally authorized per Indian student funding level. A significant step toward adequate funding for the TCUs' institutional operating grants and technical assistance under Titles I and II in FY 2019 would require an increase of $16,562,630 over the FY 2018 appropriated level. These TCUs, which serve some of the largest Indian tribes in the nation, have been level-funded since FY 2014. Since that time, the College of the Muscogee Nation (Okmulgee, OK) and Red Lake Nation College (Red Lake, MN) have become eligible for funding under Title I of the Tribal College Act, and several more could potentially gain eligibility in the next few years.

CONCLUSION

AIHEC Member institutions/Tribal Colleges and Universities provide quality higher education to thousands of American Indians and other reservation residents, as well as essential community programs and services to those who might otherwise not have access to such opportunities. The modest federal investment that has been made in TCUs has paid great dividends in terms of employment, education, economic development and has significantly reduced social, health care, and law enforcement costs. Continuation of this investment makes sound moral and fiscal sense.

We greatly appreciate the Subcommittee's past and continued support of the nation's Tribal Colleges and Universities and your thoughtful consideration of our FY 2019 appropriations requests.

Mr. CALVERT. Thank you for your testimony. Next, Edward Manuel, chairman of the Tohono O'odham Nation, correct?

Mr. MANUEL. Very close.

Mr. CALVERT. Very close. [Laughter.]

THURSDAY, MAY 10, 2018.

TOHONO O'ODHAM NATION

WITNESS

EDWARD MANUEL, CHAIRMAN, TOHONO O'ODHAM NATION

Mr. MANUEL. Good morning, Chairman Calvert, Ranking Member, Ms. McCollum, and staffers. My name is Edward Manuel. I am chairman of the Tohono O'odham Nation, a tribe with more than 34,000 members located in southern Arizona. Tohono O'odham Reservation is one of the largest in the United States. We share a 62-mile border with Mexico, the longest international border of any Indian tribe in the United States. Thank you for the opportunity to testify.

First, our water settlement. For the past several years, I have testified about the serious water crisis we face from a lack of adequate Federal funding under the Nation's Southern Arizona Water Rights Settlement Act, which authorized up to $32 million to pay for the delivery of the nation's water settlement and directed Interior to tell Congress how much funding will be necessary to implement the settlement.

Unfortunately, Interior has never requested any of the funds. As a consequence, the Bureau of Reclamation projects that our settlement may run out of funding for water delivery in the near future, forcing closure of tribal farms, layoff of employees, default of crop loans, and breach of related agreements.

Since my testimony last year, the Bureau of Reclamation has come up with a creative stop-gap measure to temporarily address the funding shortfall. We very much appreciate Reclamation's efforts, but the measure is not a permanent solution, and it is dependent on actions by other entities. We will continue to report back to the committee as this potential solution continues to unfold.

Next, law enforcement. Tohono O'odham Nation faces significant and unique law enforcement challenges. Because of our shared Mexican border and the size of our reservation, tribal police remote areas that are difficult to access, and radio communication with fed law enforcement agencies is unreliable. As a result, this puts our police officers in harm's way. Drug traffickers, illegal immigration, and border security divert limited tribal resources from our O'odham communities.

While the nation works closely with Border Patrol and other Federal law enforcement agencies, we still spend millions of our own dollars to help meet Federal border security responsibilities. We have spent more than one-third of our police department's budget on border security. For example, our police regularly investigate immigrant deaths and pay for autopsies with no financial assistance from Border Patrol.

The Nation also absorbs all costs to address damage to its reservation, including the removal of vehicles abandoned by smugglers and costs to control wildland fires caused by illegal border crossers. We urge Congress to provide Federal funding to help us improve communication, hire and train officers, purchase vehicles, increase the size of construction facility, improve the security of our police station.

Next, roads funding. According to NCI, the current deferred maintenance backlog for BIA is approximately $290 million. The nation has the 6th largest total road mileage in Indian Country with 735 miles of BIA roads, and hundreds of miles of these are badly damaged and poorly maintained by the BIA's inadequate BIA funding. Heavy monsoon rains, flooding, and heavy usage by Border Patrol vehicles all contribute to the poor road conditions. During the monsoon season, our people are in danger by flooding that washes out our bridges, isolates communities, strands children on school buses, and prevents access for emergency vehicles. We strongly urge Congress to provide a significant increase in funding for BIA reservation roads.

On a happier note, the Fiscal Year 2018 omnibus package included language allowing BIA to use Border Patrol funds to fix roads damage by Border Patrol vehicles on our reservation. We are very grateful to the committee for addressing this critical funding issue. BIA can now use these funds to begin road repair that will benefit tribal and Federal law enforcement and the nation's members.

Finally, healthcare funding. Tohono O'odham Nation's hospital is over 50 years, obsolete, and woefully inadequate to meet the nation's healthcare needs. For more than 20 years, we have been on IHS replacement waiting list. Even with the requested budget increase, it is still unlikely that IHS will have the funds needed to replace our hospital any time soon. We strongly urge the committee to provide substantially increased funding to the IHS' facilities construction budget.

The nation is also concerned about proposed cuts to tribal programs like the Special Diabetes Program, more generally concerned that tribes are not eligible grantees for many healthcare funding programs, like substance abuse and mental health service block grants. Even when tribes are eligible, funding for many of these programs is being cut or merged into block grants through States rather than providing direct funding to tribes. We urge Congress to provide more funding for effective programs like SDPI, and to ensure that the funding will be provided directly to tribal governments.

In conclusion, the Nation appreciates the subcommittee's dedication to providing Indian Country with much-needed resources in a very challenging fiscal climate. I am happy to answer any questions. Thank you.

[The statement of Mr. Manuel follows:]

THE TOHONO O'ODHAM NATION OF ARIZONA
TESTIMONY OF THE HONORABLE EDWARD D. MANUEL, CHAIRMAN

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

May 10, 2018

Summary of Budget Requests

1. ***Funding for Interior's implementation of SAWRSA/AWSA water rights settlement***
2. ***Increased funding for BIA Law Enforcement and Border Security***
3. ***Increased funding for BIA Roads Maintenance and Repair***
4. ***Increased funding for Indian Health Service Facilities Construction***

Introduction & Background

Good afternoon, Chairman Calvert, Ranking Member McCollum, and distinguished Members of the Subcommittee. My name is Edward Manuel and I am the Chairman of the Tohono O'odham Nation, a federally recognized tribe with more than 34,000 members. The Tohono O'odham Reservation consists of more than 2.8 million acres in southern Arizona (one of the largest Indian reservations in the United States), and shares a 62-mile border with Mexico, the longest shared international border of any Indian tribe in the United States.

Thank you for the opportunity to testify about the Nation's federal funding priorities. The Nation appreciates the Subcommittee's dedication to providing Indian Country with much-needed resources in what is a challenging fiscal climate. My testimony focuses on the following priorities: funding to implement the Nation's 1982 water rights settlement, public safety including law enforcement and border security, roads and health care.

I. Funding to Implement the Nation's 1982 Water Rights Settlement

For the past several years, I have raised in my testimony before this Committee the concerns of the Nation regarding the United States' failure to meet its obligations under the Southern Arizona Water Rights Settlement Act of 1982, P. L. 97-293 (SAWRSA), as amended by the Arizona Water Rights Settlement Act, P. L. 108-451 (AWSA). A key part of the congressional authorization to resolve this component of the Nation's water claims is a commitment by the United States to provide replacement water to the Nation from the Central Arizona Project (CAP). The

costs of delivery of the CAP water is to be met through a Cooperative Fund, which was reauthorized under AWSA. The Nation's concern is that, despite congressional authorization (including $16 million under SAWRSA, an amount doubled through AWSA), the Department has failed to fully capitalize the Cooperative Fund in a manner sufficient to address CAP delivery costs on a long term basis, and as a result, the Fund is currently being depleted at an unsustainable rate.

Since my testimony last year, the Department of the Interior, acting through the Bureau of Reclamation, has identified a potential path forward to address the shortfall in the Cooperative Fund. It is a creative solution and we appreciate Reclamation's efforts. We wish to be clear, however, that this potential path forward is not a permanent solution, and, very importantly, will require action by other entities outside of the control of both Reclamation and the Nation. Consequently, there still is uncertainty over whether the Cooperative Fund will continue to work as authorized by Congress, and while the engagement by Reclamation is a welcome change from previous years, the United States' obligation to capitalize the Cooperative Fund remains unfulfilled, leaving a key part of our water settlement under SAWRSA, as amended by AWSA, unmet. We therefore will continue to be vigilant regarding this process and our water rights and look forward to reporting back to the Committee as this potential solution with Reclamation continues to unfold.

II. Law Enforcement and Border Security

The FY 2018 omnibus package contained $405.5 million for public safety and justice programs in Indian Country, an increase of $19.8 million over the FY 2017 enacted level. Although the Nation appreciates this funding increase, a much greater increase is needed in FY 2019 to meet the public safety and justice needs in Indian Country.

The Nation faces significant and unique law enforcement challenges, in part because of its shared Mexican border: The location and size of the Nation's reservation present many unique law enforcement and border security issues. There are fourteen O'odham communities with approximately 2,000 members across the border in Mexico. The Tohono O'odham Police Department (TOPD) must cover a huge geographic area, including many remote and isolated areas that are difficult to access. Communication among law enforcement agencies is particularly challenging, as interoperability is extremely limited. Drug trafficking, illegal immigration and border security also require substantial TOPD resources -- more than a third of the TOPD budget is expended on border security. The Nation has longstanding working relationships with Customs and Border Protection (CBP) and other federal law enforcement agencies to secure the border. But federal funding for border security on the Nation's reservation remains scarce. Available funding also is often passed through the State, rather than provided directly to tribes, and is subject to inflexible federal oversight standards that do not reflect the Nation's border security needs. As a result, the Nation spends in excess of $3 million in tribal revenues annually to help meet the United States' border security responsibilities. For example, TOPD regularly investigates immigrant deaths, including providing funding for autopsies, with no assistance from CBP. The Nations absorbs all costs to reclaim damage to its natural resources, including the removal of vehicles used and abandoned by smugglers and costs to control wildland fires attributed to cross-border illegal activity.

Current funding is totally inadequate to meet the public safety and justice needs in Indian Country: In a 2016 report to Congress, BIA estimated that the need for Public Safety and Justice Programs in Indian Country is $1 billion for Law Enforcement Programs; $222.8 million for existing Detention

Centers, and $1 billion for Tribal Courts.[1] Recent appropriation levels generally have allowed BIA to fund tribal law enforcement at about 20 percent of estimated need and tribal detention at about 40 percent of estimated need.[2] In FY 2017, 101,227 total law enforcement incidents were handled by TOPD. The current average mileage of the TOPD police fleet is over 200,000 miles per unit. While marijuana seizures have remained flat over the past two years, in FY 2017, the TOPD-led NATIVE High Intensity Drug Trafficking Area (HIDTA) Task Force produced a 300% increase in heroin seizures, a 53% increase in firearms seized in drug-related crimes, and seized over 20,000 doses of Fentanyl. The capacity of the Nation's correctional facility remains inadequate to meet the Nation's public safety needs with the Nation consistently forced to house detainees in correctional facilities out of state.

The Nation strongly supports NCAI's funding recommendations: The Nation supports the National Congress of American Indians (NCAI's) request for Congress to fully fund tribal law enforcement and detention centers within the next five years by incrementally increasing funding each year, starting with a $200 million increase in FY 2019.[3]

III. Roads Funding

The FY 2018 omnibus package contained $34.6 million for the BIA Road Maintenance Program, a $4.3 million increase from the FY 2017 enacted level. The BIA Road Maintenance Program is responsible for approximately 29,400 miles of roads in Indian Country, and funding for that program has been severely inadequate for many years. According to NCAI, the current deferred maintenance backlog for BIA roads is approximately $290 million.[4] According to a May 2017 GAO Report, entitled Better Data Could Improve Road Management and Inform Indian Student Attendance Strategies, BIA has long been unable to provide adequate information to tribes on road maintenance, such as maintenance cost estimates. We were pleased to see that BIA recently announced that it will conduct a survey of road maintenance needs in Indian country, and the Nation will be responding to the survey. Funding for the BIA Road Maintenance Program to ensure access to accurate data is absolutely crucial to address deferred maintenance for BIA roads.

The Nation has hundreds of miles of damaged, poorly maintained roads: There are hundreds of miles of roads on the Nation, including approximately 500 miles of arterial and collector roads (roads with significant traffic and higher speed limits), plus many more dirt and gravel roads that are regularly used by the Nation's members, as well as by the Border Patrol. The Nation also has the sixth largest total BIA road mileage in Indian country with 734.8 miles of BIA roads on its reservation. Maintaining the Reservation's enormous road system is a significant challenge for the Nation. As a result of severely inadequate BIA funding for road repair and maintenance, our roads are in extremely poor condition. Our roads have sink holes, pot holes, broken and cracked pavement, and weakened and washed-out bridges. During monsoon season, flooding often completely washes out the roads making them impassable, stranding children on school buses, preventing access for emergency vehicles and isolating communities. A number of our members have been killed by flooding while traveling on these roads. There must be a significant increase in funding for BIA reservation roads.

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[1] BIA Office of Justice Services, Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country (Aug. 16, 2016).
[2] National Congress of American Indians, Fiscal Year 2019 Budget Request: Honoring the Promises, Building Strong and Prosperous Nations at 30.
[3] NCAI FY 2019 Budget Request at 31.
[4] NCAI FY 2019 Budget Request at 126.

Transfer of funds from Customs and Border Protection to repair the Nation's roads: The Nation worked with CBP and BIA for years to reach an agreement to fund the repair of roads on the Nation's reservation that were damaged by CBP vehicles, but BIA did not have adequate funding and CBP took the position that it could not spend its funds to repair the roads because BIA receives specific appropriations for that purpose. The FY 2018 omnibus package included language allowing CBP to transfer funds to BIA to fix roads damaged by CBP vehicles on Indian reservations. We would like to express our sincere gratitude to the Committee for addressing this critical funding issue. The Nation is working with CBP and BIA to undertake the necessary road repairs.

The Nation strongly supports NCAI's funding recommendations: The Nation strongly supports NCAI's recommendation that Congress provide $35 million for the BIA Road Maintenance Program in FY 2019.[5]

IV. Health Care

The FY 2018 omnibus package provided $243.5 million for Indian Health Care Facilities Construction, an increase of approximately $125.5 million over the FY 2017 enacted level. Although the Nation appreciates this substantial increase, the facilities constructions backlog still remains significant. On average, IHS facilities are over 40 years old, almost four times as old as U.S. hospitals with an average age of 10.6 years.[6] Outdated facilities are a direct threat to adequate patient care and must be updated as soon as possible. According to the House Subcommittee on Indian, Insular, and Alaska Native Affairs, the cost of the remaining health facilities projects in the congressionally-mandated Health Facilities Construction Priority System (HFCPS) totaled approximately $2.2 billion as of April 2015. We also are concerned more generally that Tribes are not eligible grantees for many health care funding programs[7], and even when Tribes are eligible, funding for many of those programs is being cut or merged into block grants through states, rather than providing direct funding to Tribes, such as the REACH (Racial and Ethnic Approaches to Community Health) program.

The Tohono O'odham Nation Hospital that serves the Nation in Sells, Arizona is over fifty years old; one of the oldest IHS facilities: The Nation now administers the former IHS Hospital at Sells under a self-governance compact. This has given the Nation more flexibility and control over services, but does not change the fact that the Sells Hospital can handle only minor medical issues and is completely inadequate to serve the Nation's needs. The Sells Replacement Hospital has been on the IHS facilities construction list for more than twenty years. There are numerous projects ahead of it on the priority list, requiring hundreds of millions of dollars in funding. Even with the increase for FY 2018, the Sells Hospital will likely not be funded until at least 2020. The Sells Hospital illustrates the desperate need for additional funding for Health Care Facilities Construction, so that IHS can work through the "priority list" and finally begin work on a replacement facility for the Nation.

We ask that the Committee provide substantial increases to the IHS Facilities construction budget. We support the NCAI FY 2019 budget request for a $280.4 million increase in IHS facilities construction funding for FY 2019.[8]

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[5] NCAI FY 2019 Budget Request at 128.
[6] NCAI FY 2019 Budget Request at 63.
[7] *E.g.*, Alcohol and Substance Abuse and Mental Health Services (SAMSHA) block grants, and the Public Health Emergency Preparedness Cooperative Agreement and Hospital Preparedness Cooperative Agreement Programs.
[8] NCAI FY 2019 Budget Request at 63.

Mr. CALVERT. Thank you. Thank you very much.

Next, Stephen Roe Lewis, Governor of the Gila River Indian Community. Welcome.

THURSDAY, MAY 10, 2018.

GILA RIVER INDIAN COMMUNITY

WITNESS

STEPHEN ROE LEWIS, GOVERNOR, GILA RIVER INDIAN COMMUNITY

Governor LEWIS. Good morning, Chairman Calvert, Ranking Member McCollum, and distinguished members of the subcommittee. I am Stephen Roe Lewis, the Governor of the Gila River Indian Community, and I want to thank you for the opportunity to testify today regarding Fiscal Year 2019 appropriations.

I am here today to address the longstanding issues related to the construction needs at the Bureau of Indian Education schools. This is not a new issue. You have heard many times about the poor conditions of BIE schools, the outdated school structures that are often over a hundred years old, and the significant replacement backlog that continues to grow. Most importantly, you have heard about the impact that these substandard conditions have had on the education of our Native students.

This subcommittee has consistently recognized the needs that exist at the BIE schools. In response, you correctly increased construction funding in the Fiscal Year 2018 omnibus, but you have also acknowledged that periodic increases alone are not enough to solve the construction needs in Indian Country.

Several years ago, you challenged Indian Country and the Department of the Interior to work together to bring innovative solutions to the construction backlog. That is what I am here to do today, to propose that you fund a school construction leaseback program at Interior for Fiscal Year 2019.

At the Gila River Indian Community, we have three BIE-funded schools—Blackwater, Casa Blanca, and Gila Crossing—dating back to 1871 and the 1930s. The BIE recognizes that all three of these schools are in poor condition and are also too small, yet only the Blackwater School has been added to the BIE's priority list of schools to be funded in the coming years. The other two schools, Gila Crossing and Casa Blanca, are not on the priority list due to the competing needs for new school facilities across Indian Country.

The community has made a real commitment to increase the educational opportunities for our students, which include safe learning environments conducive to a quality education. As part of this commitment, the community leadership began to explore innovative ways to solve this problem. In January of 2017, the community wrote to the BIE leadership to explore the possibility of developing alternative funding mechanisms within Interior's statutory authority for BIE-funded schools not on the construction priority list. Those conversations resulted in our proposal for our program where the community would put up the construction costs to re-

place the Gila Crossing School and would then lease back the facility to the BIE through a commercial lease.

While the community would advance the construction funds, it would finance some of the costs using existing Federal funds, such as new market tax credits or a USDA program. This type of arrangement ensures that this program could serve as a model and be accessible to other tribes who are in need of replacement BIE schools as well.

The community has worked with Interior leadership and staff to calculate the cost of a commercial lease based on total square footage, appropriate enrollment numbers, and programming, and the total cost of construction. The current estimate indicates that a $5.8 million annual appropriation would be required for a 20-year period. This type of program would allow those tribes who are currently on the construction list to remain on the list, but would open up an alternative construction option for those tribes who would like to pursue a leasing option. Therefore, more schools could be constructed per year.

The community is committed to have the Gila Crossing School constructed and operational by the 2019–2020 school year. In furtherance of that commitment, we have dedicated lands for the new building and have committed funds necessary to begin to design and to plan for this facility. Because the school will not be finished until summer of 2019, the appropriations required for Fiscal Year 2019 would only be $1.5 million out of the $5.8 million annually. However, the community is requesting that this subcommittee appropriate up to $6 million Fiscal Year 2019 to ensure that this program would not just benefit the Gila River community, but other tribes across Indian Country as well.

I want to thank you for the opportunity to testify today, and I want to thank you for challenging me as a tribal leader to work with my tribal council and Interior to bring you this innovative solution. Our Native students deserve a quality education, so it is incumbent upon all of us to think very creatively to bring new solutions to a long-term problem.

I also want to recognize that we have Councilwoman Carol Shurz and Councilwoman Carolyn Williams here as well as our treasurer, Robert Keller, and my son Daniel, who went to school on the community. He just finished his first year at ASU. And our culture is that we see all the children on the reservation as our children and our responsibility. Education is for the future and for the survival of Indian Country. That is why we are here today. Thank you so much.

[The statement of Governor Lewis follows:]

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Testimony of Stephen Roe Lewis, Governor of the Gila River Indian Community
May 10, 2018

Chairman Calvert, Ranking Member McCollum and distinguished Members of the Subcommittee, I want to thank you for providing us with an opportunity to present testimony to you regarding the budget for Fiscal Year 2019. I am Stephen Roe Lewis, the Governor of the Gila River Indian Community ("Community"), which is a federally recognized Indian Tribe of over 22,000 tribal members, located near Phoenix, Arizona. The Community utilizes many programs within the Department of the Interior, Environmental Protection Agency, and Indian Health Service to provide essential services to our citizens and others who live and work on our tribal lands. All of these federal programs are critical to our ability to protect the health, safety and general welfare of our citizens. We oppose any funding cuts to these essential tribal programs and believe that steady increases are warranted given the clear need in Indian Country. I am here today to testify on the specific problem of Bureau of Indian Education ("BIE") schools and the need for the BIE to work with tribal governments and this Subcommittee to develop innovative approaches to funding the construction of replacement schools within the BIE system, and the need for this Subcommittee to provide some direction to the BIE on this matter.

I. BIE School Construction Issues are Pervasive Across Indian Country

It is well-known that BIE-funded schools are marked by remoteness, extreme poverty and a lack of construction dollars. This translates to poor and failing school conditions that are not conducive to a 21st Century education for tribal students. In an era when educators across the United States emphasize science, technology, engineering and mathematics as keys to students' future success, BIE-funded schools lack the basic supplies necessary for the most basic lessons. Rather, tribal students attend dilapidated schools that are rundown, with poor circulation and pose serious safety concerns.

The Department of the Interior is responsible for providing safe and healthy environments for students who attend BIE schools, and the federal government is failing to meet its trust responsibility. Recently, before the Senate Committee on Indian Affairs, Secretary Zinke recognized that "[w]hile economic development and infrastructure investments will play an important role in revitalizing Native communities, the immediate issues facing the Bureau of Indian Education must be addressed to ensure long-term stability in Indian country."[1]

Secretary Zinke further acknowledged that the Government Accountability Office (GAO) High Risk Report for 2017[2] determinations regarding Indian education "were disheartening and

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[1] Testimony of Ryan K. Zinke Secretary United States Department of the Interior Before the United States Senate Committee on Indian Affairs March 8, 2017.

[2] In its 2017 High Risk Report, the GAO added three new areas to the High-Risk List, one of which was named "Improving Federal Management of Programs that Serve Tribes and Their Members." *See* https://www.gao.gov/assets/690/682765.pdf. The High Risk Report specifically noted "we, along with inspectors general, special commissions, and others, have reported that federal agencies have ineffectively administered Indian education.... In particular, we have found numerous challenges facing the Department of the Interior's (Interior) Bureau of Indian Education (BIE) and Bureau of Indian Affairs (BIA... in administering education and health care

devastating" and that "[w]ords cannot capture how terrible it is that children in schools overseen by Bureau of Indian Education are so poorly served. Each of them deserves a high-quality education that prepares them for the future. It is unacceptable that some of our students are attending schools that lack the most basic necessities, like insulation and clean water." Secretary Zinke further stated he was personally invested in "making real changes that will last."

Despite the widespread recognition that there is a significant need for BIE school construction replacement funding, there simply are not enough funds allocated in the budget to meet the needs for BIE school construction across Indian Country. The Community has one BIE school that is on the school construction priority list, however, it is still projected to take years before that school construction will be completed. While that process continues, two other BIE-funded schools in the Community, Gila Crossing Community School (Gila Crossing) and Casa Blanca Community School (Casa Blanca), remain in disrepair with no plan to address the construction deficiencies of these schools. As discussed more fully below, the Community is extremely concerned that continued delays to the replacement of structurally-deficient BIE schools has created a dangerous environment that threatens the ability of our students to receive the 21st century education that they deserve. The long-term prosperity of the Community depends on the education and retention of our citizens. We need our students adequately educated on or near their homes located on tribal lands so that they can become a part of the Community workforce and be productive Community citizens and leaders. A key component of this is to ensure that our students are educated in safe learning spaces in up-to-date facilities that achieve measurable academic progress. Otherwise, our citizens are forced to leave our Community to receive a sufficient education. This often results in these students not returning to the Community and effectively reducing our membership and economic progress.

Recognizing the reality that the Community faces, much like the rest of Indian Country, the Community has vowed to make education a priority. We are committed to finding a solution to this pervasive problem of lack of school construction dollars and propose in this testimony a path forward for our Community that can also serve as a model for other tribes to replicate.

II. The Three BIE Schools within the Community are in Dire Need of Replacement

The Community is home to three schools that are funded by the BIE: Blackwater, Casa Blanca and Gila Crossing. Casa Blanca was built in 1935 and has a current enrollment of 284 students that span grades K-4. Gila Crossing opened in 1871 and currently enrolls 510 students in grades K-8. Finally, Blackwater opened in 1939 and currently enrolls 217 BIE-funded students in grades K-2. In addition, the Community is home to three independent state-chartered schools, two state public schools and two parochial schools. Other students attend off-reservation public schools and boarding schools. The Community regularly supplements federal funding for on-Reservation education activities but woefully deficient learning conditions remain a significant obstacle to student success at each of the Community's three BIE-funded schools.

The BIE recognizes that the three BIE-funded schools within the Community are in need of replacement but competing funding priorities at Interior have allowed these schools to fall into

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services, which put the health and safety of American Indians served by these programs at risk. These challenges included poor conditions at BIE school facilities that endangered students."

even greater disrepair. Two of the schools, Casa Blanca and Gila Crossing, are considered by Interior to be in "poor" physical condition. The third BIE-funded school, Blackwater, is also in a deficient physical condition and is undersized but is unable to make improvements without jeopardizing its ability to receive BIE construction funding. In 2016, the BIE announced that Blackwater would be one of ten BIE schools on a "priority list" that will be considered for replacement by the BIE in the coming years. However, Blackwater's listing on the BIE priority list provided no solace to Community leaders, parents, and teachers who must continue to watch their students be educated at the Community's other BIE-funded schools.

Gila Crossing and Casa Blanca were not on the BIE construction priority list despite their poor condition and the fact that both schools have buildings with expired life expectancies. School replacement funding levels have lagged far behind needs and have left Community leadership and the parents of BIE-educated students wondering when or if their children will have an opportunity to learn in a productive and safe educational environment. The prolonged timeframe for school replacement coupled with the unsafe and inadequate quality of BIE schools within the Community has forced the Community's leadership to explore innovative ways to solve this problem.

III. BIE School Construction Innovative Funding Solution

In January of 2017, the Community wrote to BIE leadership to request the exploration of a partnership to develop alternative funding mechanisms to replace BIE-funded schools that are not on the BIE construction priority list. In November of 2017 the Acting Assistant Secretary of Indian Affairs responded that the Indian Affairs Office of Facilities, Property and Safety Management (Facilities), in conjunction with BIE, were willing to discuss alternative school construction funding options under existing statutory authority. Since that time, the Community has been working with Facilities and BIE staff to explore an innovative approach to fund school construction.

We have made significant progress in these efforts to craft a funding solution such that the Community has proposed fronting the costs of construction to replace Gila Crossing and leasing back the facilities to the BIE through a commercial lease. The Community, BIE and Facilities staff worked together to calculate the total square footage, based on appropriate school enrollment numbers and programming, and to calculate the total cost of construction and applicable costs of the facility. Interior leasing staff then prepared an estimate of the commercial lease based on those numbers which resulted in an annual lease amount of $5.8 million. While the Community would initially front the construction costs, it would seek to subsequently finance the project costs using existing programs, such as New Markets Tax Credits or a USDA program.

The Community and Interior would enter into a commercial lease for the newly constructed Gila Crossing while keeping Blackwater on the BIE priority list. Because this is the first BIE school construction replacement project of its kind, assuming the venture was satisfactory to both the Community and Interior, the Community would envision this model being a model for a leasing-construction program at the BIE.

The Community wants to have the school operational by the 2019-2020 school year. Given this short timeframe, the Community has already dedicated its own funds to retain a

design build contractor, architect and project manager for the new Gila Crossing school in order to provide momentum and significance to the discussions with the United States and make progress on the project.

As noted above, although the Community is launching this critical initiative with its own capital funding, the Community plans to use existing federal programs to finance the endeavor. If successful, utilizing these existing federal programs to finance this innovative approach to solving the crisis in school construction in Indian Country will carve a path that that other tribes may be able to follow in the future, to build much needed schools across Indian Country. While access to capital may vary across Indian Country, the proposed innovative funding approach will result in replacement of more schools than the current system would permit. Our Indian students deserve nothing less.

IV. Conclusion

In conclusion, BIE school construction is absolutely critical for the Community and the future of our children. The Gila Crossing school campus is overcrowded, lacks sufficient classroom space and consists mainly of modular structures that date back to the 1970's or have been acquired from other tribes in the 1990's. The Community's goal is to work with the BIE to construct a new school where our children will be able to walk through the halls of new, safe and clean schools that they can be proud of as we provide them with an appropriate education to equip them for careers and higher education. And the new Gila Crossing facility will provide the best investment of the Community's funds, with the greatest return for students, parents, staff and community members.

This is a unique opportunity to create a state-of-the-art learning environment for our students and one that offers exceptional educational programming. If the Community hopes to experience a dramatic improvement in the state of the education system, it starts with the "house" the students are educated in, and requires that our students have access to the types of classes that are offered to other students across the country. We believe that this innovative approach, where the Community is willing to cover the costs of construction and have the BIE lease back the facilities, will enable the United States to fulfill its trust responsibility to the Community while solving the lack of funding for school construction that is prevalent across Indian Country. This funding solution creates a model for other tribes to pursue should this endeavor prove successful, which we strongly believe is probable. In order to be successful, however, this innovative approach requires a commitment from Congress and the Administration to provide funding for BIE to lease back the facilities from the Community in the amount of the annual commercial lease, which is $5.8 million, beginning with a prorated amount in fiscal year 2019 once the school construction is completed. The Community appreciates Interior's efforts to work cooperatively with the Community to explore this innovative approach to solving the BIE school construction problem. We hope that this Subcommittee and the full Committee will also see this venture as an opportunity to solve this pervasive problem and support an allocation of additional funding for this project and other schools in the future.

Thank you for considering this request and providing the Community an opportunity to share our views with the Subcommittee on this matter.

Mr. CALVERT. Thank you very much for your testimony, and I certainly appreciate your innovative approach to school construction. Those kinds of ideas are exactly what we need. I will take a close look at that and see if we cannot work together to find a common solution here because it is a big problem. We are trying to increase our appropriations on this. We did this last year, but we are so far behind that we are going to need to do everything we can to catch up.

In that regard, President Begaye, as you know, 40 percent of schools in the Bureau of Indian Education are on Navajo Nation. That is why your input and feedback is particularly important in regards to the BIE reform effort that began a few years ago. I wondered if you might take a moment to update the committee on your implementation of the BIE reform effort in the Navajo Nation, or if you would prefer, to take the time needed to confer with your tribe and follow up with us later, because we would like to know is the reform effort improving your schools.

Mr. BEGAYE. Right. Thank you, Chairman. We do have 66 schools, BIE grant schools, Navajo, each one of them having their own boards. And also, we have the BIE running half of those schools, the nation overseeing the other half. And so, we have two sets of regulations, two sets of approaches and even policies, and oftentimes those do not complement each other.

Performance has not increased yet. We are very concerned about that. The ability with the STEM program, to implement that is not working well on Navajo. And so, the reform, a part of it was to bring the resources closer to the nations. And those resources are developing very slowly, and we need to expedite that. And part of that was building new facilities, I believe seven. We have seven that are supposed to be constructed, remodeled, and the funding of those are not really there.

We ask that that funding be provided fully so that that construction will continue. Part of that is housing, and that relates to retention of teachers. And so, retaining teachers and getting more teachers from around the country to come to Navajo to teach is challenging simply because there is no housing available for them. Salary level was another one. We are not competitive in terms of providing competitive salaries to teachers, people that want to come and teach on Navajo.

But to me, the biggest thing is accountability. We can do culture inclusion, we have language classes, those types of things, and we know that buildings can be constructed. But when it comes to accountability, not only from the upper echelon within the schools, but also the school boards, that is where the reorganization needs to take place.

And this is where I will need to go back and meet with the committee separately and talk about a really viable reconstruction of the BIE system because the system is not working. And a lot of it is conflict in authorities, incompatible policies, and also we need to see how we can more effectively include the grassroots in the discussion, grassroots level that are well-versed in education, and this is where I think we fall short.

And so, the blueprint is something that we need to revisit because those particulars that need to be moved is not happening.

And so, I am asking a separate meeting with the committee at a later time.

Mr. CALVERT. Well, please get back to us on that, and we are very interested in how that is being pursued. Real quick, Chairman Manuel, I know where your property is located. You are in a very difficult area along the border, and I can understand your challenges that you have with all the incursions that are taking place there. You talked about that last year also. And hopefully our budget increases also with the Border Patrol. Are they interacting with you better now than they have in the past?

Mr. MANUEL. They are now.

Mr. CALVERT. Okay, good. Good, well, I am glad to hear that. Mrs. McCollum.

Ms. MCCOLLUM. Well, thank you. First, Ms. Billy, as you know, education does not stop at the end of K–12. It is vocational school. It is 4-year advanced degrees. It is a whole host of things. The tribal colleges are really reaching out to address all the different choices and opportunities for young adults after they finish their K–12 education. I am anxious to learn more about some of the innovative things that you are working on. It sounds absolutely fabulous.

Mr. Chair, we heard—whether it is hospitals or healthcare, needing roads to get to both of them, or even facilities with the right kind of equipment at the college levels—these infrastructure issues all come down to funding. We need to come up with some alternative ideas, so I appreciate the Gila River going forward and laying something out. That is exciting for us to look at.

But it is a circle, right? It is the building for the health clinic or the school, then it is the housing to attract people to stay and work there. Then it is the healthcare center also along with the housing that makes people feel that they can stay there and have a full life without a lot of stress or worry. Then it is the school because if you are a young professional, a school teacher or young doctor coming out and you are starting your family, then you want a school for your kids to go to.

Looking at solving this in silos does not work. This is going to take a whole community approach. One of the things that I am hearing from your communities in particular is that you are looking at a whole of nation, whole community approach on this. Mr. Chair, we have talked about this. We have just been trying to figure out how we can move things faster along.

Maybe one of the things we need to do is look at a couple of pilot projects where we go in and we look at doing the health clinic and the school and some housing all together, and really have a plan to jumpstart it where it does not take the Bureau of Indian Affairs 10 years to approve something. Because the Beatrice Rafferty school, as far as I know, still has not been constructed, and we approved the money for that many years ago. But Leech Lake is moving forward because they tried something innovative with going with modular construction.

I think some of the solutions are out there in Indian Country, but really the more I think about this, it is a big-dollar amount whatever you do. What I am starting to take away from this is we have to look at helping the whole community address more than

just one need at a time. And if we can figure out a way to do that, Mr. Chair, I think we can accelerate Indian Country's growth and potential to where they want it to be, not on the timetable of the Bureau of Indian Affairs.

And thank you for your comment about not being consulted on the reorganization. I have been concerned with some of the maps, too.

Mr. CALVERT. Well, we certainly appreciate this panel. We love your input and look forward to working with you in the future. Thank you very much for your testimony.

Our next panel is going to be Robert Miguel, chairman of Ak-Chin Indian Community; Terry Rambler, chairman of the San Carlos Apache Tribe; and Delbert Ray, president of the Salt River Pima-Maricopa Indian Community. We are putting up our new signs here.

Good morning.

VOICES. Good morning.

Mr. CALVERT. Robert Miguel, chairman of the Ak-Chin Indian Community. Welcome.

Mr. MIGUEL. Thank you. Do you want me to go ahead and start now?

Mr. CALVERT. Yes, sir.

THURSDAY, MAY 10, 2018.

AK-CHIN INDIAN COMMUNITY

WITNESS

ROBERT MIGUEL, CHAIRMAN, AK-CHIN INDIAN COMMUNITY

Mr. MIGUEL. Good afternoon, Chairman Calvert, Ranking Member McCollum, and members of the subcommittee. I am Robert Miguel, chairman of the Ak-Chin Indian Community, and we are a small tribe with a current enrollment of 1,106 members, about 80 percent of whom live on the reservation 35 miles south of downtown of Phoenix, Arizona.

Our ancestors were farmers, and we are still farmers today. In fact, the name "Ak-Chin" is an O'odham word that refers to a type of farming practice by our ancestors. While the farming methods have changed, we still run a 16,000-acre farm that provides jobs for our people, income for the tribe, and food for people around the world. Yes, around the world.

So, in my written testimony, I list a number of issues and Federal programs important to our community. I will touch on a few of them today in my oral testimony.

First off, the opioid crisis. We understand that is a big problem in Indian Country overall. As you probably already know, the Indian Health Service recently cited in a Senate hearing that they have seen a 5-fold percentage increase in overdose deaths between 1999 and 2015. The opioid crisis is a problem in Indian Country and becoming a problem for our tribe.

While speaking with the youth of our tribe, illegal drugs and addictions are an important topic that almost comes up every day. One member of our community specifically told me, you would not

believe what is happening in our community and how bad the problem is. I have committed myself to fighting this problem in our community. This is a problem that is hurting the future of our tribe, our youth, and one in which we need assistance from our trustee to address. Our kids are at risk.

You know, just to add a little bit more to that, State Route 347, which runs through the City of Maricopa and our community, is one of the main road corridors for drug trafficking in the State of Arizona. So, we see the increase in traffic, and, again, some of the problems we do have in our community as far as drugs, you know. You cannot help but think how many of those vehicles that are passing through every day are connected with drugs coming in from Mexico. Thank you for including funding in last year's appropriations bill to address this crisis. However, more is needed. We ask for funding of at least $25 million to assist tribes in fighting this crisis.

The Department of the Interior's reorganization. The proposed reorganization of the Department of the Interior and the Bureau of Indian Affairs by Secretary Zinke is extremely disappointing. One of the goals of a reorganization of the Department should be the improvement of delivery of Federal services to tribes and improving the government-to-government relationship with tribes. The current proposed reorganization does not do that. We ask the subcommittee to not appropriate funding for any Department of the Interior reorganization until the Department enters into meaningful government-to-government consultation with tribes. We also ask that this subcommittee consult with tribes before approving and appropriating funds to the reorganization.

Self-governance. By all accounts, tribes that entered into a self-government agreement with the United States have seen great success in providing benefits for their membership. Our community is determined to engage in more programs that allow self-governance, and we ask that the subcommittee allow more Federal programs to be eligible for self-governance. This includes programs not just in the Bureau of Indian Affairs and Indian Health Service, but at the Bureau of Land Management and Department of Transportation. Again, who better to oversee programs than the tribes themselves that know their community very well?

Johnson O'Malley Program. The JOM Program is important to our tribe, and it is having a very positive impact in our community. Funding from the program is used for our tribe to buy school supplies and backpacks for all enrolled students, not based on income. So, we have seen the importance and just the great progression as far as having funding from JOM to help our kids, those that may not have the means to buy school supplies. So, it has done really good for our community. We ask for an increase in funding for this program to a funding level of at least $60 million.

The Indian Community Development Block Grant, ICDBG. This is a program that has benefitted our tribe by obtaining funds for our library, recreation department, education department, and community centers as well as community parks. Although this program is run through the Department of Housing and Urban Development, we urge you to support increased funding for this program above the current level of $65 million.

In conclusion, I thank you for holding this hearing to directly listen to the most pressing needs of tribes across the country. Thank you for your continued support of the trust responsibilities of the Federal government to tribes. My community has high hopes that this subcommittee and committee will continue its good work to address the challenges tribes face and help shape the Department of the Interior into an agency that is more flexible and responsive to the ever-changing needs and capabilities of tribal governments. Thank you.

[The statement of Mr. Miguel follows:]

TESTIMONY OF CHAIRMAN ROBERT MIGUEL
ON BEHALF OF THE AK-CHIN INDIAN COMMUNITY

BEFORE THE U.S. HOUSE OF REPRESENTATIVES
APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT AND RELATED AGENCIES

May 10, 2018

Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee:

My name is Robert Miguel and I am honored to serve as the Chairman of the Ak-Chin Indian Community ("Community" or "Ak-Chin").

First, I would like to thank the Members of this Subcommittee for inviting me to testify today. Despite the Administration's proposed FY 2018 cuts to the many programs that Tribes utilize, this Subcommittee increased funding for the Bureau of Indian Affairs, the Bureau of Indian Education and the Indian Health Services by over $700 million from FY 2017 to FY 2018. Thank you for your continued dedication to the trust responsibility of the federal government to Tribes and for the increase in this much-needed funding.

This will be my third time testifying before the Subcommittee and I come today to speak with you on a number of important issues to my Tribe including the proposed BIA reorganization, Tribal Self-Governance and multiple grant programs.

Ak-Chin has always been a farming tribe and our name is directly derived from an O'odham word that refers to a type of farming traditionally practiced by the Ak-Chin people. Throughout our history, we have relied on subsistence and eventually commercial farming for sustenance. Today, we own and operate Ak-Chin Farms which employs about 85 people, cultivates more than 15,000 acres of farmland, and has been a central economic enterprise for the Community since the 1960s. We also have economic entities focused on gaming and hospitality that have grown into major sources of economic development for the entire area.

We are direct neighbors with the City of Maricopa, Arizona, and lie about 35 miles south of downtown Phoenix, Arizona. We are a small but growing tribe with 1,106 enrolled Members, but our recent growth pales in comparison to the rampant growth of our neighbor, the City of Maricopa, Arizona. The City has gone from a population of 1,040 people in the 2000 Census to approximately 48,374 today. The rapid growth has forced our Community to adapt, as well as plan for continued long-term growth in the corridor that connects Phoenix and Tucson, Arizona.

As the area surrounding us continues to grow at one of the fastest rates in the nation, we are committed to being good neighbors while also working hard to build a stronger future for the next generation of Ak-Chin Community members.

Increase in Self-Governance Programs

The Ak-Chin Indian Community has been a Self-Governance Tribe since 2003. Our Compact and Funding Agreement allow us to assume control of program, services, functions and activities to better

deliver these services for our Community members. Self-Governance is a success in our Community as it allows the Community to redesign programs as needed to best serve our people. However, it is likely that I will not be the last Tribal Leader to share bureaucratic challenges of working with the BIA to this Subcommittee. There are long-standing challenges that cannot be changed with the flip of a switch and I commend you all for working to address the systemic issues. Our work with the BIA is ongoing and we are determined to see it through regardless of the setbacks and roadblocks thrown up in the bureaucratic process. *Because of the success of Tribal Self-Governance, we ask the Subcommittee to expand self-governance to include any programs that Tribes are eligible for in both IHS and DOI, as well as being open to compacting under other federal agencies.*

Proposed Reorganization by the Department of Interior

Secretary Zinke recently announced plans to reorganize the Department of the Interior by changing the boundaries of the regions and regional offices of the Department. As this Subcommittee knows, the Department of Interior and the Bureau of Indian Affairs are the focal point of the federal government-to-government relationship with Tribes as well as being primarily responsible for managing the trust relationship with Tribes. Therefore, any reorganization of the Department will directly impact Tribes and how they interface with not just the BIA, but the many other bureaus that Tribes interface within the Department. The potential pitfalls and problems of a reorganization could be devastating to our Community and the many Tribes across the country. Specifically, transferring staff away from regional offices to other regional offices will benefit no one, as many of these staffers have vast knowledge of the local cultures, customs and specific needs of the Tribes in the regions they serve. Any DOI reorganization must have as one of its goals the improvement of the federal trust responsibility to Tribes. *Unfortunately, to date, there has been no consultation with Tribes on this proposed reorganization. We ask the Subcommittee to not appropriate funds for any DOI reorganization until the Department enters into meaningful government-to-government consultation with Tribes. The potential negative effects a reorganization could have on the government's implementation of the federal government's trust responsibility to Tribes cannot be understated. If DOI enters into consultations with Tribes, we ask that this Subcommittee consult with Tribes before appropriating funds or approving the reorganization.*

Ak-Chin Indian Community Federal Program Requests

Indian Health Services (IHS) – Special Diabetes Program for Indians

We ask the Subcommittee to prioritize Indian Health Services (IHS) health grant programs such as the Special Diabetes Program for Indians (SDPI). As IHS stated in its report to Congress in 2014, "There is strong evidence that the SDPI is helping to change the trajectory of the diabetes epidemic." We agree. In our Community we are utilizing this funding to provide diabetic medical supplies such as meters, strips and also provide one on one, small group— physical activity education and guidance that is goal oriented to each individual. We have also utilized Community 5k fun run/walks, individual and team weight loss challenges, Elders group exercise, and child development PE program for our preschoolers with this program. *We ask the Subcommittee to ensure the SDPI program is given at least level funding of $150 million in FY 2019. We also ask that the Subcommittee members support increasing the funding authorization level of this funding by supporting swift passage of H.R. 2545 – the Special Diabetes Program for Indians Reauthorization Act of 2017.*

IHS - Community Health Representatives program, Health Education program, and Tribal Management program.

The Administration's FY 2019 budget includes zeroing out the Community Health Representative program, the Health Education program and the Tribal Management program. These are important programs that Tribes rely on to maintain and improve the health of their citizens. Losing these programs would remove funding that is used to train health professionals, educate children on health issues and assist Tribes in providing health services to its Members. *We thank the Subcommittee for funding these programs at level and increased funding in FY 2018 from FY 2017. We urge the Subcommittee to not follow the Administration's funding requests on these programs and to increase funding in FY 2019.*

Opioid Addiction Crisis in Indian Country

As reported in January 2017, there were at least 716 people in Arizona believed to have died of the opioid-related overdoses during a six-month timeline, exceeding the 2016 entire calendar year according to the Arizona Department of Health and Human Services. Indian Health Service recently cited in a Senate hearing that they have seen a five-fold percentage increase in overdose deaths between 1999 and 2015. The opioid epidemic is affecting our Tribal communities and is straining our Tribal Resources. More funding is needed to ensure Tribes have the adequate resources to combat the opioid epidemic affecting our people. *The FY 2018 appropriations bill included $7.5 million in the Criminal Investigations and Police Services fund to help people affected by opioid addiction. We ask the Subcommittee to include funding in the FY 2019 bill of at least $25 million as this epidemic in our country is disproportionately affecting Native Americans.*

EPA General Assistance Grant Program

This program under the Environmental Protection Agency's General Assistance Program (GAP) is important for Tribes like ours who are dealing with various environmental issues. In the past our Tribe has used funding from this program to complete a Tribal Environmental Plan, draft an Integrated Solid Waste Management Plan, and conduct solid waste outreach activities under the Community-Based Social Marketing pilot program developed by the Region 9 Tribal Solid Waste team. *We thank Congress for appropriating $65.47 million in funding for this program in FY 2018, which was $19.7 million more than was requested by the Administration. We ask for an increase in funding to this program to a total of $70 million in FY 2019. This will help meet the needs of Tribes dealing with various environmental issues.*

Environmental Protection Agency - Nonpoint Source - Section 319 Grants

The Section 319 grants developed under the Clean Water Act are used to address pollutants from water run-off that move to water sources such as lakes and rivers. Ak-Chin has implemented the Clean Water Act 319 since March 2000. The Community has completed several restoration projects to restore impacted areas to our prior cultural conditions, such as harvesting and planting native vegetation (cottonwood trees) within the watersheds with assistance from this program. *The Administration requested no funding in FY 2018 for this important program to combat water pollution. We thank the Subcommittee for funding this program at $170.9 million in FY 2018. However, with the increased use of fertilizers, herbicides and insecticides in our country the demand to manage these pollutants is increasing. We ask the Subcommittee to increase funding to this program to $180 million.*

Johnson O'Malley Grant Program (JOM)

Ak-Chin, like many other Tribes, has utilized this funding to meet the unique educational needs of our youth. This continues to be a highly successful program and the demand is growing in our Community. We have used this funding in the Community by enabling JOM students to have a successful school year by providing vital school essentials for preschool, elementary, middle, and high school students. The Community has 71% of low to moderate income families within our population and many parents cannot afford quality backpacks that will last the duration of the year and the school supplies needed for the classroom. The Ak-Chin JOM program distributes backpacks and school supplies every July before the onset of the school year during our annual Back to School Bash. *We thank the Subcommittee for increasing funding for this program by $125,000 in FY 2018. However, because of the importance of education and the increased demand in Indian Country, we ask the Subcommittee to increase this funding to $16 million in FY 2019.*

Bureau of Indian Affairs Road Maintenance Fund

As stated previously, the surrounding area on our reservation continues to see rapid growth and our roads are seeing more use by the local Community. We are in need of additional funding in the program to meet the maintenance needs of our roads. Additional funds are needed for our Road Maintenance Improvement Plan as identified in the Tribal Transportation Improvement Plan (TTIP) the Community shall preserve, upkeep, and restore roads, rights of way, and structures as nearly as possible or practicable to their original conditions as constructed or improved repair and service to roads and bridges that are a part of the Federal Aid road system. Thank you for the FY2018 One-Time funding from the BIA Western Region in the amount of $29,283.00 for our Road Maintenance program. *We thank the Subcommittee for the $4.3 million increase in FY 2018 to $34.65 million. In order to keep up with traffic demands, we request an increase of $5 million in FY 2019 to $39.65 million.*

Bureau of Indian Affairs Indian Community and Economic Development Grants

I testified on this grant program last year and its importance to our Tribe. We appreciate the responsiveness of the Subcommittee Members and their decision to increase the funding for this program by $4.6 million to $46.4 million in FY 2018. This grant has assisted our Community through the years in the completion of our Library, Recreation, Education, Community Centers, as well as parks for you. *We ask the Subcommittee to increase funding for the Indian Community and Economic Development Grants program by $5 million in FY 2019 to $51.4 million.*

Conclusion

Again, I would like to thank you for holding this hearing and for the invitation to testify. We hope this Committee will continue its good work and address the challenges Tribes could face with a potential BIA reorganization and the zeroing out of programs that the Administration has recommended. Congress can and should push the BIA to focus on being a good trustee to Tribes and to focus on improved delivery of services to Native Americans.

Again, thank you for the opportunity to testify today and to share with you our Community's priorities. I hope my testimony today has given you meaningful insights into how these federal programs are positively impacting our Community members.

Mr. CALVERT. Thank you.

Next, Terry Rambler, chairman of the San Carlos Apache Tribe. Welcome.

THURSDAY, MAY 10, 2018.

SAN CARLOS APACHE TRIBE

WITNESS

TERRY RAMBLER, CHAIRMAN, SAN CARLOS APACHE TRIBE

Mr. RAMBLER. Good morning. My name is Terry Rambler, and I am the chairman of the San Carlos Apache Tribe located in southeast Arizona. I also would like to acknowledge, and if they could please, my fellow council members, Jonathan Kitcheyan and Velasquez Sneezy, Senior, our deputy attorney general, Justine Jimmie, our tribal attorney, Steve Titla, our vice president of our healthcare board, Dr. Vickie Stephens, who are all members of our tribe, as well as Vickie Began, CEO of our Healthcare Corporation.

On behalf of the 16,600 members of the tribe, I provide our deepest thanks for increasing funding for tribal programs in the Fiscal Year 2018 omnibus. We know this was not easy. Our hope is that the funding levels for Fiscal Year 2019 will build on this success.

By now you have heard from many tribal leaders about the need to ensure, one, that CMS understands the unique political relationship of tribes to the United States; two, the need to restore the vital Community Health Representative Program; three, that the Special Diabetes Program for Indians remains mandatory funding; and four, that funding for opioid treatment programs effectively reach Indian Country. We truly appreciate your efforts to address these critical national tribal issues.

I would now like to speak to the tribe's other specific priorities, first, regarding public safety. In 2009, the BIA condemned the building that housed our police department and tribal courts. After working in this crumbling building for more than 5 years, the BIA moved our police and courts into temporary trailers, promising a permanent facility in the near future. The air conditioning, heat, water, and electricity in the trailers are not reliable. The floors cannot support our heavy equipment. There is not enough space for our justice officers and for evidence.

Our police and courts have dedicated their lives to protect our people, and they themselves deserve a safe place in which to work. DOJ ceased providing tribal justice facility construction funding in Fiscal Year 2014. This moratorium further increased the BIA backlog in tribal public safety and justice facilities. Thank you for including $18 million in Fiscal Year 2018 to restart BIA public safety construction. We ask that this funding be increased in Fiscal Year 2019 and require that BIA prioritize replacement of condemned and temporary tribal justice facilities.

On the same topic of public safety, I have a success story to share. Through a local funding agreement, we hired an amazing teacher for our juvenile detainees. Working on a shoestring budget, we have significantly reduced recidivism among juveniles. Thank you for restoring $500,000 for BIA juvenile detention education in

Fiscal Year 2017 and 2018. These limited funds go far in helping heal our at-risk youth. We urge continued funding as well as new provisions that will allow flexibility in BIA and BIE programs to help educate Native youth in custody.

Also, we ask that you work to address the absence of healthcare at tribal jails. In 2004, the Interior IG recommended that the BIA establish an MOU with IHS to provide onsite medical assistance at detention facilities. Nothing has been done in more than a decade. I ask that you allow for flexibility of BIA and IHS funding to begin to address health needs in tribal jails and direct the BIA and IHS to enter into MOUs for healthcare at tribal detention facilities.

Another crucial need at San Carlos is for clean drinking water. The reservation has needed two new water wells for decades. Drought and high temperatures cause increased demand and reduce recharge, leaving our community wells depleted. Also, our drinking water contains high levels of arsenic. We have been working with IHS and EPA on two new wells to serve the San Carlos School District and other communities. We ask that IHS expedite construction of these wells.

Education is another priority for San Carlos. The San Carlos Apache College is one of America's newest tribal institutions of higher education. We are excited about the future of the college and other tribal colleges. I ask that you consider including draft report language to report the efforts of all tribal colleges.

Finally, I want to discuss the need to house our homeless tribal veterans. We have 500 homeless tribal veterans on our reservation. We seek your help to ensure that the Tribal HUD–VASH Program meets the housing needs of tribal veterans. HUD has ruled that Tribal HUD–VASH vouchers cannot be used in NAHASDA homes. Given the limited housing on reservations, the only way to house veterans is to use NAHASDA built homes. If this HUD rule was lifted, we could house homeless veterans in eight available units. Tribes across the country seek no-cost simple language contained in my written testimony that would address this problem.

In conclusion, as we say in our Apache language, [Speaking native language]. Thank you for this opportunity to testify.

[The statement of Mr. Rambler follows:]

Terry Rambler, Chairman, San Carlos Apache Tribe
House Interior and Related Agencies Appropriations Subcommittee (5/10/2018)

Good morning Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee. I am Terry Rambler, and I am honored to serve as Chairman of the San Carlos Apache Tribe, representing 16,500 tribal citizens. The San Carlos Apache Reservation spans 1.8 million acres in southeastern Arizona. My testimony today focuses on the Tribe's needs relating to public safety, water, education, veterans housing and health care.

1. **Public Safety & Justice Construction Funding.** The San Carlos Police Department ("SCAPD") was housed in BIA Building 86 since we first 638 contracted for law enforcement services in the 1990s. The facility was constructed in the 1970s to house BIA police and adult detention corrections. After decades of neglect, in 2009 the BIA ordered the Building condemned and moved its Criminal Investigators into a refurbished federal facility. Our police and courts continued to work in this facility for 6 years until the BIA moved our police and courts into temporary modulars in 2015 with the verbal promise to provide a permanent replacement facility. While the modulars provided some desperately needed, extra space, the structures are beset with problems–the overall space requirements for both SCAPD and the court are insufficient; the generator does not provide power to the SCAPD patrol or court sections; water service remains intermittent; SCAPD does not have enough space for evidence and property; the floor cannot securely support safes needed for evidence storage, including cash and drugs; BIA maintains the building only once a week; and, there's not enough parking space. From 2009-17, BIA supported our DOJ grant proposals for a permanent facility. However, DOJ made the unilateral decision in FY14 to cease new and replacement tribal justice facility construction. **Request**: We applaud funding in the FY18 omnibus to restart BIA public safety and justice construction. Due to the backlog from DOJ's unilateral construction moratorium, we urge the Subcommittee to increase new and replacement construction in FY19 to $30 million and require BIA to prioritize replacement of all tribal justice facilities that it condemned.

2. **Need for New Water Wells and other Water Infrastructure Projects.** The current primary water supply for the Tribe comes from a series of shallow wells producing from an alluvial aquifer fed by the San Carlos River and its tributaries. These wells rely on seasonal precipitation. Decades of drought and above-average temperatures have led to a cycle of increased demand and reduced recharge, leaving key community wells depleted. Further, the drinking water quality on the Reservation is poor, containing periodic high arsenic levels and high levels of manganese and iron that leave the water putrid smelling and with a dark color. The Tribe has been working with IHS and EPA to site 2 new wells that would serve the San Carlos High School and other Reservation communities to meet their water needs and to mitigate arsenic, manganese and lead infiltration. The Tribe has been working with IHS on these projects and IHS commissioned studies for siting and construction of these wells. **Request:** We respectfully request the Subcommittee's assistance in expediting IHS construction of these 2 new wells and other water infrastructure project needs on the Reservation.

3. **Support for San Carlos Apache College.** The San Carlos Apache College ("SCAC") is one of America's newest tribal institutions of higher education, having opened its doors to the Apache people on August 14, 2017. SCAC helps our students achieve educational excellence

and success, focusing on preservation of Apache language and culture and spearheading nation-building through research and development initiatives that will meet the most urgent economic, environmental, health, and social advancement needs of the Tribe. We are excited about the future of SCAC and all other tribal colleges and seek the Subcommittee's support for tribal colleges and their vital roles in the community. **Request:** We respectfully request consideration of the following language in the Committee's report accompanying the FY19 Interior appropriations bill: "*The Committee recognizes the Federal government's unique and continuing treaty and trust relationship with Indian tribes and supports opportunities for higher education for American Indians and Alaska Natives to help strengthen tribal nations and their communities. The Federal government will continue to work with and support tribal colleges and universities given their important roles in offering a high quality college education, providing career and technical education, job training, and other career building programs, preserving Native languages and cultural traditions, and serving as anchors in some of the country's poorest and most remote areas. The Committee commends the efforts of tribes to establish and develop tribal colleges and universities in their communities, including the efforts of the San Carlos Apache Tribe to establish the San Carlos Apache College, and encourages the Bureau to continue working with tribes on these efforts.*" The proposed report language would express the Committee's support for tribal college programs administered by the BIA and other agencies, and will express support for the Tribe's efforts to develop its College.

4. Support of Tribal HUD-VASH Program. Ending homelessness among veterans—including Native American veterans—is a national priority. In 2015, the VA and HUD initiated a demonstration program that brought this mission to Indian Country. The Tribal HUD ("THUD")-Veteran Affairs Supportive Housing ("VASH") program awarded 26 tribes, including our Tribe, $5.9 million in funding for rental assistance and support for Native veterans who are homeless or at risk of homelessness living on a reservation or within an authorized service area. Unfortunately, an overly bureaucratic HUD rule has restricted tribes and tribal housing authorities from using the THUD-VASH funds to house veterans in housing built with NAHASDA funds, which has perpetuated the vicious cycle of homelessness among Native American veterans. Though outside the jurisdiction of this Subcommittee, we seek the Subcommittee's assistance to resolve this problem. **Request:** Tribes and tribal housing authorities across the country request congressional support to include the following no-cost sentence in the FY19 Transportation, HUD appropriations bill under the provision for Public and Indian Housing—Tenant-Based Rental Assistance: "*Provided further, That grant recipients may use funds to house veterans in dwelling units that are owned or operated by a recipient of Native American Housing Block Grant funds or that are assisted or supported by Indian Housing Block Grant funds, as authorized under title I of the Native American Housing and Self-Determination Act.*" There is wide-spread bi-partisan support for this simple fix.

5. Education of Native Youth in Custody and Health Care for All Inmates. Our Tribe is fortunate to have a BIA-funded detention and rehabilitation center that serves our at-risk youth. Through a funding agreement with a local government, we hired an amazing teacher that has been able to reach the most at-risk youth in our community. Working on a shoestring budget, we have significantly reduced recidivism among juveniles in our community. We receive consistent positive reports back from families of youth that leave our center. We thank the Subcommittee for restoring the $500,000 BIA juvenile detention education line in FY17 and FY18. These

limited funds go far in helping heal at-risk Native youth. Regarding the absence of health care at tribal detention facilities, the lack of medical services compromises all inmates and officers. In 2004, the Interior Inspector General recommended that the BIA establish an MOU with IHS to provide onsite medical assistance at all detention facilities with more than 20 inmates. While the BIA met with IHS on several occasions the agencies have failed to reach final agreement. BIA-OJS has made the provision of tribal inmate health care a priority, but IHS maintains the position that each area office develop its priorities. Our detention and rehabilitation center faces similar problems when seeking to provide health and mental health services to detained Native youth and adults. **Request**: While the President's FY19 budget proposes its elimination, we urge the Subcommittee to not only retain the $500,000 for BIA juvenile detention education line in FY19 but consider increasing this critical funding and mandate flexibility in other BIA and BIE programs to utilize resources to help educate Native youth in custody. We further urge the inclusion of report language clarifying the flexible use of BIA corrections and IHS funding to address health needs in tribal detention facilities and language that directs the BIA and IHS to enter an MOU to for the provision of health care at tribal detention facilities.

6. **Opioid Prevention/Treatment Funding.** A November 2017 Senate Indian Affairs Committee Roundtable highlighted the scourge of opioids in Indian Country, noting that the problem is "particularly complex in tribal communities given the lack of access to medical care, shortage of law enforcement and insufficient data on substance abuse." In March, Secretary Zinke stated that the opioid epidemic is "an American issue across the board, but it tends to hit the tribes and nations much harder for many reasons." The San Carlos Apache Healthcare Corporation ("SCAHC") is proactively fighting the opioid epidemic and established a multi-disciplinary team to address the opioid crisis on the Reservation. SCAHC utilizes standardized screening and assessment tools, drugs screens, and random pill counts to identify patients who are at risk for abuse; working with clinical staff, pharmacy staff, and law enforcement services to identify and implement 'Rx Drug Drop off locations'; increasing community awareness and education on prevention, assessment, and treatment of opioid use disorder; and expanding naloxone distribution to individuals and/or subgroups that are at high risk for overdose. These efforts strain already depleted resources. **Request:** Federal funding to combat the opioid epidemic is scattered throughout the FY18 Omnibus and the President's FY19 Budget proposal. For example, the President's budget proposes *$10 billion* in new funding to combat opioids. IHS would receive $150 million in competitive grants for opioid "recovery support in Indian Country." BIA law enforcement would receive $2.5 million as part of its special initiatives for drug interdiction programs. We urge the Subcommittee to prioritize substantial direct funding to tribes to address the opioid crisis, and urge the IHS, BIA and other federal agencies to coordinate an approach in consultation with Indian tribes to stop the scourge of opioids in Indian Country.

7. **CMS Section 1115 Demonstration Waiver.** Funding for the health care of Native Americans is part of the federal government's solemn treaty and trust obligations to Indian tribes and tribal citizens. The National Indian Health Board estimates that the full needs-based budget for the Indian Health Service is $32 billion in 2019. We applaud this Subcommittee for funding IHS at $5.5 billion in FY18. Third-party billing is key to helping address the huge gap in unmet need for Indian health care. IHS and tribal government health providers receive significant funding from third-party payers, including Medicare, Medicaid, the Veterans Administration, and private insurance. A total of $1.3 billion was collected from third-party payers in FY2017, with the largest share—$810 million—coming from Medicaid. Medicaid coverage helps to fill

gaps in employer-sponsored insurance for Native Americans, enables Natives to access a broader array of services and providers than offered through IHS, and provides a key source of financing for IHS and Tribal providers. *These funds are under attack.* On several occasions now, this Administration has questioned the constitutionality of programs or targeted accommodations for Native Americans as racial classifications, ignoring the political government-to-government relationship between the U.S. and tribes, federal statutes, and rulings of the U.S. Supreme Court. Recently, the Centers for Medicare and Medicaid Services ("CMS") took the position that exempting Native Americans from state-imposed requirements to Medicaid implemented pursuant to the Section 1115 Waiver process would be unconstitutional. CMS officials indicated that their position would stand regardless of whether or not a State supported an exemption for Native Americans from its Section 1115 Waiver. On April 12, 2018, Arizona Governor Doug Ducey signed H.B. 2228 into law to exempt American Indians or Alaska Natives eligible for services through the federal Indian health care system from work requirements and time limits under Arizona's Section 1115 Demonstration Waiver applications. The Arizona Senate and House of Representatives unanimously supported the measure. The State of Arizona's Legislative Counsel correctly determined that this exception from the State's Section 1115 Waiver for Native Americans arises out of the special "unique legal status" accorded to Indian tribes and does not amount to a racial preference. **Request**: We respectfully urge the Subcommittee to include legislative language in the FY19 Appropriations bills that clarify that tribes are political sovereigns and that CMS and other federal agencies have a duty to provide services to American Indians free from state-imposed barriers to access.

8. Community Health Representatives (CHR) funding. For over 50 years, the CHR program has provided our members with vital healthcare services, while also linking patients to the Indian health care system. CHRs prevent avoidable hospital readmissions and emergency department visits through home visits to patients with chronic health conditions such as asthma, diabetes, and hypertension. The CHR Program provides case management services, care coordination, patient screenings, health education and environmental review of homes, while also promoting disease prevention, wellness and injury prevention, translation and interpretation, transportation to medical appointments, and delivery of medical supplies and equipment. With just 15 employees, our CHRs make an average of 384 home visits per month, some 348 non-emergent medical transportation runs, and even conduct about 40 medical referrals or consults for inmates. **Request:** We urge you to reject the Administration's request to eliminate the CHR program and continue to fund CHR at least at the FY18 level of $62.9 million.

9. Special Diabetes Program for Indians ("SDPI"). Congress enacted the SDPI in 1998 to attack the plague that diabetes has on Native communities. SDPI provides funding for diabetes treatment and prevention to approximately 301 tribal and urban Indian health grant programs. Congress reauthorized mandatory funding for SDPI at $150 million FY18 and FY19. Last year, our Diabetes program had 18,000 visits, which resulted in dramatic weight loss and fewer diabetes related complications. The President's budget proposes moving SDPI from mandatory to discretionary spending, which will subject this vital program to future reductions or elimination. **Request:** The federal investment in SDPI has shown significant improvements and is advancing the quality of our health care. We respectfully request that the Subcommittee maintain SDPI as mandatory spending.

Mr. CALVERT. Thank you.

And next, Delbert Ray, president of the Sault River Pima-Maricopa Indian Community. Welcome.

THURSDAY, MAY 10, 2018.

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

WITNESS

DELBERT RAY, PRESIDENT, SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

Mr. RAY. Good morning, Chairman Calvert, Ranking Member McCollum, and members of the committee. Thank you for the opportunity to testify today on the Fiscal Year 2019 Interior appropriations, and specifically the importance of self-governance programs within the Bureau of Indian Affairs' budget. My name is Delbert Ray. I am the President of the Salt River Pima-Maricopa Indian Community located in the metropolitan Phoenix area, Arizona.

As a matter of policy and practice, the Salt River Community believes in self-governance. We fully endorse the philosophy of removing the Federal bureaucracy from tribal programs and to allow tribes to directly use Federal funding in the most efficient manner to meet tribal needs. To date, we have assumed responsibility for administering a host of programs from trust services, detention and corrections, social services, to road maintenance, law enforcement, probate, and, most recently, the land title and records function.

In the community's view, funding for self-governance programs should be the highest priority for the Administration and the Congress. As our experience illustrates, it is the most efficient use of Federal dollars. However, I stress to the committee and the Congress that funding for BIA self-governance programs continues to be woefully inadequate. While I am concerned to know that the President's budget proposes reductions for practically all areas of Bureau of Indian Affairs, I am grateful for your commitment on this committee to work with Indian Country each year to improve funding for the BIA.

I would like to share with you a couple of examples of the important work that is occurring in our community. One would be education and continued funding for the Johnson O'Malley grant. As many of our students attend school off the reservation, the JOM grant funding is critical for Salt River. JOM provides essential language and cultural programs to our students attending public schools. We understand for Fiscal Year 2019 the Administration proposes to zero out this vital program. We urge this committee to restore this funding.

The other is the Land Titles Records Office. In March of this year, the BIA formerly transferred the LTRO function to the community. After nearly 2 years of negotiation and preparation to receive the program, it has been the goal of the community to improve the real estate services delivery to over 10,000 community members. With LTRO, we believe adequate support and timelier recordation will also stimulate the economy by creating more jobs

on the reservation. As such, the community is seeking $47,000 for startup costs to fully implement an LTRO in-house.

These are just two examples of the many programs that are a part of the community's annual self-governance agreement, but they represent the critical need for the Congress to continue and to increase funding for self-governance programming.

While I provided more information in my written testimony, I would like to briefly speak to two other important issues. Number one is the opioid crisis. On March 19, Interior Secretary, Ryan Zinke, visited our community and held a press conference about the President's plan to combat the opioid crisis. He specifically discussed working with Indian Country on enforcement, treatment, and prevention. Notably, the Secretary indicated that tribal government should have direct access to funding for new opioid crisis initiatives rather than going through our respective States to access funding. This is timely because our community recently declared a war on opioids and illegal drug use, and we are now investing in different ways to address the impact among our people. As the Congress continues this discussion, I hope you are mindful of the need to include Indian Country in the deployment of vitally-needed resources.

The second is community health nursing. Mr. Chairman, the Community Health Nursing Program within our IHS budget serves as a lifeline for many of our community members who may be unable to regularly travel to a clinic or a hospital. In many cases, the CHRs have encouraged patients to seek care when they are reluctant to do so, and they provide support for those who have critical situations, such as cancer and on dialysis. I am hopeful the committee will consider restoring funding for this program.

In closing, I want to thank this committee for working with Indian Country to fund vitally-needed programs in the BIA and IHS. Self-governance ensures that scarce Federal dollars are used to build capacity rather than bureaucracy. And it makes good on the United States' obligation to respect tribal sovereignty and to allow tribal governments to manage our own affairs. Thank you.

[The statement of Mr. Ray follows:]

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May 2, 2018

The Honorable Ken Calvert
Chairman
House Appropriations Subcommittee
On Interior, Environment and Related Agencies
2205 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Betty McCollum
Ranking Member
House Appropriations Subcommittee
On Interior, Environment and Related Agencies
2256 Rayburn House Office Building
Washington, D.C. 20515

Good afternoon, Chairman Calvert and Ranking Member McCollum, and thank you for the opportunity to testify before you today regarding the Fiscal Year 2019 Interior appropriations and specifically, the importance of self-governance programs within the Bureau of Indian Affairs (BIA) budget. My name is Delbert W. Ray, Sr. and I am the President of the Salt River Pima Maricopa Indian Community, located in the metropolitan Phoenix area in Arizona.

As you know, there are two primary ways for tribal governments to receive funding from the federal government: direct service and self-governance. As a matter of policy and practice the Salt River Pima Maricopa Indian Community believes in self-governance. We fully endorse the philosophy of removing the federal bureaucracy from tribal programs and to allow tribes to directly use federal funding in the most efficient manner to meet tribal need. The Community has worked successfully to transition the administration of many essential government functions from BIA control to the responsibility of our Community. To date, we have assumed responsibility for administering a host of programs from trust services, detention and corrections, social services, to road maintenance, law enforcement, probate, and most recently the Land Title and Records function. We are proud to say our experience with tribal self-governance compacting has been very successful and is a perfect example of the most efficient use of the federal dollar. However, the one caveat that I would stress to the Committee and the Congress is that funding for BIA programs continues to be woefully inadequate.

I believe funding for Self-Governance Programs should be the highest priority for the Administration and the Congress to fund for the reason mentioned above. I was, therefore, dismayed to see that the President's FY 19 budget reduces funding levels for practically all areas of the Bureau of Indian Affairs, including the office of self-governance and other programs that support self-governance, like the Johnson O'Malley Grant, which provides for cultural and language opportunities for Indian children in public or private schools.

I recognize that the President's budget in Fiscal Year 2018 proposed similar cuts and that this committee not only restored but enhanced funding for tribal priorities rather than cutting spending. I am grateful for your commitment to Indian County: you have backed up your words

with action. I am hopeful that you will continue to invest in Indian Country and in tribal self-governance as you draft the FY 19 appropriations bill.

I would like to draw your attention to a couple of points as they relate to self-governance, including the Johnson O'Malley grant, the opioid crisis, and critical underfunding in many self-governance areas.

Johnson O'Malley Grants

Most of the Community's students attend school off the reservation, in the surrounding communities of Scottsdale, Tempe and Mesa. This makes the Johnson O'Malley grant, which provides supplemental assistance to address academic and cultural needs of Native American students in public schools, critical for Salt River. The Johnson O'Malley grant dollars have historically been an addition to our base funding agreement with the BIA, meaning supplemental funds we can rely on for the education of our young people. The Administration's FY19 budget zeroes out this vital program and I implore you to restore this funding in the Interior appropriations bill.

The Opioid Crisis

On March 19th, 2018, Secretary Zinke visited our Community and held a press conference on our reservation about the President's plan to combat the opioid crisis. He specifically discussed working with Indian Country on enforcement, treatment and prevention. Sec. Zinke noted in his remarks that tribal governments should have access to funding directly for new opioid crisis initiatives and that we should not have to go through the state to access this funding. As you know, tribes are particularly impacted by the opioid epidemic sweeping the nation and Salt River is no exception. This is a priority for our Community and we are investing in many different ways to address the impact among our people, including diversion programs our schools, our brand new Way of Life wellness Facility, and in law enforcement and our court system.

I understand the strategy for combatting the epidemic is broad and multi-faceted - as it should be – and investments will be made through other agencies in addition to DOI. However, we hope you will ensure that funds are appropriated for combatting opioids and drug addiction in Indian Country and that tribes, as sovereign governments, have equal access to funds that are made available to states.

Under-funded Self-Governance programs

As you may be aware, tribes begin an internal process with the BIA and the Office of Self-Governance about two years ahead of the fiscal year. We outline every government function that the tribe administers and oversees and the anticipated costs associated with every line item under that program. For most, the amount received from BIA is a mere fraction of the actual cost to administer. For example, our detention and corrections program costs $6.8 million annually, however the Community receives only $206,000 dollars in its base funding agreement with BIA. This represents only 3% of the annual budget for detentions and corrections, with the Community backfilling the remaining 97%. We are not suggesting the Federal Government is responsible for funding 100% of these programs, but we do encourage you to seek more equitable funding levels.

In addition, the law enforcement function is a critical part of tribal programming.
The current tribal enrollment is over 10,000 and the latest census data shows that over 10,000 people live within the reservation boundaries. Based on the BIA Law Enforcement Cost

estimating table, the need is $ 3,836,000 per year. The tribe currently receives $ 3,272,449 per year, leaving an unfunded obligation of $ 563,551 per year. The lack of adequate funding hampers the tribe's ability to provide adequate public safety for the tribal members. From fiscal year 2015 – 2016 calls for service increased 20%. Additional funds will enable the tribe to reduce response times and provide a bigger, much needed presence in Community.

Importantly, maintenance of roadways in the community promotes better public safety. The Community has 71.2 miles of BIA roads on the reservation. Based on the BIA's estimating model of assuming maintenance costs for these roads is $10,000 a mile per year, the amount needed is $ 720,000. The Tribe currently receives $92,652 for BIA Road Maintenance, leaving an unfunded obligation of $619,348. As a result, the BIA Road system is years behind on much needed roadway maintenance such as pot hole repair, crack sealing and asphalt overlays. The continued lack of maintenance on these roads will result in the need for new construction versus extending the useful life of the existing road. The poorly maintained roads creates issues for Public Safety vehicles, school busses and the tribal member's ability to safely drive in the Community. Additional funds will assist the tribe in purchasing materials to maintain the existing BIA road system by mitigating the safety hazards and extending the useful life of the roadway.

Lastly, since coming into the Self-Governance Program in 1995 the Community's funding for the Realty function has remained the same from the BIA and it now needs additional staff and operational costs not only to maintain, but to modernize and improve its accountability to the 10,000+ tribal members that it serves. The realty program performs its portion of land transactions for tribal land owners as timely and accurately as possible. However, it often has to wait an inordinately long time for the BIA to perform its portion of land transactions up the line to the Land Title and Records Office (LTRO). These inefficient land transactions often hamper individual or tribal requests for mortgages, land exchanges, negotiated sales, partitions and leases. As the Community has recently taken over the LTRO function the community is seeking $471,000 for start-up costs to fully implement an LTRO in-house. It is our goal to improve Real Estate services delivery to over 10,000 tribal members within twelve months by strengthening staff competence and capacity through training (which is a legal requirement according to the Tribe's Funding Agreement with Interior). Support for timelier recordation will also stimulate the economy by creating a few more jobs on the reservation.

Mr. Chairman and members of the Committee, these are just a few examples of the critical need for BIA funding for Self-Governance programming. As you prepare to write the Fiscal Year 2019 Interior, Environment and Related Agencies appropriations bill, I hope you will consider this request. Self-governance is good policy and it is good practice. It ensures that scarce federal dollars are used to build capacity rather than bureaucracy. And it makes good on the United States' obligation to respect tribal sovereignty and to allow tribal governments to manage our own affairs. Thank you for your commitment to Indian Country and to self-governance- I know that you understand the critical role it plays in supporting Indian self-determination.

I look forward to working with both of you to ensure that our Community, and Indian Country as a whole, can thrive in years to come.

Sincerely,

Delbert W. Ray, Sr.
President

Mr. CALVERT. Thank you, for that testimony. It seems that all of you have one unfortunate common occurrence, and that is the opioid issue. I know your area—I have been down there many, many times I suspect because of your location, you are right on the border of Mexico, and Highway 347, as you mentioned, comes right up there and other roads. It is going right through your communities, and I suspect a lot of it gets dropped off along the way. And so, it is probably accessible and inexpensive relatively.

Unfortunately people get hooked on that stuff, and it is causing unimaginable problems. We need to work together on the enforcement side. We have a very porous border, as you know, and it basically comes right across these transit areas, on trucks smuggled in here. We need to work on that together to stop it.

But as you know, we just did an omnibus bill. We had a significant amount of funds there. We need to work with you to make sure you are able to use those dollars to treat people that get addicted to this stuff. It is hard to get them off. I know from dealing with it in California, we have a significant problem there also. So, I am certainly sympathetic, and we will need to work together with you.

I know where you are located also, the same thing applies to the Navajo Nation and others, the number of roads that need repair. Hopefully if we ever get around to doing an infrastructure bill here, that we have a section that is just for Indian Country because I know in your part of the world and everywhere, these roads are in terrible condition. I look forward to working with you to help resolve that. Betty.

Ms. MCCOLLUM. Thank you. Thank you for reminding us that we still have work to do with homeless vets. In my community in the Twin Cities area, we have worked very vigilantly with service organizations, the VA, outreach programs, HUD, and NAC to do what we can to start a path towards safe, secure shelter and then moving towards housing.

But as you point out, Indian Country has some other barriers and challenges with that, and some of them are not necessarily in this committee, but this committee takes the concerns of Indian Country, after you leave here, to the other committees that have funds that address that. I know our staffs will be looking into what we can do.

A common theme yesterday was reorganization and the failure of the Secretary to do due diligence with consultation. (Mr. Miguel, you brought up some of the most direct, personal rather than just broad concerns on it. If you could get back to us later, or if there is something you want to share now, about changes in your region in particular with people already being moved and reassigned. I am even hesitant now with some of the reprogramming dollars because I do not know what might be going on with moving staff.

Have you heard some of the rumors that we have, that are coming to my office, that BIA has already begun telling tribes that it is coming, there is going to be a different regional structure, and that is why they have already started moving people? Anything you want to elaborate for the committee so when we talk to the Secretary we can share our concerns and your concerns?

Mr. MIGUEL. Not at this time. Definitely our council and our team will get together and definitely——

Ms. MCCOLLUM. That would be helpful. Mr. Chairman, I think rather than speak in the abstract, if we can say to the Secretary this is what we have heard for sure and it is an actual phone call conversation that has been placed, or staff member that has been moved, that is important. Because the learning curve in Indian Country is a steep one. And when you have someone that is known and trusted and understands your culture, understands the geography, understands the needs, and then that person is removed, it takes a long time to bring somebody else up to speed. I appreciate you sharing that with us.

Mr. MIGUEL. Thank you.

Mr. CALVERT. Thank you. Next time I talk to the Secretary, I am going to bring this up. It is a common theme here, not consulting with the tribes, and I will bring it up to him and say that he needs to do that. Thank you for your attendance. Appreciate your testimony.

Mike Simpson is going to cover for me a little while. I have to go to another meeting, so I am turning it over to the able——

Ms. MCCOLLUM. You will be missed, but I am happy to see Mr. Simpson.

Mr. RAMBLER. Thank you.

Mr. MANUEL. Thank you.

Mr. CALVERT. Thank you very much.

VOICE. Thank you.

Mr. SIMPSON [presiding]. The next panel is Tony Small, vice president of the Tribe of Utah, Vinton Hawley, from the National Indian Health Board, and——

Ms. ROSE. Ahniwake.

Mr. SIMPSON. How do you say it?

Ms. ROSE. Ahniwake.

Mr. SIMPSON. Ahniwake?

Ms. ROSE. Yes, sir.

Mr. SIMPSON. I was close, but that would not have been it, the Executive Director of the National Indian Education Association.

Ms. ROSE. At this point, like I memorized where my name is. [Laughter.]

Ms. ROSE. Thank you, though.

Mr. SIMPSON. Tony, you are first.

THURSDAY, MAY 10, 2018.

UTE TRIBE OF UTAH

WITNESS

TONY SMALL, VICE CHAIRMAN, UTE INDIAN TRIBAL BUSINESS COMMITTEE

Mr. SMALL. Thank you. Good afternoon, Mr. Chairman, and members of the subcommittee. My name is Tony Small. I am the vice chairman of the Ute Indian Tribe Business Committee. Thank you for the opportunity to testify on behalf of the Ute Indian Tribe.

We ask the subcommittee to take up a new effort to prioritize and fund Indian education through tribal schools. This funding is

needed to fulfill the United States' treaty and trust responsibility for education of our youth. Currently, 92 percent of tribal youth go to the State public schools and are taught according to State standards. Eight percent of tribal youth go to the Bureau of Indian Education schools that also must comply with State standards. Aside from BIE's limited budget, all Federal funding for tribal youth goes to the States. This is outrageous. The Federal government must stop funding States who educate tribal youth according to State standards.

More than 30 years after the passage of the Indian Education and Self-Determination Act in 1975, Congress seems to have forgotten the law it passed. The law was intended to provide Indian control in matters relating to education, and that tribes should fully exercise self-determination and control in all aspects of the education process. Those are direct quotes from the law, but today self-determination has all but been eliminated from Indian education.

We all know the funding is available. In 2010, the Department of Defense launched a $5 billion construction surge to renovate or replace 134 schools by 2021. The surge is well on its way. In contrast, Interior requested only $3.2 million in school construction funding in 2015. BIE should be funded to support new school construction authorized to support tribal bonds and provide loan guarantees. These would be tribal-controlled schools for the education of tribal youth according to tribal standards. BIE would support and oversee these tribal schools.

It is not secret that State education is failing tribal youth. More than 30 years since the passage of the Indian Education and Self-Determination Act, it is finally time to restore tribal sovereignty and self-determination over the education of our youth.

We are also needing funding to operate our new justice center. As you know, we were forced to spend $36 million in tribal funds to build our justice center after our BIA jail was condemned. And after years on BIA's priority construction list, we want to thank you for providing $1.4 million in Fiscal Year 2018 to open and operate the newly tribally-constructed justice center. This is a good start, but much more is needed. According to BIA, we need $4.85 million annually to staff and operate our justice center. We may only get a portion of the $1.4 million provided for Fiscal Year 2018. Until our justice center is fully staffed, BIA must pay to house people in county jails and release detainees early.

One way to help solve the funding problem is to allow tribes to access Medicare/Medicaid funding for detainees with drug addictions. We all know drug addiction and crime go hand-in-hand. Allowing tribes to access this funding would address a serious law enforcement issue while providing needed funding. We also need a solution for BIA to release tribally-constructed facilities. Recently, GSA began raising issues with these leases. The appropriations bill should provide unilaterally-leasing authority to BIA.

We also ask for your continued support of Indian energy development. Interior's budget justification says Indian energy development contributed $18 billion to the national economy in 2016, but the President proposes cutting the program and staff that support energy development on our lands. This is unacceptable. We ask the

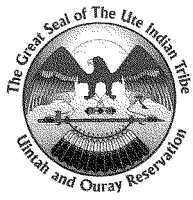
subcommittee to continue supporting the Indian Energy Service Center, increasing staff and expertise in our local agency office.

We also need increased funding for tribal housing. We ask that you work with your colleagues on the full committee to fund programs that fall under Housing and Urban Development. Current funding levels are not enough to meet the housing needs on our reservation. We also need special funding to repair homes damaged by meth use.

Finally, we ask that you refuse to fund Secretary Zinke's Interior reorganization until he consults with Indian tribes. It has been over a year since reorganization was announced and there have been no meetings with tribes. We work every day with Interior agencies and not just BIA. This reorganization will affect us more than most, and tribal views must be included in any reorganization plans.

Thank you for the opportunity to testify. I am available for any questions.

[The statement of Mr. Small follows:]



Testimony of the
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 2019 Appropriations

April 30, 2018

Thank you for the opportunity to testify before the Subcommittee on Interior, Environment and Related Agencies regarding Fiscal Year (FY) 2019 Appropriations. My name is Tony Small. I am the Vice Chairman of the Ute Indian Tribal Business Committee.

NEW FUNDING NEEDED FOR INDIAN EDUCATION

The Ute Indian Tribe asks that the Subcommittee prioritize funding to fulfill the Federal government's treaty and trust responsibilities to provide for Indian education. The Bureau of Indian Education (BIE) should be funded to support new school construction and authorized to support tribal bonding and loan guarantees for new school construction by Indian tribes. These would not be additional BIE schools. These would be tribal controlled and managed schools funded pursuant to the Federal government's treat and trust responsibilities. Congress and this Subcommittee have a responsibility to restore tribal sovereignty and self-determination to Indian education.

Tribal self-determination has long been recognized as the most successful and effective Federal Indian policy. Congress originally enacted this policy through the Indian Education and Self-Determination Act of 1975. While the Act provided many opportunities for tribal self-determination, its main focus was Indian education. The Act was intended "to facilitate Indian control of Indian affairs in all matters relating to education." 25 U.S.C. § 2011(a). In addition, regulations implementing the Act provide that Tribes should "fully exercise self-determination and control in planning, priority-setting, development, management, operation, staffing and evaluation in all aspects of the education process." 25 C.F.R. § 32.4(a)(3).

Yet, despite the Act's focus on education, tribal self-determination has all but been eliminated from Federal education laws and policy. Today BIE struggles to fund and operate 183 BIE and Tribally operated schools that only serve about 8% of tribal youth. About 92% of tribal youth are educated in state schools according to federal and state standards.[1]

As a result, a non-profit policy paper found that "Federal funding of State public schools enriches State school budgets and is … effectively an unlawful delegation of Federal treaty and trust obligations to States."[2] Just as important, tribal youth in BIE and state schools are taught according to "Federal and State (not Tribal) curriculum, academic standards, accreditation requirements, truancy laws, assessment, and other education policies."[3] The Federal government must stop funding states to educate tribal youth according to non-tribal standards!

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[1] PATHKEEPERS FOR INDIGENOUS KNOWLEDGE, EDUCATION SOVEREIGNTY: RESTORING SELF-DETERMINATION IN NATIVE AMERICAN EDUCATION 5 (2016)
[2] *Id.*
[3] *Id.* at 3.

The Subcommittee can start to correct this problem by funding tribal school construction through the BIE. The funding is available. Congress and the Administration must simply prioritize the funding as was done for Department of Defense (DOD) schools. In 2015, a newspaper investigation found that:

> DOD launched a $5 billion construction surge in 2010 to renovate or replace 134 of its 181 schools by 2021. Seventeen new schools have been completed, 23 are under construction and 37 are in the design phase. In contrast, the Interior Department has requested just $3.2 million in replacement school construction funding for one Indian school in 2015.[4]

We all know the funding is available. It is a matter of priorities and living up to the treaties and agreements with Indian tribes upon which the United States was founded.

The Ute Indian Tribe currently runs our Uintah River High School on our Uintah and Ouray Reservation in Fort Duchesne, Utah. This is Charter School run through the state school system. The School provides our tribal youth with positive cultural experiences, small class sizes and teaching designed to provide for the educational success of our youth.

Our students deserve the best schools available. We also need schools for our elementary students. We ask the Subcommittee and Congress to live up to its treaty and trust responsibilities and fund construction of tribal schools through direct funding, bonds and loan guarantees. We also ask the Congress stop sending our tribal education dollars to the states. Tribes need that funding to hire teachers and staff to run our schools.

Only by making these changes will Congress meet the requirements it established in the Indian Education and Self-Determination Act. We need to make these changes to restore tribal self-determination over the education of our youth. For 200 years, the Federal government has tried to assimilate and teach our students according to federal and state standards. This has failed. It is time for Indian tribes to education our tribal youth according to tribal standards. That is the definition of self-determination.

FUNDING INCREASES NEEDED FOR NATIVE AMERICAN HOUSING

Funding for housing in Indian Country is not keeping up with our housing needs and does not address the special housing issues we face. Like education, the Federal government has a treaty and trust responsibility to provide housing for Indian tribes and our members. While we understand that this Subcommittee does not directly oversee the funding of Native American Housing Block Grants under the Native American Housing Assistance and Self-Determination Act, we ask that Subcommittee members weigh in with the full Appropriations Committee to properly fund Native American housing.

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[4] Star Tribune Editorial Board, *Separate but Unequal: Indian Schools a Nation's Neglect,* Star Tribune, April 2, 2015, http://www.startribune.com/part-1-indian-schools-a-nation-s-neglect/283514491/.

Our Ute Indian Housing Authority needs increased funding to meet housing needs, address maintenance and repair backlogs, and resolve the special problem of rehabilitating homes where methamphetamine was used. In this time of need, the President's FY 2019 Budget proposes decreasing funding for Native American housing by $50 million. This is unacceptable.

First, the Ute Indian Tribe, like most tribes, has a desperate unmet need for new homes for our growing reservation population. Almost $4 million is needed on our Reservation alone to build rental units, apartment complexes, and home ownership homes to meet our need. Without proper funding our people are forced to live in crowded and unsafe, conditions.

Second, a large number of our Mutual Help Homeownership Program homes are thirty to forty years old. They are in dire need of repair and maintenance. The costs of repairs and maintenance are beyond the means of the owners or tenants. Without additional funding, maintenance issues continue to grow and renovations become unaffordable. This undercuts the purpose of the Mutual Help Homeownership Program—providing Native Americans an opportunity for affordable homeownership.

Third, special funding is needed to repair homes damaged by methamphetamine use. We have 32 damaged units that cost about $20,000 each to repair. Generally, the home must be stripped down to the studs, washed with a solution, and ventilated. The heating and cooling system often needs to be cleaned and sealed during the stripping process, and, in extreme cases, the heating and cooling system needs to be replaced. In some cases, the home is a total loss and costs about $100,000 to rehabilitate. Every dollar spent fighting this drug problem should be going to renovating old homes and providing affordable housing on our Reservation.

We ask that you work in the full Committee to increase funding for Native American housing.

STAFFING AND OPERATING NEW JUSTICE CENTER

The Ute Indian Tribe thanks the Subcommittee for its support and effort to provide start-up and staffing costs for our new tribally constructed Justice Center. We appreciate the $1.4 million that you appropriated in FY 2018 for the opening and operation of new tribally constructed justice centers and detention buildings. While this is a good start, we are not sure how much of the $1.4 million will be allocated to our Justice Center and much more is needed.

The Ute Indian Tribe asks that this funding be increased in FY 2019 to the levels necessary to address law enforcement on our Reservation. The BIA's Office of Justice Services (OJS), which operates our detention program using federal employees, advises us that it needs a total of $4,844,000 to full operate our detention areas in compliance with federally mandated standards. This includes $2,675,464 for the adult wing and $2,169,422 for the juvenile section.

Until our detention center is fully staffed, BIA is forced to pay to house many detainees in county jails and release prisoners into our community because of inadequate bed space. This is very frustrating, given that we just expended in excess of $36 million of tribal funds to build this facility to replace a condemned BIA jail after years on the construction list with no action.

In addition to adequate funding, BIA needs full authority to enter into leases to operate justice facilities constructed by Indian tribes. The Ute Indian Tribe asks that the Subcommittee include language in the FY 2019 appropriations bill that grants full unilateral leasing authority back to the BIA. Due to issues with the General Services Administration, BIA is unable to finalize a lease to occupy and operate our Justice Center.

We also need a funding solution for addiction treatment in tribal justice centers. Drug addition and crime go hand in hand, but we need to break down the funding silos. The Indian Health Service has a small amount of treatment dollars, the Substance Abuse and Mental Health Services Administration and the Department of Justice (DOJ) have small competitive grant programs, and Medicare and Medicaid current regulations prohibit the use of its dollars for court ordered treatment. Meanwhile, BIA's OJS, which actually operates or funds on-reservation detention programs, has no treatment dollars at all. We ask that FY 2019 appropriations for Medicaid and Medicare allow tribes to access this funding by including the following language: "except persons receiving addition services pursuant to an order of a tribal court."

SUPPORT FOR INDIAN ENERGY DEVELOPMENT

The President's budget recognizes the significant economic impact from Indian energy development, but then proposes cutting funding for nearly every real estate and energy program needed to process energy permits. The President's budget states: "According to the U.S. Department of the Interior Economic Report FY 2016 … the Department's tribal energy and mineral programs had a Total Economic impact of over $9.58 billion in 2016."[5] In addition, the national economic impact of this energy development was about $18.1 billion in 2016.[6]

The Ute Indian Tribe asks that the Subcommittee prioritizing funding for BIA programs that support Indian energy development. This includes energy programs such as the Office of Indian Energy and Economic Development's Division of Energy and Mineral Development and the Indian Energy Service Center, as well as local BIA Agency real estate and environmental positions. The $4.5 million provided in FY 2016, to establish the Indian Energy Service Center was a good start, but additional funding is needed to fully the office. The Service Center provides needed support for permitting, but front line staff in our BIA Agency are also needed.

TRIBAL CONSULTATION NEEDED ON INTERIOR REORGANIZATION PLANS

Finally, it has been about a year since Secretary Zinke announced his plans to reorganize the Department of the Interior. The Secretary has not held a single consultation session us or any other tribes. We ask that the Subcommittee refuse to appropriate any funding for reorganization efforts until proper and required government-to-government tribal consultation is held.

Thank you for the opportunity to testify on these important funding issues.

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[5] DEPT. OF THE INTERIOR, BUDGET JUSTIFICATIONS AND PERFORMANCE INFORMATION FISCAL YEAR 2019 IA-CED-4 (2018)
[6] *Id.*

Mr. SIMPSON. Thank you.
Chairman Hawley.

THURSDAY, MAY 10, 2018.

NATIONAL INDIAN HEALTH BOARD

WITNESS

VINTON HAWLEY, CHAIRMAN, NATIONAL INDIAN HEALTH BOARD

Mr. HAWLEY. Thank you. Thank you, Mr. Simpson, Ranking Member McCollum, members of the committee. Good morning, and thank you for holding this public witness hearing on the Fiscal Year 2019 appropriations. My name is Vinton Hawley, and I am the chairman of the National Indian Health Board, and I am also the chairman for the Pyramid Lake Paiute Tribe in Nevada. NIHB is a 501(c)(3) nonprofit organization that was formed by the tribes in 1972 to advocate on behalf of Indian Country when it comes to achieving better health outcomes for American Indians and Alaska Natives.

As the committee is aware, historical trauma, poverty, and lack of adequate resources continue to plague tribal communities. On average, American Indians and Alaska Natives have a life expectancy of 4.2 years less than other Americans, but in some areas it is far lower. In Montana, white men live 19 years longer than an American Indian man, and a white woman lives 20 years longer than an American Indian woman. In South Dakota in 2014, white residents, the median age at death was 81 compared to the age of 58 for American Indians.

Despite the robust investments made by this committee since Fiscal Year 2008, we still experience low spending per user. Per capita expenditures for Indian Health Service patients are about $5,000 less per year than spent on average with American Indian's healthcare. In fact, IHS spending per capita is lower than all other Federal health delivery programs.

It is important to remember that many of the increases in the IHS budget have not been for direct healthcare expansion. When considering staffing for new facilities, inflation, medical inflation, population growth, contract support cost obligations which should have been appropriated along, the effective increase is minimal. We need to do more.

As part of the National Tribal Budget Formulation Work Group, tribes have requested $32 billion to fully fund IHS over a 12-year period beginning in Fiscal Year 2019. To phase in the full funding request, tribes have recommended $6.4 billion for IHS in Fiscal Year 2019. Top priorities include hospitals and clinics, purchase referred care, PRC, mental health, alcohol and substance abuse services, dental services, and facilities construction. You can see more details on this in our written statement and the NIHB website.

While the funding disparities undoubtedly remain, we also urge this committee to provide oversight on IHS-operated health facilities. As you are aware, several IHS facilities in the Great Plains Region have lost CMS accreditation due to quality of care concerns. We have heard stories of babies being born on bathroom floors,

nursing staff not being trained in how to operate a crash cart or call a Code Blue, and failure to use isolation procedures for highly-infectious disease. I am disappointed to report that little has changed since those facilities lost accreditation in 2015.

To make matters worse, the attitude displayed by several senior IHS staff during this ordeal have revealed a disturbing level of complacency. While public statements by IHS and HHS have been strong, it is not clear that senior managers at the headquarters and area level are taking the issues as seriously as they should in order to direct a cultural change agency wide. Few other Americans with private insurance live with these realities.

While we continue to urge the committee to provide oversight over the IHS as it works to correct the deficiencies at their hospitals in the Great Plains, we also call on Congress to provide IHS with sufficient funding so that the Service is able to safely and effectively carry out its mission. We cannot continue to starve the IHS system and expect better results. It just will not work. As Congress debates creating dedicated funding streams to tribes on issues such as opioid treatment, food nutrition, and health, the National Indian Health Board would stress to the committee that the purest fulfillment of the trust responsibility would be the transfer of the IHS budget and the budget of all tribal public health funding into mandatory spending. This would ensure that the Federal government is fulfilling the trust responsibility and meeting American Indian and Alaska Native patient need without the need for politics.

The National Indian Health Board would also like to call to your attention the unfunded provisions of the Indian Healthcare Improvement Act, which was permanently reauthorized in 2010. While this important law made many changes to the operation of Indian health programs, a large number of the provisions remain unfunded. This represents another broken promise to Indian Country. Tribes have identified top priorities of the law to be funded, and we urge you to take these into consideration as you develop the 2019 budget.

I would like to thank you again for the opportunity to testify here today. Indian Country is grateful for the work that has been done at this committee to realize increases in the IHS budget. We still have a lot to do to ensure that the Federal government fulfills the trust responsibility toward Indian Country and end the health disparities experienced nationwide. We look forward to continuing our work with this committee. Thank you very much.

[The statement of Mr. Hawley follows:]

National Indian
Health Board

TESTIMONY OF THE NATIONAL INDIAN HEALTH BOARD –
FUNDING FOR THE INDIAN HEALTH SERVICE AND INDIAN HEALTH PROGRAMS
HOUSE INTERIOR APPROPRIATIONS AI/AN PUBLIC WITNESS HEARING
MAY 10, 2018, 9:55AM

Chairman Calvert, Ranking Member McCollum, and Members of the Committee, the National Indian Health Board (NIHB) thanks you for holding these American Indian/Alaska Native Public Witness Hearings. On behalf of NIHB and the 573 federally-recognized Tribes, I, Vinton Hawley, NIHB Chairman and Chairman of the Pyramid Lake Paiute Tribe of Nevada, submit this testimony for the record regarding our recommendation for $6.4 billion in the Fiscal Year (FY) 2019 Appropriations for the Indian Health Service (IHS). NIHB is a 501(c)3, not for profit, national Tribal organization founded in 1972 to serve as the unified, national voice for American Indian and Alaska Native (AI/AN) health in the policy-making arena. This testimony reflects the IHS Tribal Budget Formulation Workgroup recommendations for FY 2019.[1] The Tribal workgroup is comprised of Tribal leaders, technicians and researchers, nationwide, who each year form Indian Country's priorities as they relate to IHS. Through this process and product, this testimony reflects the national Tribal voice. We urge this Committee to hear that voice and fully fund IHS.

The Federal Trust Responsibility

The federal promise to provide Indian health services was made long ago. Since the earliest days of the Republic, all branches of the federal government have acknowledged the nation's obligations to the Tribes and the unique trust relationship between the United States and Tribes. IHS is the primary agency by which the federal government meets the trust responsibility for direct health services. IHS provides services in a variety of ways: directly, through agency-operated programs and through Tribally-contracted and operated health programs; and indirectly through services purchased from private providers. Today the Indian healthcare system includes 46 Indian hospitals (1/3 of which are Tribally operated) and nearly 630 Indian health centers, clinics, and health stations (80 percent of which are Tribally operated). When specialized services are not available at these sites, health services are purchased from public and private providers through the IHS-funded purchased/referred care (PRC) program. Additionally, 34 urban programs offer services ranging from community health to comprehensive primary care. It is important to note that Congress has funded IHS at a level far below patient need since the agency's creation in 1955. In FY 2017, national health spending was $9,207 per capita while IHS spending was only $3,332 per patient.

Historical trauma, poverty, lack of access to healthy foods, loss of culture and many other social, economic and environmental determinants of health as well as lack of a developed public health infrastructure in Indian Country all contribute to the poor state of AI/AN health. This underfunding of the IHS is clearly visible when examining the health disparities for AI/ANs. Among AI/ANs, the rate of drug overdose deaths is twice that of the general population, according to the IHS. According to the Office of Minority Health, from 2009-2013, AI/AN men were almost twice as likely to have liver and inflammatory bowel disease (IBD) cancer as non-Hispanic White men and are 1.6 times as likely to have stomach cancer as non-Hispanic White men. In 2014, suicide was the second leading cause of death for AI/ANs between the ages of 10 and 34. Adolescent AI/AN females have death rates at almost four times the rate for White females in the same age groups.[2]

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[1] The full FY 2019 Tribal Budget Request is available at http://nihb.org/legislative/budget_formulation.php
[2] Office of Minority Health. Minority Population Profiles, American Indian and Alaska Natives. https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=4&lvlid=39 . Accessed on March 21, 2018.

Tribes are grateful for the recent appropriated increases to IHS over the last several years, but the increases have not allowed for significantly expanded services or improvements in equipment, buildings or staffing. Much of the increase supplied by Congress simply covers needs associated with population growth, inflation, full funding of Contract Support Costs, and maintaining current services. This leaves little extra money for making actual improvements in health services or to build public health infrastructure.

Indian Health Service Budget

Tribes recommend **$32 billion** to fully fund IHS, to be phased in over 12 years, with a $6.4 appropriation in FY 2019. This includes amounts for personal health services, wrap-around community health services, facilities, and capital investments. Within this $32 billion is: **$17.37 billion** for Medical Services; **$1.82 billion** for Dental and Vision Services; **$4.07 billion** for Community and Public Health Services; **$8.77 billion** for facility upgrades and upfront costs. The top 5 areas for program expansion at IHS include: 1) Hospitals and Clinics; 2) Purchased/Referred Care; 3) Mental Health; 4) Alcohol and Substance Abuse; 5) Dental Services.

Hospitals and Clinics – In FY 2019, Tribes recommend **$2.3 billion** for Hospitals and Clinics (H&C) which is $246 million over the FY 2018 enacted level. Adequate funding for the H&C line item is the top priority for fiscal year 2019, as it provides the base funding for the 650 hospitals, clinics, and health programs that operate on Indian reservations, predominantly in rural and frontier settings. This is the ***core funding*** that makes available direct medical care services to AI/ANs. Increasing H&C funding is necessary as it supports medical care services provided at IHS and Tribally-operated facilities, including emergency care, inpatient and outpatient care, medically necessary support services, such as laboratory, pharmacy, digital imaging, information technology, medical records and other ancillary services. In addition, H&C funds provide the greatest flexibility to support the required range of services needed to target chronic health conditions affecting AI/ANs.

Health IT: One area within the H&C line item is Health Information Technology. IHS does not receive dedicated and sustainable funding for the agency to adequately support health IT infrastructure, including full deployment of electronic health records (EHRs). The current Resource and Patient Management System (RPMS) is a comprehensive suite of applications that supports virtually all clinical and business operations at IHS and most Tribal facilities. No new funds have yet been appropriated to support operations and maintenance for the RPMS suite. Without a solution, IHS's Health IT system will be left behind, and IHS patients will be at risk. With the VA's announcement to move toward a commercial-off the shelf EHR, it is critical that IHS receive parallel appropriations to facilitate the replacement of RPMS, since our system is based on VA's VistA program.

Purchased/Referred Care – In FY 2019, Tribes recommend **$1.2 billion** for the Purchased/Referred Care (PRC) program. This is $282 million above the FY 2018 enacted level. The PRC budget supports essential health care services from non-IHS or non-Tribal providers. In FY 2015, PRC denied over $423.6 million in services – that is 92,354 needed health care services that AI/ANs were denied. The shortage of PRC funds directly contributes to the opioid crisis in Tribal communities. The deferral of care due to funding and workforce shortages has pushed Tribal members towards prescription opioids to treat health conditions that would otherwise successfully be treated with non-opioid therapies. This endless cycle of deferral and opioid dependency is a result of the underfunding of the IHS system, and must be stopped.

Mental Health – In FY 2018, Tribes are recommending **$207.8 million**. This is $107.9 million above FY 2018 enacted. This significant increase is needed to enhance the capacity of Tribal communities to develop innovative and culturally relevant prevention programs that are greatly needed in Tribal communities. Research has shown that AI/ANs do not prefer to seek mental health services that rely solely upon Western models of care; which suggests that AI/ANs are not receiving the services they need.[3] For example, NIHB spoke with a young woman from the Pine Ridge Reservation who courageously shared her story about her multiple suicide attempts. She went to an inpatient psychiatric facility in Rapid City, but did not feel that she received healing. It wasn't until she attended a Lakota cultural healing camp that her life turned around. But the camp operates through donations and community support. The geographic remoteness of most Tribal communities demands unique and innovative treatment options to address comprehensive mental health, substance abuse and psychiatric services.

Alcohol and Substance Abuse – In FY 2019, Tribes recommend **$207.8 million** for the Alcohol and Substance Abuse budget. This is $100 million above the FY 2018 enacted level. Of the challenges facing AI/AN communities and people, no challenge is more far reaching than the epidemic of alcohol and other substance abuse. For instance, the state of Minnesota reported that pregnant AI/AN women were 8.7 times more likely to be diagnosed with maternal opioid dependency, and that AI/AN infants were 7.4 times more likely to be born with neonatal abstinence syndrome (NAS). The current opioid and substance abuse epidemic has disproportionately impacted Tribes and has further strained the limited public health and healthcare resources available to Tribes. Successful treatment approaches include traditional healing techniques that link the services provided to cultural practices and spiritual support. However, inadequate funding for alcohol and substance abuse services has a ripple effect on other services, such as overloading the agency's outpatient clinics, urgent care departments, and emergency departments with unnecessary visits (typically funded by Hospitals and Health Clinic funds and third party collections).

Dental Health – For FY 2019, Tribes recommend **$251.9 million** for Dental Health. This is $56.6 million above the FY 2018 enacted level. In the general U.S. population, there is one dentist for every 1,500 people, but in Indian Country, there is only one dentist for every 2,800 people. It is not uncommon for elderly patients to wait out in the cold for one of just a few dental appointments available. This delayed or deferred care has long-term impacts over a patient's overall health. NIHB and the Tribes continue to support the expansion of Dental Therapists (DTs) to Tribes outside of Alaska as a safe, reliable, cost-effective means for Tribal members to access oral health services. Some Tribes in the lower 48 have created programs outside of IHS funding to allow them to utilize DTs, but provisions in the Indian Healthcare Improvement Act[4] make it difficult to use IHS resources to use these effective providers. We encourage the Committee to work with the other relevant authorizing Committees to repeal this section of the law.

FY 2019 President's Budget Request

The FY 2019 President's Budget Request includes $5.4 billion for IHS discretionary spending in FY 2019, $113.7 million below the FY 2018 enacted budget. While we appreciate the emphasis on direct care and substance abuse, certain items in the FY 2019 request are of particular concern for NIHB and the Tribes.

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[3] Beals, J., et al. (2005). Prevalence of mental disorders and utilization of mental health services in two American Indian reservation populations. *American Journal of Psychiatry, 162*, 1723-1732.

Walls, M. L., Johnson, K. D., Whitbeck, L. B., & Hoyt, D. R. (2006). Mental health and substance abuse services preferences among American Indian people of the northern Midwest. *Community Mental Health Journal, 42*, 521 -535.

[4] 25 U.S.C. 1616l(d)

Facilities – Increases in facilities funding in FY 2019will be used to increase maintenance and improvement on IHS facilities, speed up the funding of projects on the IHS Healthcare priority list, and improve sanitation conditions in Tribal communities. IHS facilities represent some the oldest health facilities in the nation and at current rates of funding, a new facility built today would not be replaced for another 400 years.[5] The FY 2019 Budget Request proposes a ***decrease*** of $361.7 million from the FY 2018 enacted facilities budget. NIHB emphatically opposes this decrease.

Community Health Representatives/ Health Education – The FY 2019 request eliminates funding for the Community Health Representative and Health Education programs. Tribes are unambiguously opposed to this cut. While the budget notes that the cut was proposed in order to "prioritize direct health care services," it is important to note that CHRs ***are*** direct care. CHRs provide services like in-home patient assessment of medical conditions, providing glucose testing or blood pressure tests to determine if the patient should seek further care, and providing transportation for medical care. They also help interpret prescriptions which is critical to patient safety. There are more than 1,600 CHRs representing over 250 tribes in all 12 IHS Areas and CHR program data in FY 2016 demonstrated that CHRs conducted 340,270 home visits and provided 1,102,164 patient contacts/services on a variety of health related conditions. In FY 2019, the TBFWG recommends CHRs are funded at **$92.2 million**, which is $29.3 million above the FY 2018 enacted level. The group recommends that Health Education is funded at $35.9 million, an increase of $16 million from FY 2018 enacted budget.

Opioid Funding and Use of Competitive Grants – The FY 2019 President's Budget Request also proposes $150 million in competitive grants to "combat the opioid epidemic and address serious mental illness." This is part of the total $10 billion that the Department of Health and Human Services would receive. Firstly, this funding is a mere 1.5% set aside for AI/ANs despite the disproportionate disease burden in Tribal communities and the federal trust responsibility to Indian Country. Instead, the budget should set aside at least 10% for Tribes across all opioid related programs. Secondly, Tribes are universally opposed to this funding being distributed in the form of competitive grants. Grant programs are temporary, unreliable, non-recurring, and unable to address the ongoing critical needs of Tribal communities. Under the grant making process, some Tribes receive assistance and benefit from somewhat consistent increases, while other Tribes do not. This creates two pools of Tribes – those that have technical experience and financial resources receive funding, while many others without this capacity see no benefit. Instead of project or disease specific grant funds, the IHS needs to prioritize flexible, recurring base funds. Grants create a "disease de jour" approach, where the funding is tied only to an identified hot topic issue. Under the grant making process, Tribes cannot redesign the available programs and services to meet their needs. As such, ***IHS should never use a grant program to fund ongoing critical Indian Health needs.***

Conclusion Thank you again for the opportunity to offer this testimony for the record. You can find a more detailed FY 2019 IHS Budget Request at www.nihb.org. Please contact Stacy A. Bohlen, CEO of NIHB, at sbohlen@nihb.org, with any questions.

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[5] *"Federal Indian Trust Responsibility: The Quest for Equitable and Quality Indian Healthcare - The National Tribal Budget Formulation Workgroup's Recommendations on the Indian Health Service Fiscal Year 2018 Budget."* June 2016. P. 64.

Mr. SIMPSON. Thank you. Say your name again.
Ms. ROSE. Ahniwake.
Mr. SIMPSON. Ahniwake, okay.
Ms. ROSE. Thank you.

THURSDAY, MAY 10, 2018.

NATIONAL INDIAN EDUCATION ASSOCIATION

WITNESS

AHNIWAKE ROSE, EXECUTIVE DIRECTOR, NATIONAL INDIAN EDUCATION ASSOCIATION

Ms. ROSE. Mr. Simpson, Ranking Member McCollum, and friends, it is really good to see everybody here today, and thank you for the opportunity to testify. I know I am going to cut into my time, but I am really struck as I sat here how difficult and challenging your jobs must be because you listen to us for 2 days tell our stories, and then you have to go back and determine and prioritize those.

I hope that somebody we are able to fully fund all of these pieces and you do not have to keep listening, right, to our schools and our hospitals and our students who are so desperately in need. But thank you. Thank you so much for just taking the time over these 2 days to listen to us because we really believe that it is our stories that will continue to help, I think, lift and leverage your spirits as you are continuing to move forward on this work.

Now, that that cut into 20 seconds of my time, I will jump forward. [Laughter.]

Ms. ROSE. So, and I am just going to start with a hard hit, right? NIEA, as you can imagine, has significant concerns about the President's 2019 budget request. This proposal slashes over 19 percent of the BIE budget, cutting over $172 million in funding from Bureau-funded schools and $165 million for education construction. To get an idea of what that means in reality, that would mean 35 of our schools being closed. That is the amount of money that was slashed from our budgets. Such steep cuts demonstrate extreme neglect of Native students and families, and based on these numbers, it is really hard not to see that our children are being targeted in this Administration's budget proposal.

At this time, I just want to quickly review two budget priorities. The rest of our budget asks actually that I have heard from other folks here today are all included within our overall request that we will submit for the record.

BIE schools must be appropriated $430 million for construction and repair. A 2016 report from the Department of the Interior's Office of Inspector General estimated the cost of fixing dilapidated schools, concluding that more than $430 million would be needed to fix the problems already identified. And despite more recent estimates of $1.3 billion in need, the President's budget completely eliminates funding for new construction, and would halt progress on the three remaining schools from 2004. So, we are still trying to construct from 2004, and then 10 schools on the 2016 list, which I believe is one of your schools. The budget proposes instead $73 million in repairs which is an additional decrease of $36 million.

So, we have a maintenance backlog just for repair of $634 million in the system.

Now, we clearly understand that we were slashed in construction because the exchange of future funding for the infrastructure proposal. And we are pleased to see that BIE schools will be included in the Public Lands Infrastructure Fund, that the proposed infrastructure package does not abrogate the Federal trust responsibility for tribes and the country to fund BIE schools. The need for construction or repair in BIE schools is too great to wait for a possible infrastructure package that frankly the tribes have not even weighed in on to say if they approve of or not.

Students at the Quileute Tribal School, which is within Representative Kilmer's district, attend classes 14 feet below sea level in a tsunami and a flood zone. Currently, they are in the planning phase of the BIE construction process, so the current President's proposal would eliminate their ability to continue to move these students out of an incredibly day-to-day dangerous situation. But we all know this is not unique to Quileute.

Like you, though, NIA is concerned about BIE's accountability, and we have been working with the committee, and we wanted to let you know we are very concerned about the design build process and how this is going to be working in our communities. So, our organization has decided to start a process of investigating that ourselves. We have started interviewing, on actually OMB's request, how the design build process is working within the schools to have an understanding of it is being successful, how tribes are spoken with and worked with. And as soon as we have an idea of what that looks like, we will be happy to share that with the committee.

But we want to really stress that we understand the accountability nature that must be held. You cannot continue to provide them funds if they are not doing the best with their funds. And so, if design build is the way to go, we are going to support that. We also want to let you know we really support Gila River's proposal about the lease buyback program, and I really love to hear Mr. Small hit on the defense surge funding because, of course, we would love to see that once finished move over to your committee.

ISEP funds. We are very concerned about ISEP. I want to quickly mention we have approximately $2.2 million in public schools across the country for our ISEP funds where public schools receive $5.7 million in salaries. And so, while there is a false narrative out there about how much our schools are receiving per pupil, it is not nearly in relation to what public schools are receiving. It is not apples-to-apples comparison. It is an apples-to-coconut, right? So, we have some information for you as you are continuing to prepare your dollar-to-dollar comparison per student expenditure that we would really like to share.

In conclusion, we know that tribal leaders face day-to-day crisis situations, and so it was really wonderful to hear our tribal leaders up there. Everyone that I heard mentioned education. It is a crisis funding need. We understand where you are at in needing to list and have your priorities, but NIA wants to be your partner as you continue to do that. And anything we can continue to do to help

and support and elevate those stories, please let us know. Thank you.

[The statement of Ms. Rose follows:]

Testimony of the National Indian Education Association
Ahniwake Rose, Executive Director

Before the United States House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
May 10, 2018

INTRODUCTION

Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, thank you for this opportunity to provide testimony on the President's Department of Interior Budget Request for FY 2019. The National Indian Education Association (NIEA) has serious concerns regarding the steep cuts in funding to Native education within the Department of Interior (DOI), specifically proposed appropriations of $741.9 million for the Bureau of Indian Education (BIE) and $72.9 million for Education Construction in the Bureau of Indian Affairs.

NIEA is the most inclusive national organization advocating for improved educational opportunities that enable Native students to thrive in the classroom and beyond. NIEA equips all educators with the knowledge and tools needed to support Native students in reaching their full potential. NIEA offers professional development opportunities, policy and advocacy assistance, and educational resources.

As the lead agency responsible for the federal trust responsibility in Indian education, the BIE has a treaty responsibility for all Native students in schools across the country, including the 48,000 Native students that attend Bureau funded schools. Native students in all schools must have access to opportunities for college, career, and community success. In particular, the Subcommittee is in a unique position to promote safe facilities, culture-based education, and student achievement in BIE schools.

The Subcommittee's work on FY 2018 shows that you understand the importance of equity in opportunity for culturally relevant education at Bureau-funded schools. NIEA thanks the Subcommittee for holding firm and for the increases in several key areas. In particular, NIEA would like to thank the Subcommittee for its $238.3 million commitment to construction for safe and healthy schools for Native students in FY 2018. NIEA commends your leadership in the request for congressional reports that focus on a long-term facilities needs assessment of school facilities and expanding broadband access at BIE schools. NIEA asks that you continue your commitment to Native students for Fiscal Year 2019 appropriations.

The Subcommittee's work demonstrates a commitment to fulfill the federal trust responsibility. Established through treaties, federal law, and U.S. Supreme Court decisions, this relationship includes a fiduciary obligation to provide parity in access to all American Indian and Alaska Native students, regardless of where they attend school. The federal government must fully appropriate funding for Native education to fulfill the federal trust responsibility for education shared among the Administration and Congress for federally-recognized Indian tribes.

FY 2019 RECOMMENDATIONS

As the Subcommittee considers the President's Budget Request for FY 2019, NIEA has significant concerns regarding the proposed budgets for the DOI and the BIE. Overall, the President's Budget for FY 2019 proposed a 19 percent cut to the BIE, cutting over $172 million in funding for BIE education programs and $165 million for education construction and facilities improvement at BIE schools. Severe cuts and elimination of key programs, including the Johnson-O'Malley program, ISEP formula funds, post-secondary scholarships, and juvenile justice detention centers, impact student achievement and reduce college, career, and community readiness at Bureau funded schools. Such proposals fail to uphold the BIE's fiduciary responsibility to provide parity in education to Native students and families.

Though NIEA is pleased to see BIE schools included in the $18 billion "Public Lands Infrastructure Fund" proposal in the President's Budget Request for FY 2019. The proposed infrastructure package does not however abrogate the federal trust responsibility to fund construction for BIE schools in the federal budget. The Administration has slashed critical construction and maintenance funding for the BIE in exchange for the possibility of future funding in the infrastructure proposal. Despite estimates of over $1.3 billion in overall need for education construction at BIE schools, the President's Budget completely eliminates funding for new school construction. Instead, the budget proposes $72.8 million to repair existing schools, which currently have a maintenance backlog of over $634 million. Such steep cuts to funding for safe and healthy classrooms amount to extreme neglect of Native students and families.

Though current funding levels fail to fully address the $634 million need, the need for construction and repair in BIE schools is too great to wait for a possible infrastructure package without ongoing funding to address construction needs. Native students must have access safe and healthy classrooms where they can learn and thrive.

The BIE and Bureau of Indian Affairs must uphold their constitutional obligations to tribal nations by fully funding programs that serve the unique academic and cultural needs of Native students. Tribes and Native communities must have access to the resources necessary for Native students to thrive.

As the Subcommittee considers funding levels for the upcoming fiscal year, Congress must continue to invest in and oversee BIE programs to ensure that Native students have access to the resources necessary to thrive. NIEA thanks the Subcommittee on your commitment and requests your ongoing support to hold the DOI and BIE accountable for the delivery of critical services and reform efforts.

NIEA would like to highlight key programs and appropriations priorities within the DOI and BIE that impact Native students. The following funding levels for key federal education programs would promote Native student success in the classroom and beyond:

Education Construction - Provide $430 million for Bureau of Indian Education (BIE) school construction and repair. *An increase of $191.7 million above FY 2018 enacted.*

This funding category includes school construction, facilities improvement and repair, and replacement school construction. The Department of the Interior's Office of Inspector General published in September of 2016, an evaluation titled "Condition of Indian School Facilities," estimated the cost of fixing the dilapidated BIE schools, concluding that more than $430 million would be needed to fix the problems already identified.

Johnson O'Malley - Provide $42 million for full funding. *An increase of $27.1 million above FY 2018 enacted.*

The Johnson O'Malley program has provided grants to supplement basic student needs by assisting with the unique academic and cultural needs of Native students since 1934. The federal government allocated $125 per student in JOM funding in 1995. Current funds (FY 2017) provide less than $63.80 per student, which are often the only source through which Native students—including those in public schools—can engage in basic education activities.

Indian School Equalization Program (ISEP) - Provide $431 million for the Indian School Equalization Program. *An increase of $24 million above FY 2018 enacted.*

These funds provide the core budget account for BIE elementary and secondary schools by covering teacher salaries, aides, principals, and other personnel. Due to frequent reallocation of ISEP caused by cuts in other areas of education, ISEP must have adequate funding to ensure all program needs are fulfilled.

Broadband Internet Access - Provide $40 million to extend broadband internet access. *An increase of $21.15 million above FY 2018 enacted.*

Less than ten percent of Indian Country has access to broadband internet technology and 60% of BIE schools do not have adequate digital broadband access, or computer access, to be aligned with college and career readiness standards.

Bureau of Indian Education Immersion Demonstration Grants - Provide $5 million for BIE immersion programs. *An increase of $3 million above FY 2018 enacted.*

According to UNESCO, 74 Native languages stand to disappear in the next decade, with only 20 Native languages being spoken by 2050. Providing Immersion Demonstration Grant funds protects the cultural and linguistic heritage of Native students in education systems by providing Native students immersion learning in order to strengthen language, improve academic outcomes, and become future leaders of their tribes.

Student Transportation - Provide $73 million for student transportation in the BIE system. *An increase of $16 million above FY 2018 enacted.*

BIE schools incur disproportionately high costs in transporting Native students to and from school due to the often-rural location of BIE facilities. These high costs often lead to funding shortfalls, which then must either go unpaid or funded by diverting funds from other

education programs.

Tribal Grant Support Costs - Provide $90 million for tribal grant support costs for tribally-operated schools. *An increase of $9 million above FY 2018 enacted levels.*

Tribal Grant Support Costs fund the administrative costs of existing tribally-operated schools. Full funding is critical as these funds help tribes expand self-governance and tribal control over education programs. Schools must divert critical teaching and learning funding to cover any shortfalls in operational costs.

Facilities Operations - Provide $109 million for BIE facilities operations. *An increase of $42.4 million above FY 2018 enacted.*

BIE schools use this funding for costs such as electricity, heating fuels, communications, GSA vehicle rentals, custodial services, and other vital operating expenses. For years, schools have only received roughly 50 percent of funding needed for these expenses. This shortfall is unacceptable as costs continue to rise for vital services.

Facilities Maintenance - Provide $76 million for BIE facilities maintenance. *An increase of $16.5 million above FY 2018 enacted.*

BIE schools use this funding for the preventative and routine upkeep, as well as for unscheduled maintenance of school buildings, grounds, and utility systems. Underfunding of maintenance continues to be an issue as buildings are in poor conditions and cannot maintain proper standards.

In addition, NIEA supports requests to fully fund and support Tribal Colleges and Universities through FY 2019 recommendations provided by the American Indian Higher Education Consortium.

CONCLUSION

Appropriations for FY 2019 have the potential to ensure that Native students have access to the facilities and resources necessary to succeed in the classroom and beyond. Our recommendations above highlight the necessary appropriations to fully fund key programs that support quality and culturally appropriate Native education. The 48,000 students in Bureau funded schools deserve nothing less than the full funding necessary to thrive.

Thank you again for the opportunity to address this Subcommittee. For questions regarding this testimony, please email or call Ahniwake Rose, NIEA Executive Director, at arose@niea.org or 202-847-0033.

Mr. SIMPSON. Thank you all for being here and your testimony. This is really truly a bipartisan issue, at least with this committee, and I think more and more with Congress. It is a priority to address Indian Country, and, as you know, this committee, as you mentioned, has been trying to do that over the last several years. But it is not because of us, it is because of the testimony we have heard for the last 10 or 15 years that you all come and bring to us and the need.

And we have gone out and visited many reservations over the years and many tribes in various areas, and sometimes you need to get out and see it, you know. I have seen some schools that I would have a hard time sending my child to because of the need.

I would tell you, you all have mentioned various aspects of the Administration's budget request. That is a suggestion, one that we sometimes look at with amusement. [Laughter.]

Mr. SIMPSON. But, you know, they have talked about the Johnson O'Malley funds. They are going to be there, and we are going to make sure that the resources are there for the energy development and so forth that they have proposed eliminating. I chair the Energy and Water subcommittee, and there are always a bunch of programs in there that they want to zero out. It is easy to do, if all you are doing is submitting a proposal. So, I would not be too worried about what is being proposed, but we do need to hear from you.

For years, there was so much to do, and we decided that healthcare is where we really needed to start because if you do not have healthcare, you do not have the rest, you do not have anything else. So, we plussed up healthcare, and we are not there yet, but as we got moving that up, then we are starting to look at education and the school construction and so forth. We still have law enforcement and security on reservations that needs to be plussed up. So, there are different areas, and all of them are important. So, I thank you for your testimony and being here today.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. Sometimes it is best to paint a picture, and you said it is the equivalent, and I want to make sure I heard it right, of 35 schools being closed?

Ms. ROSE. Correct.

Ms. MCCOLLUM. Perfect, I am going to use that. Thank you very much.

Mr. SIMPSON. I bet you are.

Ms. MCCOLLUM. Yeah. [Laughter.]

Ms. MCCOLLUM. Well, we will use it, how is that?

Mr. SIMPSON. Yes, okay.

Ms. MCCOLLUM. We are going to use it together. I want to just take a second to discuss the design build issues. One of my frustrations, and I will use Beatrice Rafferty, is that we appropriated the funds, and then everybody got in a big squabble about how to count students, and so nothing has happened. That is just bureaucracy at its worst. We also need to figure out, I think, ways in which to hold the Bureau of Indian Education a little more accountable when we have expended the funds.

But as Mr. Simpson pointed out, sometimes just as you feel very overwhelmed with all the things that you are trying to deal with

in Indian Country, we feel some of that wave coming towards us, too. So, you have my pledge. You have reinvigorated me to look at this.

You talked about design build phase. Have you been following what Leech Lake decided to do? It was their choice. They have decided to go with modular construction, but it is not modular in the way that we think of modular——

Mr. SIMPSON. Trailers.

Ms. MCCOLLUM [continuing]. Trailers. It is a pre-fab building. And in full disclosure, I lived in a pre-fab house. It was the first house we could afford, and we lived there for, oh geez, it was like 20 years or something. It is resold. It is standing, and the family there now, they are still very happy. But Leech Lake chose to do pre-fab, and they are opening up the school in July. We expedited and got things moving faster using pre-fab, and Leech Lake has been happy with the process. That might be another model that we can put out there for tribal organizations to look at. It should be with consultation and your choice, but we will see how this goes.

Is there anything else you want to share about the design build pre-fab, ways we should be looking at it besides the leasing proposal from Gila River? If you have something you can give us to look at later for funding, we would really appreciate it.

Ms. ROSE. I would love to. And I really want to thank this committee. We have had a really great relationship working with the committee staff and thinking about ways that we can identify creative solutions.

One thing that I have become increasingly aware of and trying really closely to make the distinction about is BIE and BIA, right? BIE has very little say about what is actually taking place within the construction, or things like when things need to move up the chain of command, right, around Interior. So, that was part of the reorganization so that BIE would be able to have more of an opportunity to assist with the direct construction process. Right now, it is all Interior, and I think BIE is getting the blame for some of the issues that Interior is dealing with currently. So, I think that we need to be right and identify the bureaus and what is happening within the agencies.

So, as far as the pre-fab, we think that is a wonderful idea. There are a lot of schools that have been waiting for 50 years, and they are looking forward to something like Santa Fe Indian School, right? A full designed process. They feel like they have been 50 years and they should have a building that is reflective of their schools and their communities. So, if there are other communities that are perhaps not on the construction list that want to move to the pre-fab design, I think that is a fantastic alternative solution. So, I think the more opportunities we can create to find additional solutions on top of the ongoing construction, we need to be able to figure what is that package, right, of ideas that we can move forward with to consultation.

But I am increasingly concerned about the BIA/BIE lack of coordination, and what is happening with the BIE sort of getting, I think, a disproportionate share of the blame for what is happening within Interior. Thanks.

Mr. SIMPSON. Thank you all for being here. Congressman Cole always brings in a piece of paper that shows the amount of money spent on healthcare for the average American or for people on Medicare or Medicaid, and veterans, and Indians, and the difference is stunning. So, anyway, I appreciate you bringing that up. Thank you all for being here today.

The next panel is Kevin——

Ms. MCCOLLUM. Dupuis.

Mr. SIMPSON. Kevin.

Ms. MCCOLLUM. It is French.

VOICE. Kevin. [Laughter.]

Ms. MCCOLLUM. Ken has the same thing. When you get to the northern tribes, we have a heavy French influence.

Mr. SIMPSON. Yeah, and I am not French. [Laughter.]

Mr. SIMPSON. Okay, and Russ McDonald, and Natasha Gourd.

VOICE. I do not see Natasha.

Ms. MCCOLLUM. She is out in the hall. Mr. Chair, while you are waiting, the chairman of Red Lake could not make it. We have his testimony submitted for the record.

Mr. SIMPSON. It will be entered in the record.

[The information follows:]

TESTIMONY OF THE HONORABLE DARRELL G. SEKI SR.
CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS
Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2019 BIA, IHS, and EPA Budgets, May 9-10, 2018

Chairman Calvert and Ranking Member McCollum, we thank you and the other distinguished members of the Subcommittee for this opportunity to provide testimony on behalf of the Red Lake Band of Chippewa Indians. Red Lake is a large tribe with 12,000 members. Our 840,000 acre Reservation is 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 land area over which we exercise full governmental authority and control, in conjunction with the United States. Due in part to our remote location, there are few job opportunities available for tribal members. While unemployment in Minnesota is only 3.1 percent, ours remains close to 50 percent. The lack of good roads, reliable communications systems, and other necessary infrastructure continues to impede economic development and job creation at Red Lake. The appropriations process is a major avenue through which the United States fulfills its trust responsibility and honors its obligations to Indian tribes. We request an additional $5.1 million in FY 2019 funding for Red Lake programs as described below.

Protect Indian Country Funding from Proposed 22 Percent Cut to BIA. We greatly appreciate your restoration of the Administration's proposed FY 2018 budget cuts, and for the much-needed additional increases you provided for Indian programs. The President's proposed FY 2019 BIA budget of $2.39 billion represents a horrible $665 million cut over the FY 2018 enacted level. Last year the Tribal Interior Budget Council, the lead consultative body on Indian Affairs funding, provided its FY 2019 budget priorities to Indian Affairs leadership. Tribal leaders were shocked to find that their top priorities were cut the most, or outright eliminated, in the President's budget. Social Services was cut 37%, Indian Child Welfare cut 28%, Tribal Scholarships eliminated, Tribal Courts cut 28%, the Housing Program eliminated, and Johnson O'Malley Education Grants eliminated, to name a few. The greatest cuts were for programs that serve our children and families and educate our youth. In addition, 21 programs were slated for complete elimination, including the critical Tiwahe Family Initiative. Contrary to what the Administration has claimed, these programs impact tribes all across the country. We are thankful that this Subcommittee has made investments in strengthening our families and assisting our youth. We ask that you again restore all of the Administration's proposed cuts in FY 2019.

Rescissions, Sequestration, and Pay Cost Cutbacks Have Eroded Tribal Program Funding. Since FY 2000 there were 20, across-the-board rescissions to tribes' core government programs, totaling 9.5 percent, including things like Hurricane Katrina recovery. The needs of most rescissions were met long ago, but the funding cuts continue. Since FY 2013 our government programs were cut another 5 percent from Sequestration, and these cuts also were never restored. The resulted is significant erosion to critical tribal program funding and our ability to maintain public health and safety. To make things worse, inflation since FY 2000 totaled 41%. Pay Costs are the only increase many tribal programs receive and are vital to maintain minimal staffing levels. Since FY 2001, Interior agencies lost more than $800 million from the partial funding of Pay and other Fixed Costs. Each of the last three Administrations and OMB have been guilty of this, and this Subcommittee has previously stated the Administration should request full funding

for Pay Costs in all future budgets. We ask that you renew the call to fully fund Pay Costs, and we ask for $2.2 million in FY 2019, the amount Red Lake has been shorted since FY 2001.

Protect and Fully Fund the BIA Tiwahe and Recidivism Reduction Initiatives (RRI). Thank you for restoring the Tiwahe Initiative in FY 2018. Tiwahe and RRI are positively impacting tribes by providing resources to address the inter-related problems of poverty, violence, substance abuse, and associated outcomes like youth suicide. Tiwahe encompasses several BIA programs including Social Services, ICWA, Courts, Job Placement and Training, and Housing. The RRI is a BIA Public Safety and Justice program within its Law Enforcement Special Initiatives line, and which is now part of the broader Tiwahe Initiative. Tiwahe and RRI enabled Red Lake to finally open a juvenile facility that sat vacant for a decade due to lack of funding. We're using this facility, the Red Lake Children's Healing Center, to provide vital mental health, substance abuse, domestic abuse, and recidivism reduction services to our youth in a culturally appropriate manner. Last year we served 48 youth, and 56% of them have not reoffended in 6 months or more since receiving services. We also operate an onsite school for high risk middle school students in a partnership with the Red Lake School District. This year the Children's Healing Center will implement a 24/7 residential treatment program for rehabilitative mental health and substance abuse services. Leveraging Tiwahe resources with other agencies, we have recently established a juvenile healing to wellness court and a family drug court. We've also been able to add several child protection positions to our court, including guardians ad litem, to ensure that children involved in legal proceedings have their needs and interests met. Additionally, Our Tribal Health Wellness Program works in concert with IHS Behavioral Health staff and the schools. Last year our staff had 8,095 encounters with children, working to promote healthy lifestyles. They provided help to 70 students with suicidal ideation, dealt with 5 suicide attempts, and implemented 100 student safety plans. In the last 28 months we have had one youth suicide. Although one suicide is too many, for Red Lake this represents a significant reduction, and we have made major progress towards our goal of ending youth suicide. This year our Red Lake Suicide Team has joined forces with the American Indians and Alaska Natives Task Force and the National Action Alliance for Suicide Prevention. We plan to send some of our youth to the American Indian and Alaska Native Behavioral Health Conference this summer to share some of what has worked at Red Lake and to also learn from others.

Red Lake has made much progress to address the needs of our youth and families. Continuation of the Tiwahe and RRI Initiatives is vital to us, and to tribes across the country. We've been able to leverage Tiwahe funds with other resources to strengthen and empower our community through culturally appropriate services providing health promotion and family stability. You are helping our children and families to have better lives and safer communities, and we thank you.

BIA Justice Services: Law Enforcement, Courts, and Community Fire Protection. The Tribal Law and Order Act ("TLOA") was intended to empower tribal law enforcement with resources needed to combat crime. However since TLOA's implementation, BIA funding for

tribal law enforcement has actually shrunk, thus hindering our ability to reduce crime and protect lives. Recent administration budgets failed to include increases for tribal law enforcement operations. We thank you for providing an additional $5.6 million for tribal law enforcement in FY 2017, this increase provided an additional $36,500 to Red Lake. Unfortunately that was less than the amount we lost from Sequestration and Rescissions. The BIA is obligated to provide adequate funding to meet our basic public safety needs, but the BIA has repeatedly failed to do so. Our public safety programs are understaffed and undersupplied relative to the BIA's own safety standards. Last year, we had to spend $2.9 million more than the BIA provided, in order to maintain minimal public safety at Red Lake. The only way we could pay for these costs was to take money from other tribal government programs, which were already critically underfunded.

We appreciate the $7.5 million in FY 2018 to fight the opioid epidemic, and we hope some funds will reach our Tribe. Last year Red Lake declared a Public Health Emergency because of the sharp increase in opioid overdoses. We had 87 overdoses, and 55 lives were saved by the use of Narcan. We also began a Naloxone program, with more than 300 doses administered. Despite woefully inadequate BIA Public Safety funding, we're taking action. Red Lake Law Enforcement has waged a serious war on drugs, and last year we took over 27,904 grams of heroin and other drugs valued at over $1 million out of reservation communities, and we seized vehicles, personal property and over $38,000. We doubled the number of drug related search warrants in 2017, executing over 54 warrants, with drug dealers going down every week. We are holding drug dealers accountable at the tribal and federal level. But we need more resources locally if we are to succeed in stopping the epidemic. We request an additional $10 million in FY 2019 for tribal law enforcement operations in the field.

Funding for Tribal Courts is grossly inadequate, and a top priority of tribes. Thank you for providing an additional $2.6 million in FY 2018 for Tribal Courts in support of the Tiwahe Initiative, and we agree with you that Tribal Courts need more resources, including those courts in P.L. 83-280 states. We ask that you provide an additional $10 million in FY 2019 for Tribal Courts. Community Fire Protection has been neglected for decades. We are responsible for fighting fires on our Reservation and protecting lives, on a yearly BIA-funded budget of $42,500. We ask that you provide $10 million for Community Fire Protection in FY 2019.

In order to provide minimal public safety in FY 2019, and to help us combat the opioid crisis, we ask for an additional $2.9 million for Red Lake Public Safety and Law Enforcement.

Public Safety and Justice Construction. We appreciate your FY 2018 increase in infrastructure for facilities replacement and new construction, employee housing, facilities improvement and repair, fire safety, and fire protection. Red Lake has been trying to improve its dilapidated public safety infrastructure, but the lack of BIA funding has made it difficult. Years ago the BIA condemned its Red Lake law enforcement center, but told us they didn't have funds to replace it. For health and safety reasons, the Tribe was forced to obtain a $5 million private loan to build a

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new law enforcement center in 2011. Additionally, this year the Tribe is replacing our two dilapidated fire halls, also through a loan. Replacement of these three buildings was the responsibility of the BIA, but since they would not step up to the plate, we were forced to. We are currently in the process of developing BIA lease agreements, pursuant to 25 USC 5324(l), so that the BIA can share in the cost of these buildings. We ask for your support in our efforts to secure building lease agreements with BIA, and we will keep you informed of our progress.

Housing Improvement Program (HIP). The HIP Program has allowed Red Lake to provide housing assistance for our poorest and elderly members. We thank you for restoring the HIP program in FY 2018, and for providing $1.7 million for Housing under the Tiwahe Initiative. To continue funding our initiatives, we request an additional investment of $10 million in FY 2019.

Trust Natural Resources. Most tribal natural resources recurring base programs, which fund tribes' day-to-day conservation responsibilities, have not been increased for years. As a result, tribes have been unable to adequately manage their resources. Most tribal resource management activities are funded under the BIA budget categories of Tribal Management Development, Natural Resources TPA, Wildlife and Parks TPA, and Forestry TPA. We urge you to increase funding for each of these programs by at least $5 million above the FY 2018 enacted levels.

Indian Health Service (IHS). Thank you for providing $5.5 billion in FY 2018 for IHS, an increase of $497.8 million over FY 2017. There is a tremendous unmet need for IHS and tribal health programs, stemming from years of chronic under funding. IHS mandatory increases for inflation, population growth, pay costs, and CSC surpass the requested increase. Per capita expenditures for IHS in 2015 were only $3,688 person, compared to $9,523 for the general population, a great disparity. For FY 2019, the IHS Tribal Budget Formulation Workgroup requested $6.4 billion for IHS, and we ask that you provide this amount. We're shocked by the Administration's position that Native Americans might need to get a job if they want to keep their health care - a policy that will threaten access to care and reverse centuries-old protections. We ask that you find a legislative fix to mandatory Medicaid work requirements for IHS users. Without supplemental Medicaid resources, the Indian health system will not survive.

EPA Programs. As Red Lake is home to the 6th largest natural, freshwater lake in the United States and approximately 60 percent of the Indian trust land in EPA Region 5, spanning a geographic area the size of West Virginia, water, wetlands, animals, and plants are vital to our Tribe. Vital EPA programs like General Assistance (GAP), Clean Water Act Sections 106 Pollution Control and 319 Nonpoint Source, Brownfields, and Clean Air Act Section 105, provide only 50 percent of the staff and support needed. We ask that you restore all of the FY 2019 proposed cuts for these programs, and that you consider increasing them.

Thank you for allowing me to present, for the record, some of the most immediate needs of the Red Lake in FY 2019, and for your consideration of these needs.

Mr. SIMPSON. Thank you for being here today. Kevin, you are first.

THURSDAY, MAY 10, 2018.

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

WITNESS

KEVIN R. DUPUIS, SR., CHAIRMAN, FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

Mr. DUPUIS [speaking native language]. Good morning, everybody. My name is Kevin Dupuis. I am the chairman of the Fond du Lac Band.

Can you hear me now? [Laughter.]

Mr. DUPUIS. Well, good morning. I am Kevin Dupuis. I am the chairman of the Fond du Lac Band of Lake Superior Chippewa. First of all, I would like to thank you for inviting me to testify, and thank you for the work to increase Federal funding for programs serving Indian Country in 2018. We would like to ask you to do the same in 2019.

Indian communities are the most vulnerable in the Nation. Indian people in Minnesota suffer from higher rates of poverty, unemployment and homelessness in the Statewide population. We are especially hard hit by the opiate epidemic. Recent data shows that the Native Americans in Minnesota are at least 5 times more likely to die from a drug overdose than whites. The epidemic is affecting generations of our people.

The opioid epidemic increases the demands in every program and service where provided. It increases demand of our police. Every year they respond to large numbers of crimes. Many of these crimes are drug related. We also see an increase in sex trafficking of our women and our children. We are working now to establish a tribal task force to combat these serious problems. We need to hire more police officers and provide our police officers with more specialized training, but there is not enough money to do this.

The opioid epidemic also increases the demand of our clinics. We know that in the treatment of opioid addiction, it is not enough to replace one drug with another drug. Instead, in our clinics we provide counseling to treat the underlying problems that lead to the addiction. This requires more staff, but is the only way to address the problem long-term.

The opioid epidemic also means that more families are at risk. Indian babies in Minnesota are 7 times more likely to be born with an addition than non-Indian babies. The number of children who are in foster care is growing. Since 2015, there has been a 65 percent increase in cases involving children in need of protective services. It is like a second boarding school.

The solution to these problems require consistent coordination and response. Education is an important part of this effort. We also have found that the greatest success comes from the programs that build our traditional culture practices. For example, a central part of our identity and our culture is centered on hunting, fishing, and gathering within our natural resources just as our ancestors did.

The importance of this is for us a people to confirm that our treaties with the United States, which makes clear that we retain the rights to hunt, fish, and gather in our natural resources, both inside and outside of our reservation. The exercise of these treaty rights puts food on the table for our people who may live in or near poverty. The use of these traditional foods is also important to a healthy diet as we work to end very high rates of diabetes among our people.

Our hunting, fishing, and gathering and the use of traditional food like fish, deer, moose, and wild rice, are also a very important part of our culture and our belief system. It connects us to the land and to our ancestors in a profoundly spiritual way. We teach our children these traditions and programs that teach our youth about their rich culture, and builds pride and self-esteem that can help our children turn away from gangs or the dangers of sex trafficking. Our traditional culture and practices also play an important role in healing those tribal members who are combatting opiate and other addictions.

Given the importance of these natural resources, we actively work to protect them from harm. We cannot eat fish that have high levels of mercury. Wild rice will not grow in waters that have very high sulphate levels. And many waters in Minnesota are impaired. The Federal funds from the Interior and EPA are essential in helping us to restore water quality, prevent pollution, and improve wildlife habitat. Unfortunately, funding has not kept pace with the need.

Housing is another important element in creating a safe, healthy community. We are working hard to provide safe, affordable housing, but too many of our people are still living in overcrowded homes or are homeless. Safe housing also requires safe drinking water that requires considerable investment. We rely on wells for drinking water, but because the quality of the water is poor, we need to treat it. And over time we need to replace wells and water treatment facilities. We are dealing with that right now. We need to replace the water supply for 50 homes and a community center. Federal funding is an important part of our ability to do this.

We are very thankful and grateful for the work you did to increase funding for these programs in 2018, and we urge that you do the same for 2019. [Speaking native language.] Thank you very much.

Mr. SIMPSON. Thank you, Kevin.

Mr. DUPUIS. Can I have one more brief thing? I want to talk about the opiates real quick.

Mr. SIMPSON. Sure.

Mr. DUPUIS. And I know all the other tribal leaders and probably everybody that came before me has talked about it. I want to bring light to an issue that we see in Minnesota. It was a video on YouTube on somebody's phone. They have an opiate party, and what they did was these young Native youths got together and had a party in a house, and they showed at the kitchen table Narcan, a bunch of it. They also showed the ice that was sitting in a bathtub. So, what they would do, when somebody would OD, they would jump start them and bring them to bathroom, put them in the ice to shock them out of it, and go right back to the party.

And within the State of Minnesota, the Governor, we had a meeting under the MIAC, Minnesota Indian Affairs Council, and they want to allocate a million dollars to the tribes to help with the opiate problem. It is not enough. It is not anything towards enough. They based it on the death rates on the Natives in Minnesota, and it is sad that somebody has to go home because of this, but that is not what the issue is. The issue is the overdose rate. I can personally tell you a name, but I am not going to give you the name of a person who overdosed 7 times.

So, when we talk about suicide prevention and the revenue that goes out there in suicide prevention, what is suicide? Is it the attempt, because when somebody OD's more than once, are they trying to kill themselves? This is staggering in Minnesota and probably everywhere else. Our people are dying at an alarming rate. Our kids are leaving us.

And when we talk about the seven generations, which most tribes believe in, think of that. Think of how many youth died who never had the chance to grow up and have children or grandchildren, and what we are losing at an alarming rate. And it is affecting every Native community in the country. The money that has been allocated from the government, $50 million, is nowhere near enough. If you break that down, that is a million dollars per State. We have 567 federally-recognized tribes. That is absolutely ludicrous.

So, to combat this problem, there has to be a joint effort, but it has to be looked at and in a very, very important way. If we want to live and continue to live and have our communities and our way of life, then we need to secure that for our children, and right now it is not there at all. So, when we do this, every one of our resources is affected to combat this, and that is why it is so important that we come up and talk to you and ask for funding to support what is needed so we can continue to live and maintain our way of life and our identity.

[Speaking native language.] Thank you.

[The statement of Mr. Dupuis follows:]

TESTIMONY ON FISCAL YEAR 2019 APPROPRIATIONS
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
KEVIN R. DUPUIS, SR., CHAIRMAN
BEFORE THE HOUSE COMMITTTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
May 10, 2018

On behalf of the Fond du Lac Band of Lake Superior Chippewa, I would like to thank you for the important work you have done, especially on FY18 appropriations, to make sure that federal funds are available to assist tribes in meeting longstanding needs. Thank you also for inviting me to testify on FY19 appropriations for Indian programs funded through the Interior Department, Indian Health Service, and Environmental Protection Agency.

As we talk about funding needs in Indian country, it is essential to keep in mind that the problems that may face communities nationwide are far more severe for Indian communities, with tribes having far fewer resources to address those problems. An example is the opioid epidemic. As of 2015, Native Americans in Minnesota were five times more likely to die from an overdose than white Minnesotans, and "2016 data show the disparity has continued and worsened. While the white drug overdose mortality rate increased from 10.1 to 11.7 per 100,000 white residents, the American Indian mortality rate increased from 47.3 per 100,000 residents to 64.6 per 100,000 residents."[1] The opioid epidemic creates other adverse impacts for Indian communities. It means that our children are "7.4 times more likely to be born with neonatal abstinence syndrome" which requires specialized treatment and care.[2] It increases demands on our social service programs for addiction treatment and counseling, and assistance to growing numbers of at-risk families, with more children in foster care or the subject of CHIPS (Child in Need of Protection or Services) proceedings—(an increase of 65% since 2015). It increases demands on our school to address the unique needs of children living in at-risk homes. And it increases the demands on our law enforcement who respond to ever-growing numbers of incidents that are drug related.

We have worked, and continue to work, to find solutions for problems of this kind. With seed money from federal funds, we have implemented innovative programs and measures to provide health, education, social services, public safety and other governmental services to our 4,200 members and the more than 7,300 Indian people who live on and near our Reservation. For example, Fond du Lac built the first-of-its-kind supportive housing programs in Indian country, and the first such supportive housing for Veterans. We have undertaken to implement best practices in health care, using a range of programs and services to aid our people. In so doing, we have found that an important element to the success of these programs is building on our traditional cultural practices. To illustrate, hunting, fishing, and gathering natural resources as our ancestors have done provides both a foundation for a healthy diet as well as spiritual support. Because of the importance of these practices, we are active in natural resource management and environmental protection so our water is safe to drink, fish are safe to eat, wild rice re-generates, game is plentiful, and natural resources remain available for cultural and religious practices that are central to our identity.

We are proud of what we have accomplished, but more remains to be done. The investment of federal funds is key to that effort. It 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.

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[1] http://www.health.state.mn.us.
[2] MDHS, "Minnesota State Targeted Response to the Opioid Crisis" (2017) at https://mn.gov.

Indian Health Service. We appreciate Congress's decision to increase by 10% above FY17 levels funding for IHS in FY18, which is essential to address the substantial unmet need for health care among Indian people and the increasing costs of medical care due to high rates of medical inflation. Indians at Fond du Lac, like Indians throughout the Nation, continue to face severe disparities across a broad range of health issues. In addition to the extraordinarily high mortality rates due to the opioid epidemic, Indians in Minnesota are far more likely to die prematurely than all others in the state, and suffer from the highest mortality rates for causes of death due to cancer, heart disease, diabetes, suicide, and unintentional injury.[3]

We are working to address these issues every day. We serve over 7,300 Indian people at our clinics, but the current funding level meets only 33% of our health care funding needs. To make progress in reducing the disparities in Indian health, we urge Congress to continue to increase funding for IHS. We urge an increase of $7 billion in order to fully fund IHS programs, with the top priorities given to Hospitals & Health Clinics; Purchased/Referred Care; Mental Health; Alcohol & Substance Abuse; and Dental Health. Expanded resources for treatment and community education capacity are especially needed to combat the epidemic of drug abuse.

We also ask that Congress increase funding for IHS Facilities, including Sanitation Facilities Construction. We rely on wells for drinking water, but the quality of the source water on our Reservation is very poor. It generally cannot be used unless treated, and where the source water is really poor quality, treatment may leave an unacceptable level of by-products that also fail to meet water quality standards. We face this problem now in one of our communities, affecting 54 homes and a community center. As a short-term solution, we are providing point-of-use filters. But to eliminate the problem, we need to drill several new wells to access better quality source water, but which will still need to be treated. We will also need to build a new water treatment facility, along with a water tower and new pipelines to establish redundancy in the system to protect users and to aid in fire protection. The cost is expected to be $2.5 million, But the very limited funds for capital work provided to IHS is not sufficient to meet the need. (In our region, IHS has $1.7 million to serve 37 tribes.) Federal appropriations for other potential funding sources for drinking water infrastructure, like EPA and USDA Rural Development, should also be increased to aid us and other tribes to build the infrastructure needed for safe drinking water.

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 230 children from pre-K through 12th grade. More than 90% of our students come from very low-income households, as 96% receive free or reduced-price lunch. We are slowly making progress in improving the outcomes for our students. For example, high school graduation rates for American Indians in Minnesota have improved from 37.9% in 2003 to 52.6% in 2016, but are still well-below the 2016 state-wide rate of 82.2%. We are handicapped by limited resources. BIE funding has never kept pace with need, which prevents us from providing the educational services needed for our students.

We appreciate Congress's decision to increase overall BIE funding for FY 2018 by $23 million above the FY17 level. Because education is so critical to success later in life, we urge Congress to continue to increase federal funding for Indian education. We especially ask that increases be made to each of the following because of the important role these play in Indian education:

- ISEP which is the primary source of school funding provided through Interior. It covers salaries for teachers, teacher aides, and administrative personnel and is essential to our ability to recruit and retain qualified teachers.

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[3] See Minnesota Department of Health, Center for Health Equity, *Populations of Color: Update Birth and Death Statistics* (December 2015). http://www.health.state.mn.us/divs/chs/raceethn/POC/POCUpdate2015.pdf.

- Tribal Grant Support Costs which helps pay for accounting, insurance, background checks, legal and record-keeping.
- Student Transportation which allow us to maintain, repair, and replace buses.
- Early Childhood Development funds (FACE), which is critical to providing preschoolers with skills to be school-ready.
- Johnson O'Malley, which assists Indian children in public schools.
- School Facility Operations and Maintenance which keeps the building safe, pays for preventative maintenance, and covers insurance and utility costs.

BIA: Public Safety and Justice. We appreciate Congress's decision to increase funding for BIA's Public Safety and Justice by $19.7 million above FY17 levels, including increased funding for criminal investigations and police services and to help people affected by opioid addiction. The largest law enforcement problems we face are due to opioids and other drugs including methamphetamines and prescription drugs. The large drug problem has also increased thefts, burglaries, and assaults. In addition, we find (and the federal government has also recognized[4]), that a disproportionately large number of Native American women are the victims of sex trafficking. This is a very serious problem for our community and we are working now to establish a Tribal Task Force to help combat it. Our law enforcement also responds to many other matters, including domestic disputes, disturbances, disorderly conduct, property damage, trespass, suspicious activity, unwanted persons, medical emergencies, fire, neglected children, missing persons, suicide threats, and traffic offenses. The demand on law enforcement increases each year. In 2017, our law enforcement responded to more than 8,376 incidents and calls for service. In past years, the numbers were: 8,200 in 2016; 8,000 in 2015; 6,000 in 2014.

We address law enforcement by a combination of tribal and available federal funds and cooperative agreements with local law enforcement agencies. We currently have 20 officers, which, in addition to the Chief Law Enforcement Officer, includes a Lieutenant, one investigator and 17 officers assigned to patrol or similar duties. To meet need, we should have 25 full time officers. Five of those officers would be assigned to investigations, with two investigators dedicated to narcotics enforcement. We currently have 3 administrative staff, but should have one more person to gather Intel and manage an intelligence page linked to other tribal agencies.

Funding is also needed for training. With an increase in the drug epidemic and related crimes, our officers need, but are not receiving, vital training for undercover work, narcotics detection, investigative procedures, interview and interrogation, use of force, de-escalation, firearms, and community policing. We also have unmet need for equipment. Personal protective gear like ballistic shields, masks, etc., is limited because of current budget restraints. Uniform costs increase due to contamination from drugs and blood-borne pathogens from drug users. That includes duty gear and equipment, and patrol vehicles, which need to be decontaminated more frequently. There is also need for other basic equipment: binoculars, video cameras and digital recorders. Our patrol cars are aging and need costlier service repairs. Federal funding is essential to meet those needs. We urge Congress to increase funding for tribal law enforcement.

BIA: Trust-Natural Resources Management. Congress's decision to increase by $6.7 million funding for BIA Trust-Natural Resources in FY18 was very welcome. We urge Congress to further

[4] U.S. Government Accountability Office, Testimony to Senate Committee on Indian Affairs, *Human Trafficking: Investigations in Indian Country or Involving Native Americans and Actions Needed to Better Report on Victims Served* (Sept 2017) https://www.indian.senate.gov/sites/default/files/upload/Gretta%20Goodwin%20Testimony.pdf.

increase funding for this program in FY19, as past funding levels have never met need. Natural resource management is vital in Indian country where the basic subsistence needs of many Indian people—especially those living in poverty—depend on natural resources. This is certainly true at Fond du Lac. By Treaties in 1837, 1842 and 1854, the United States acquired our aboriginal territory, but to ensure that we could sustain ourselves, expressly promised that we retained rights to hunt, fish and gather natural resources within and outside our Reservation. Our members depend on and exercise these treaty-protected 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 those resources—are an important source of employment for many of our members. Full funding for Trust-Natural Resources Management, including, in particular, increased funding for Rights, Protection and Implementation, is essential in allowing us to protect, enhance, and restore natural resources.

Forest resources are an important asset to the Fond du Lac Band, and the Interior Department has recognized the importance of protecting forests from wildfire. The FY18 increase in funding for forestry helps, but fire preparedness funding is still below the most efficient level. Fire preparedness provides jobs in Indian forestry and protects Indian and non-Indian lands.

National Park Service: Historic Preservation Funds – Tribal Grants. We urge Congress to increase funding, as the work of Tribal Historic Preservation Officers has grown. We have seen this firsthand at Fond du Lac. Failures on the part of federal and state officials to properly review existing records of known sites of historic and cultural importance to the Band resulted in substantial inadvertent discoveries of human remains in a known Indian cemetery. This has, in turn, placed substantial demands on our THPO to ensure proper delineation of the site to protect the undisturbed portions, and ensure proper reburial of the remains.

Environmental Protection Agency (EPA). We appreciate that in FY18, Congress did not further reduce federal funds for EPA, but we ask that funding for EPA in FY19 be increased. We rely on EPA grants to clean up brownfields and administer clean water and clean air programs. These enable us to protect the health of our community, so that we have safe water to drink and can continue to rely on fish, wild rice, and game to put food on the table.

- State and Tribal Assistances Grants (STAG). We thank Congress for increasing STAG funding by $35 million in FY18 and urge that support for this program continue.

- Water Quality. We have a federally-approved water quality standards program that has seen annual funding declines while the need and Band's responsibilities have increased. 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 the water we drink, which is critical to the fish and game that are central to our and the state's economy.

- Air. We also have a long-standing air monitoring program that has faced a steady decline in federal funding. We request that air quality program funding for tribes be increased.

- Wetlands. One-half of our reservation is made up of wetlands. Proper management and restoration of this valuable resource is impossible without adequate and consistent federal funding. We request sustained wetland monitoring and protection program funding.

- Great Lakes Restoration Initiative. The Band fully supports this initiative, and again asks that it be funded at $500 million, which is the original funding level suggested 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.

Miigwech. Thank you.

Mr. SIMPSON. Thank you, Kevin.
Russ.

THURSDAY, MAY 10, 2018.

UNITED TRIBES TECHNICAL COLLEGE

WITNESS

LEANDER "RUSS" MCDONALD, PRESIDENT, UNITED TRIBES TECHNICAL COLLEGE

Mr. MCDONALD [speaking native language]. All my relatives, friends and relatives, good morning. I am Russ McDonald, president of United Tribes Technical College located in Bismarck, North Dakota. I am an enrolled member of the Spirit Lake Dakota Nation and a proud descendent of the Sahnish and Hidatsa Nations all located in North Dakota.

Thank you for holding this hearing to hear knowledge from tribes and tribal organizations regarding Fiscal Year 2019 funding for Indian programs under your jurisdiction. There are very few public witness appropriations hearing, and we are very much appreciative that you are devoting 2 entire days to listening to us.

United Tribes Technical College has been in the education and training business for 49 years. Forty of these years were operated under a self-determination act agreement. We are governed by a 10-member board of directors comprised of the chair and one delegate from each of the five tribal nations in North Dakota.

We are residential college offering technical and academic education with support services to enhance the success of the individuals and families we serve. Our Indian student body comes from all over the Nation, but primarily from the Great Plains. Nearly 70 percent of our students receive Pell Grants.

Our written testimony details our course offerings and data regarding our services and our student outcomes.

Before summarizing our recommendations, we want to thank you specifically for two other things: for rejecting the proposed Fiscal Year 2018 decrease in the BIE budget for tribal technical colleges and for also completing the process in the Fiscal Year 2018 Appropriations Act of putting tribal and BIE colleges on a forward-funded basis. We have forward-funding status for several years at United Tribes, and it has had a very positive impact, especially in years like this when Federal agency funding is uncertain due to continuing resolutions.

In summary, we respectfully request $11 million for the BIE line item tribal colleges which would be $3.5 million over the Fiscal Year 2018 enacted level. Given the great need in Indian Country and elsewhere for a better prepared and trained workforce, this is a good investment. Continuation of full funding for contract support costs and hopefully placing this funding on a permanent mandatory basis. As a self-determination contractor, we are directly affected by this provision.

Continuation grants and support costs for tribally-operated elementary and secondary schools. We have a BIE funded pre-K through 7th grade school on our campus. Theodore Jamerson is an elementary school for whom this is important. Many of the children

of our United Tribes Technical College students and staff attend this school, and we like the idea of parents and their children attending school on the same campus.

Lastly, Northern Plains Tribal Law Enforcement Academy. We continue to feel strongly that there should be a tribal law enforcement academy in the Northern Plains. Establishment of such an academy is supported by the Great Plains Tribal Chairman's Association. The extensive and unique body of Indian law, including expanded tribal authorities under the Tribal Law to Order Act, the Violence Against Women Act, and requirements of the Indian child protection statutes all call out for tribally-directed training. We also have growing issues with drug and human trafficking and crimes related to addiction.

We understand that State and national training resources would have an important role in this new endeavor. Basic law enforcement training is currently provided through the BIA police academy in Artesia, New Mexico with the BIA using State academies to supplement what they provide. That is something we would develop and provide in North Dakota on behalf of the Northern Tier.

United Tribes already has a criminal justice program and degrees. We want to expand our program to better help meet law enforcement needs in Indian Country, and are, in fact, developing a partnership with Lake Ridge State College in North Dakota to enhance our criminal justice programs through the sharing of faculty and resources. Given our criminal justice program, our location, and our campus resources, we propose the establishment of a Northern Tier Indian law enforcement academy and ask that you support such an endeavor.

Thank you for your consideration of our recommendations.

[The statement of Mr. McDonald follows:]

UNITED TRIBES TECHNICAL COLLEGE
3315 University Drive, Bismarck, North Dakota 58504
Leander R. McDonald, PhD, President, 701-255-3285

Testimony for the House and Senate Interior, Environment and Related Agencies Appropriations Subcommittees on FY 2019 Indian Affairs Budget

April 27, 2018

United Tribes Technical College (UTTC) has for 49 years, and with the most basic of funding, provided postsecondary career and technical education and family services to some of the most impoverished high risk Indian students from throughout the Nation. Despite such challenges we have consistently had excellent retention and placement rates and are fully accredited by the Higher Learning Commission. We are proud of our role in helping to break generational poverty and in helping to build a strong Indian Country middle class by training the next generation of law enforcement officers, educators, medical providers, and administrators; however, the need is great and we need to expand our efforts. We are governed by the five tribes located wholly or in part in North Dakota. *We are not part of the North Dakota University System and do not have a tax base nor do we receive state-appropriated funds.*

The funding requests of the UTTC Board for FY 2019 Bureau of Indian Education (BIE)/Bureau of Indian Affairs (BIA) are:

- *$11 million for the line item, Tribal Technical Colleges which compares to the FY 2018 enacted level of $7.5 million and the Administration's FY 2019 request of $6.5 million. Of our requested amount, $6.8 million is BIE funding for our Indian Self-Determination Act contract.*
- *Continue fully funding Contract Supports Costs with establishment of permanent, full, mandatory-funding.*
- *Continue full funding for Tribal Grant Support Costs for tribally-operated elementary/secondary schools.*
- *Establishment of a tribally-administered Northern Plains law enforcement training center at UTTC.*

Thank you for supporting forward funding for UTTC several years ago and for supporting the forward funding for the remaining tribal colleges and universities (TCUs) in the FY2018 Appropriations Bill, which includes tribal and BIE-operated colleges on this schedule.

TCUs are authorized under differing titles of the Tribally Controlled Colleges and Universities Act and there are other statutory authorities for three institutions administered through the Bureau of Indian Education.

Base Funding. UTTC administers our BIE funding under an Indian Self-Determination and Education Assistance Act agreement, and has done so for 41 years. The UTTC portion of the Tribal Technical Colleges line item should be $6.8 million based on an $11 million

appropriation. Acquisition of additional base funding is critical to our struggle to maintain course offerings and services to provide educational services at the same level as our state counterparts. BIE funds are central to the viability of our core postsecondary education programs and overall mission as a TCU. The following examples provide three of our most successful areas of study directed at addressing workforce shortage areas.

The nurse shortage is one example and one reason why the Associate of Applied Science in Practical Nursing Program is the most popular program offered. Licensed practical nursing (LPN) positions are readily available in Bismarck, North Dakota, and throughout the Nation. Workforce development data project the need will continue to 2030 in part due to the aging population (Baby Boom), nurse retirement, and nurse faculty shortages. These factors result is nursing programs restricting student admission, as there are not enough faculty to meet the faculty/student ratio requirements of State Boards of Nursing.

Business related programs are the second most popular and are set up as 2 + 2 program with the associates degree setting the foundation for a bachelor's degree should the student wish to continue their education to the next level. A significant need for administrators and human resource personnel continues to exist throughout North Dakota and the Great Plains Regions among tribal and non-tribal communities.

Criminal Justice is setup much the same with associate's degree serving as the foundation for transition into the bachelor's degree program, and prepares graduates for employment as federal, state, or tribal law enforcement, in a variety of areas. A huge shortage of law enforcement officers exist throughout the Great Plains and throughout Indian Country. Graduates may also consider the opportunity to enter law as there is a significant shortage of law trained personnel within tribal judicial systems. The Oil Boom brought significant resources to North Dakota communities; however, the financial impact also resulted in a significant increase in crime such as substance abuse (opioid, methamphetamine, and heroin) and the resulting social ills such as human trafficking and domestic violence. A partnership with Lake Region State College of the North Dakota University System is under development that will enhance both of our Criminal Justice programs through the sharing of faculty and resources.

Funding for United Tribes Technical College is a good investment. We have:

- Higher Learning Commission Accreditation through 2021. A campus site visit held in April 2017 indicated we have a firm foundation for furthering efforts as a data driven institution. We offer 1 diploma, 4 certificates, 14 Associate degrees, and 4 Bachelor degree programs of study (Criminal Justice; Elementary Education; Business Administration; Environmental Science and Research). Business Management, Criminal Justice, Medical Coding and General Studies are fully available and offered online. UTTC continues to be the only TCU in the country approved by the Higher Learning Commission to offer full programs online.
- Services including a Child Development Center, family literacy program, wellness center, area transportation, K-7 BIE-funded elementary school, tutoring, counseling, family and single student housing, and campus security.
- A projected return on federal investment of 20-1 (2005 study).

- From 2016 – 2017, UTTC had a fall to fall retention rate of 38.4% and a 2017 fall semester persistence rate of 49%. Of the 68 graduates in 2017, 45 students were employed, for a placement rate of 66%. Additionally, 14 of those graduates continued their education.
- Students from 51 tribes were represented at UTTC during the 2016 – 2017 academic year.
- Our students are very low income, and 69.6% of our undergraduate students receive Pell Grants in 2016-2017.
- An unduplicated count of 557 undergraduate degree-seeking students and 4 non-degree seeking students; 1,382 continuing education students; and 28 dual credit enrollment high school students for a total of 1,571 of all students for 2016-2017.
- A critical role in the regional economy. A North Dakota State University study reports that the five tribal colleges in North Dakota made a direct and secondary economic contribution to the state of $192,911,000 in 2016 and UTTC had a $59.6 million dollar direct and secondary economic impact on the Bismarck/Mandan communities for the same period.

Contract Support Costs. As mentioned above, we administer our BIE funding through an Indian Self-Determination and Education Assistance Act contract, and thus Contract Support Costs (CSC) are vital to us. We thank the House and Senate Interior Appropriations Subcommittees for the recognition of the legal obligation the federal government has to pay tribal contractors their full CSC. This has been an enormously important development for Indian tribes. We appreciate that the last three appropriations acts place Contract Support Costs for the BIA and the Indian Health Service (IHS) in their own accounts and that they are funded at an indefinite amount, thus assuring full funding. Given that this funding status for CSC is year to year, we join with others in Indian Country in supporting a long-term legislative solution that will provide full and permanent funding for Contact Support Costs. Placing CSC funding on a mandatory basis is the logical resolution to a long-term solution for CSC that will also protect the programs funded on a discretionary basis in the BIA and IHS budgets.

Tribal Grant Support Costs for K-12 Tribally-Operated Schools. We have a BIE-funded elementary school on our campus, the Theodore Jamerson Elementary School, and thus many of our college students and their children attend school on the same campus. For these elementary schools, Tribal Grant Support Costs are the equivalent of Contract Support Costs for tribes although authorized under different statutory authorities. We thank you for providing what is estimated to be full funding for Tribal Grant Support Costs in FY 2018 ($81 million).

A Northern Plains Indian Law Enforcement Academy. We again ask Congress to seriously look at the problem of addressing crime in Indian Country with an eye toward the establishment of a campus-based academy for training of law enforcement officers at UTTC. We ask that you direct the Secretary of Interior and the Bureau of Indian Affairs to work with the Northern Plains tribes and others on the timely development of a plan for the establishment of an academy to better serve the tribes residing in the Northern tier of the United States.

Establishment of such an academy at UTTC continues to be strongly supported by the Great Plains Tribal Chairman's Association (GPTCA) via Resolution 5-1-20-16. The Resolution requests that the Secretary of Interior and the BIA consult with the tribes on the details of a plan for establishment of the Academy. Cultural and legal differences further support why such training should be tribally-directed in order to be appropriate for the realities of tribal communities within different parts of the Indian Country. North Dakota and other northern border regions have special problems relating to drug and human trafficking. Additionally, the expanded tribal authorities under the Tribal Law and Order Act and the Violence Against Women Act, and the Murdered Missing Indigenous Women movement, only further the importance of trained law enforcement officers within our tribal communities. State and national training resources would have an important role in this new endeavor. Given our Criminal Justice program, our location and our campus resources, we propose the establishment of a Northern Plains Indian Law Enforcement Academy.

Basic law enforcement training is currently provided through the BIA's Indian Police Academy in Artesia, New Mexico, which often has waiting lists. The BIA is depending on the basic training provided by state academies to supplement what is provided at Artesia. UTTC is well positioned with regard to providing both basic and supplemental law enforcement training. An academy at UTTC would allow tribal people in the Great Plains and other nearby regions a more affordable choice for training locations while minimizing the distance and long separation of trainees from their families.

In short, the BIA should be utilizing and enhancing the resources of UTTC to make a real difference in the law enforcement capability in Indian Country. We can offer college credit to trainees, and our facilities include the use of a state-of-the-art crime scene simulator. Maintaining safe communities is a critical component of economic development for our Tribal Nations, and local control of law enforcement training resources is a key part of that effort.

We know members of this Subcommittee have made a point to visit places in Indian Country and we would love to be able to arrange for you to visit United Tribes Technical College. Thank you for your consideration of our requests. *Hecetu yedo.* (It is so)

Mr. SIMPSON. Thank you. Betty.

Ms. MCCOLLUM. Thank you, Mr. Chair. First, on law enforcement—because you mentioned it, too, Kevin—the sex trafficking issue. In Minnesota, I know we have been working on it from Duluth to the Twin Cities. But as we on the northern border know, there has been trafficking along the border between Canada with the First Nations and with the folks in Minnesota, and the Dakotas and Wisconsin. Mr. Simpson, it may or may not be something that is coming up in Idaho. You have more mountains than we do. This is something that almost needs to be addressed with international law enforcement, and I know there is some movement on that.

So, thank you for raising that, especially in the First Nations in Canada. Far too many women have gone disappeared and have been murdered, with no one speaking up or speaking out for them. But the First Nations are doing that now, and the Northern Tribes are standing with the First Nations in Canada on that.

We have talked about the reorganization proposal that Secretary Zinke has put forward, and the lack of consultation has primarily been on the Indian bureaus, but it also affects what is discussed with Fish and Wildlife and others. I know that we work very closely in Minnesota with the tribal organizations, the State DNR, and then with the federal partners you mentioned.

Moose populations have come up a couple of times. Hunting and fishing rights, wetlands restoration, and also the concern about sulfide-ore mining and the impact it could have on wild rice. I am very pleased that Governor Dayton just vetoed a bill that would have involved lowering any sulphate standards, in my opinion, to protect the wild rice beds.

Could you apprise us if there has been any consultation on the DOI reorganization with some of the bureaus outside BIA, whether it is Fish and Wildlife and some of the other DNR programs, restorative programs for water, for land, and the Great Lakes in particular would be impacted by reorganization. Has there been any consultation that you are aware of?

Mr. DUPUIS. As of right now, no, that I know of. I know that the organizations in our region, like MAST, Midwest Alliance of Sovereign Tribes, have talked about the issues in a collective with the 35 tribes under MAST. But as a consultation principle, no.

Ms. MCCOLLUM. Okay. This committee is hearing that loud and clear, but I just wanted to hear it for the record. The impact of reorganization is not just what we have heard from some of the other tribes in the southwest. Tribes are also affected by some of the reorganization we are hearing from Fish and Wildlife.

Red Lake is not here, and we also had one of our sisters from North Dakota who was unable to make it. They were talking about the Tiwahe program and making sure that is funded in particular. Is there anything you would like to share on that, because it touches on a whole of government approach to dealing with drugs, homelessness, interdictions, and sex trafficking, but also a focus on making sure that our youth stay strong. Is there anything for the record you would like to share with us on those programs as those two are not here? Other than that, their statements will be in the record.

Mr. MCDONALD. Well, first of all, "Tiwahe" means "family" in Lakota. And so, when we look at that and the responsibilities that we have as men and women for children or grandparents of our families, that really helps us to be united in regard to what we are doing. So, I think these initiatives of this nature are so important for us as a community to have the resources to really bring these back. And I think with the assimilation practices that are occurring and intergenerational trauma that occurred with our people, that these things are important to address those issues.

We have kind of lost our way a little bit and we need some help coming back and bringing those initiatives back, such as language and culture initiatives that are really the basis for our culture and our foundation for family. And so, being a former chairman for the Spirit Lake Tribe, when I was in office, child protection issues were in the media throughout the country, and so, we were focused on a lot of these issues. And the main piece of this is, again, to go back to the law enforcement piece that we testified on today is that this is tied in with that.

There has to be presence of law enforcement within our communities, but once we pick up people, we need to be able to process them in our jails, and we need to process them in our courts, and so, those things all need to be tied together. And tribal leadership has to be involved in that to make sure that the constitutions and the ordinances of those nations are up to date. And so, this is all interrelated in regard to how that moves forward, so thank you for asking me to respond to that.

Ms. MCCOLLUM. Miigwech.

Mr. SIMPSON. Thank you for being here today. Appreciate it, and appreciate your testimony, Kevin.

Mr. DUPUIS. Thank you.

Mr. SIMPSON. Next panel. Casey Mitchell, secretary of the Nez Perce Tribal Executive Committee; Nathan Small, chairman of the Shoshone-Bannock Tribes of the Fort Hall Reservation; Chad Abel, division administrator, Treaty Natural Resources, the Red Cliff Band of Lake Superior Chippewa; and Jason Schlender, vice chairman of Lake Superior Chippewa Indians. How do you pronounce the band?

VOICE. Lac Courte Oreilles.

Mr. SIMPSON. What is it?

VOICE. Lac Courte Oreilles.

Mr. SIMPSON. Lac Courte Oreilles, okay. See, I would have never got that right. It is that French influence. Casey, you are first.

THURSDAY, MAY 10, 2018.

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

WITNESS

CASEY MITCHELL, SECRETARY, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

Mr. MITCHELL. Thank you, Mr. Chairman [speaking native language]. Good morning, friends. Mr. Chairman and members of the subcommittee, as secretary of the Nez Perce Tribal Executive Com-

mittee, I want to thank you for the opportunity to provide testimony on behalf of the Nimiipuu people.

I want to acknowledge and express deep gratitude to the subcommittee for your efforts on the longstanding and bipartisan basis to advocate increased appropriations to the many programs in your jurisdiction that benefit tribal nations. Your work ensuring that the non-defense spending was increased for both Fiscal Year 2018 and 2019 was very important and greatly appreciated.

Thank you for increases in funding for tribal programs, which are hugely significant for tribes and our citizens. I would also like to thank you for the—excuse me—thank you for the full funding provided for contract supports costs and ask that full funding continue. Although I will only summarize a few of the recommendations contained in our written testimony, the tribe respectfully requests the subcommittee consider all of the written recommendations made by the Nez Perce Tribe and the Columbia River Inter-Tribal Fish Commission. Also, I want to commend the Fiscal Year 2019 funding for the Environmental Protection Agency as the programs and services the tribe receives from EPA or implements on behalf of the EPA are critical to the Nez Perce Reservation.

As this subcommittee knows, Idaho has experienced record-setting years in 2012, 2014, 2015 for wildfires that have resulted in extremely poor levels of air quality not measured before. The tribe's air quality program funded by EPA provides the critical health information to tribal and non-tribal resident during wildfire smoke incursion events. In addition to air quality, the tribe is able to address pollution from underground storage tanks, brown fields, and other sources onto the lands and waters that are used by tribal members to exercise their treaty rights.

With funding from the Indian Health Service, the tribe's main health clinic in Lapwai and the satellite facility located in Kamiah have been able to provide services for approximately 4,000 patients each year computing into 40,000 visits. In addition, being able to rely on third party billing to supplement Indian Health Service funding has meant that patients are getting the care they need when they need it.

As a result, the tribe is very concerned about the Department of Health and Human Services' recent decision to not allow States to exempt Indians from requirements under the State Medicare plans. This decision has no legal basis and will ultimately result in higher burden being placed on the Indian health funding.

The tribe greatly appreciates the 7 percent increase in overall funding for BIA in Fiscal Year 2018, and requests that amount be maintained in Fiscal Year 2019. The Fiscal Year 2018 increase was particularly important in relation to the BIA public safety and justice account, including law enforcement and tribal courts.

Funding provided under the BIA rights protection implementation is critical to support the exercise of our treaty reserved off-reservation hunting and fishing rights. BIA funding provides the Foundation Corps Program administration and treaty rights protection activities, such as harvest monitoring. These efforts are central to the tribe's fisheries management responsibilities as established by the treaties, and further delineated in court decisions regarding implementation of hunting and fishing rights.

The tribe relies heavily on the funding from the U.S. Fish and Wildlife Service to manage Kooskia National Fish Hatchery pursuant to the terms of the Snake River Rights Water Act. Fish and Wildlife Service's full funding for the operations of this important facility ensures the U.S. meets its obligations under this act.

The tribe supports increased funding for the State and Tribal Wildlife Grants Program. This program has enabled the tribe to work on such diverse issues as gray wolf monitoring, big horn sheep research, rare plant conservation, and condor habitat research. These grants are one of the few sources of the funds tribes can tap into for wildlife research.

Again, I want to thank this subcommittee for taking the time and making the efforts to understand the needs of Indian Country and our citizens, our tribal governments and all members of our community. In conclusion, Congressman Simpson, you have told the Nez Perce Tribe that you would like to bring members of this subcommittee out to Idaho to visit the tribes. Please know that the Nimiipuu would be thrilled to welcome you.

[The statement of Mr. Mitchell follows:]

HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

WRITTEN TESTIMONY OF THE NEZ PERCE TRIBE

APRIL 27, 2018

Honorable Chairman and members of the Committee, as Chairman of the Nez Perce Tribal Executive Committee, I would like to thank you for the opportunity to provide testimony on behalf of the Nez Perce Tribe (Tribe) as the Committee evaluates and prioritizes FY 2019 appropriations for the Indian Health Service (IHS), Bureau of Indian Affairs (BIA), Environmental Protection Agency (EPA), U.S. Forest Service (FS), and U.S. Fish and Wildlife Service (FWS) in relation to the needs of tribal nations. On behalf of the Tribe, I want to acknowledge and thank this Subcommittee for your efforts, on a longstanding, bipartisan basis, to understand the needs of Indian Country and advocate for increased appropriations to the many programs in your jurisdiction that benefit our citizens, our tribal governments, and all members of our communities.

As with any government, the Tribe performs a wide array of work and provides a multitude of services to its tribal membership as well as the community at large. The Tribe has a health clinic; a tribal police force; a social services department; and a comprehensive natural resources program that does work related to forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and also operates one of the largest fisheries departments of any tribe in the nation working on the recovery of listed species under the Endangered Species Act (ESA). The Tribe has a comprehensive administrative framework that provides extensive services on the Nez Perce Reservation. These programs are necessary and vital for a sovereign nation that preserves and protects the Treaty rights of the Nez Perce People and provides day-to-day governmental services to its members and surrounding communities.

The Tribe has long been a proponent of self-determination for tribes and believes our primary obligation is to protect the Treaty-reserved rights of the Tribe and our members. All of the work of the Tribe is guided by this principle. As a result, the Tribe works extensively with many federal agencies and proper funding for those agencies and their work with, for, and through tribes is of vital importance. This work cannot be accomplished unless the U.S. continues to affirm and follow through on its trust responsibility to Indian tribes by properly funding programs. The Tribe supports the National Congress of American Indians' publication titled "Investing in Indian Country for a Stronger America," a comprehensive guide on recommendations for FY 2019 funding of tribal programs.

Environmental Protection Agency

The Tribe works closely with EPA on a large number of programs that are essential to the health and safety of the 18,000 tribal and non-tribal citizens residing within the Nez Perce Reservation and that also protect the Treaty-reserved resources of the Tribe that the U.S. has a trust obligation to preserve. These programs include: the Clean Water Act 106 Program; the Clean Water Act

319 Program; Nonpoint Source (NPS) Pollution Prevention Program; the Indian General Assistance Program; the Brownfield Program; the Underground Storage Tank Program; the Delegation of Nez Perce Federal Implementation Plan; the Clean Air Act 103 Grant-Nez Perce Tribe Air Quality Project; and the EPA Region 10 Pesticide Circuit Rider Program. In total, for FY 2018 the Tribe currently implements over $1.5 million in programmatic funding under these programs. The Tribe recommends the Indian General Assistance Program be funded at $75 million, the tribal allocation under the Clean Water Act 106 program be increased to 20 percent, $13 million for Tribal Air Quality Management, $80 million for the Brownfields program, and $13 million be provided in lieu of the percent cap on tribal funding for NPS pollutant control.

Indian Health Service

The Tribe currently operates Nimiipuu Health, a health care clinic on the Nez Perce Reservation. The main clinic is located in Lapwai, Idaho, with a satellite facility located 65 miles away in Kamiah, Idaho. Nimiipuu Health provides services to approximately 4,000 patients each year. Annually, this computes to 40,000 medical provider visits which do not include pharmacy or laboratory visits. This workload is very costly. Our expenditure total for FY 2017 was $15,309,300 and Purchased/Referred Care (P/RC) costs for outpatient services for FY 2017 totaled $3,757,215.

For FY 2019, the Tribe supports continuing the $5.5 billion in funding enacted for FY 2018, at a minimum. This funding amount will allow tribes to pay costs, maintain current services, and allow IHS, tribal, and urban programs and facilities to keep up with medical and non-medical inflation and population growth. The Tribe appreciates the $33.8 million increase in funding for P/RC provided in FY 2018 and recommends that amount be preserved or increased by $20 million to continue to meet the P/RC spending needs of tribal health facilities.

The Tribe supports $717 million for FY 2019 contract support costs and the inclusion of bill language to classify this appropriation as indefinite so that additional funds may be provided if needed, as it was in FY 2018. In addition, because full funding of these obligations is so important to Indian Country, the Tribe supports reclassifying contract support costs for the BIA and IHS as mandatory and not discretionary. However, this change in funding should not be accomplished or be off-set by reducing other funding for these agencies that would adversely affect services or programs. Finally, this funding should not be unnecessarily reduced by excessive set-asides for administration. The Tribe also recommends permanent, mandatory funding of the Special Diabetes Program at $150 million per fiscal year.

Bureau of Indian Affairs

The Tribe appreciates the 7% increase in overall funding for BIA in FY 2018 and requests that amount be maintained for FY 2019. The Tribe also supports the indefinite appropriation for contract support costs and that at least the $241.6 million appropriated in FY 2018 be provided in FY 2019. These costs should be reclassified from discretionary to mandatory. The Tribe also requests the FY 2019 Interior appropriations bill include a "*Carcieri* fix" to address legal issues that have arisen related to the transfer of land into trust which has created uncertainty over the

status of lands. This uncertainty only stifles and impedes economic development in Indian Country.

In relation to the BIA Public Safety and Justice account, the Tribe advocates for maintaining the $405.5 million in funding for law enforcement, of which $31 million was for tribal courts, that was enacted within that account in FY 2018. The Nez Perce Reservation spans 1,200 square miles covering five counties and has a mixture of tribal and non-tribal residents. The Tribe provides a full service law and justice program. The Tribe has a fully trained and staffed police force, a fully staffed tribal court, a prosecutor, a public defender, and other personnel to perform related administrative functions. Currently, the Tribe contributes $1,882,576 annually to cover the shortfall in BIA funding for the Tribe's law enforcement, $527,984 for judicial services/probation, $390,832 for prosecutorial services, $256,636 for public defender services, and $300,000 for prisoner boarding. This supplemental funding is derived from tribal taxes on goods and fuel and tribal gaming revenues that would otherwise be used for other tribal governmental services. The funding for these programs needs to be maintained and ultimately increased to account for shortfalls in funding the Tribe has to absorb in order to continue the operation of these vital services on the Reservation.

The Tribe requests total funding of $35 million be provided for Scholarships and Adult Education and Special Higher Education Scholarships and that funding for the Johnson O'Malley program be substantially increased from the $14.9 million provided in FY 2018. Per student funding has decreased as the funding has remained static for many years. These increases will help address the rising costs of attending college. The Tribe also supports $2.5 million, if not an increase, for Tribal Education Departments and increases for Tribal Colleges and Universities that support institutions like Northwest Indian College that operates a satellite campus on the Nez Perce Reservation.

The Tribe also relies on the BIA for funding for our work related to endangered species and protection of the Tribe's Treaty resources, including Chinook and steelhead salmon. The funding is used to supplement research efforts of the Tribe relative to other sensitive species. The Tribe recommends a $1 million increase for the BIA Endangered Species Program. This account provides tribes with technical and financial assistance to protect endangered species on trust lands. Also, the Tribe recommends an increase of $2.8 million for BIA Natural Resource Tribal Priority Allocations which will help increase tribal land and management capabilities.

In addition, the funding provided under the BIA Rights Protection Implementation monies are critical to support the exercise of treaty reserved, off-reservation hunting and fishing for tribes. The Tribe supports total funding in the amount of $40.2 million, the FY 2018 enacted level, at a minimum. BIA single-line dollars provide the foundation for core program administration and treaty rights protection activities, such as harvest monitoring. These efforts are central to the Tribe's fisheries management responsibilities as established by the Treaties and further delineated in court decisions regarding implementation of hunting and fishing Treaty rights. It is important to understand that this funding is not for equipment but is used for job creation.

The Tribe also supports $15.3 million in funding for the BIA Fish, Wildlife and Parks. As stated earlier, the Tribe has invested a significant amount of personnel and resources in the restoration

of salmon through our fisheries programs. The states of Oregon, Washington, and Idaho, as well as sports fisheries, directly benefit from this work. These programs have been successful with funding under the Tribal Management and Development Program which is critical for the Tribe's management of fish and wildlife. We recommend funding in the amount of $14 million for the Tribal Management and Development Program.

U.S. Fish and Wildlife Service and U.S. Forest Service

The Tribe relies heavily on funding sources within the FWS and the FS. First, the operations of Kooskia National Fish Hatchery are funded by FWS. The Tribe manages this facility pursuant to the terms of the Snake River Water Rights Act of 2004 (Act). FWS requires full funding for the operations of this important facility to ensure the U.S. meets its obligations under this Act. Second, the FWS-administered State and Tribal Wildlife Grants program is an important and cost-effective expenditure for the government and is one of the few sources of funds tribes can tap into for wildlife research. Since 2005, we have received five such grants that have allowed us to work on diverse issues such as gray wolf monitoring, bighorn sheep research, rare plant conservation, and Condor habitat research. Continued funding for the State and Tribal Wildlife Grant program will allow recipient tribes to build capacity and maintain involvement in key conservation issues. The Tribe strongly urges this Subcommittee to increase funding for these competitive grants to $66 million and increase the tribal share by $2 million, as they provide a large return for a small investment.

We thank the Subcommittee for its efforts to include language in the FY 2018 Interior appropriations bill for wildfire disaster funding that treats wildfires like other natural disasters and emergencies to help prevent funds from having to be diverted from forest management.

The Nez Perce Reservation and its usual and accustomed areas are rich in natural resources and encompass eleven national forests. The Tribe works closely with each forest's administration to properly manage its resources on behalf of the Tribe. These range from protecting and properly managing the products of the forest to providing habitat for the vast wildlife in each one such as elk, deer, bighorn sheep and wolves. Increased funding is necessary so that the FS can meet these trust obligations and continue to work with tribes on a government-to-government basis without being hampered by lack of funding to fill positions.

With regard to management of bighorn sheep, the Tribe would like to note that the Subcommittee has included report language over the last several years that encourages research related to disease transmission between domestic sheep and bighorn sheep. The Tribe encourages this type of research mandate to be restricted to laboratory settings and not be allowed to occur in the field where impact and harm would be more difficult to control. The bighorn sheep populations within the Tribe's aboriginal territories are too fragile and too important to be put at risk.

Thank you for the opportunity to testify today. As you can see, the Tribe does a tremendous amount of work in a variety of areas. It is important that the U.S. continue to fund this work and uphold and honor its trust obligations to tribes.

Mr. SIMPSON. Thank you.

Mr. MITCHELL. Thank you.

Mr. SIMPSON. Thank you, Casey. I appreciate it.

Next is Nathan Small, and in transparency I have to say Nathan and I went to school together. I grew up working on the farms on the reservation and stuff, so who would have ever thought when we were in high school, that we would be in Washington testifying and chairing a committee. We would have told them they were crazy, wouldn't we?

Mr. SMALL. Yeah, for sure, especially me. [Laughter.]

Mr. SIMPSON. Go ahead, Nathan.

THURSDAY, MAY 10, 2018.

SHOSHONE-BANNOCK TRIBES OF THE FORT HALL RESERVATION

WITNESS

NATHAN SMALL, CHAIRMAN, SHOSHONE-BANNOCK TRIBES OF THE FORT HALL RESERVATION

Mr. SMALL [speaking native language]. Good morning. My name is Nathan Small. I serve as the chairman of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes and Fort Hall Reservation in Idaho. And we would like to thank you for funding the increases in the Fiscal Year 2018 omnibus despite the Administration's request to reduce and eliminate funding. We extend special thanks to Mike Simpson, our representative, for his efforts on behalf of Indian Country and for his friendship.

We are all very concerned for all discretionary programs in the Administration's Fiscal Year 2019 budget. For Fiscal Year 2019, we respectfully request continued increases for tribal programs to make up for chronic underfunding and to address the crumbling infrastructure in Indian Country. Unfortunately, tribal programs are mostly treated as discretionary programs even though these programs under our treaty should be receiving mandatory funding.

And we appreciate that you are already working to address the following issues: The Department of the Interior's efforts to reorganize without consulting with the tribes; CMS' failure to acknowledge that tribes are sovereign governments with a unique political relationship with the Federal government, and with potential similar problems at HUD, USDA, and other agencies within Health and Human Services; the proposed elimination of the Indian Health Service's Community Health Representative program and the Indian Health Service Health Education program which are crucial in our communities; the Administration's proposal to move the special diabetes programs to discretionary spending so they can possibly try to reduce or eliminate this program in the future. These are critical issues for Indian Country, and we thank you for your efforts.

Also, before trying to reorganize, DOI should first work to fulfill the vacancies it created at the BIA for key positions. For example, more than half of the BIA regional director positions still remain unfilled after the Administration forced them to transfer or retire last year. DOI forced the RBI northwest regional director to retire

in early 2017 after 20-plus years in that position, but has yet to name a permanent replacement. Further, there is no longer a BIA director, and there is no permanent assistant secretary for Indian affairs. It is difficult for tribes to move forward on issues requiring DOI approval when there are so few decisionmakers at the BIA.

On issues related specifically to the Shoshone-Bannock Tribes, we request the subcommittee's consideration for increased funding for BIA's Rights Protection Program. This funding is critical for connecting cadastral surveys to determine boundaries so that we can protect our lands. Like other communities, our community suffers from high rates of alcohol, meth, and opiate abuse. Unfortunately, last December our treatment facility had to suspend in-patient services after the facility was condemned. We request the subcommittee's assistance on replacement treatment facilities as well as housing for those in recovery.

Also, Congress enacted the 1990 Fort Hall Water Rights Agreement to solidify our water rights in the Upper Snake River Basin. However, we have not been able to fully access our rights in Grays Lake due to private lake bed interests and grazing rights that the BIA was supposed to purchase long ago. However, the BIA is short of funds. We request your assistance in appropriating these funds which would help improve our water storage and water management in Grays Lake not only for the tribes, but also for all the water users on the Fort Hall irrigation project.

Lastly, we request the subcommittee's assistance in working with the EPA to clean up the Eastern Michaud Flats superfund site. For almost 70 years, the health, environment, and safety of our tribal members have been subject to toxic contamination caused by the J.R. Simplot Company and the FMC Corporation from their mining and processing of phosphates on the reservation on our seeded lands. Simplot continues to process phosphate at its plants next to the reservation within our ceded lands where we have vested treaty property rights to hunt, gather, and graze our livestock.

In 1990, EPA listed this area as an Eastern Michaud Flats superfund site and placed this site on the national priority list as one of the most contaminated superfund sites in the country. Due to the activities of Simplot and FMC, we cannot eat our fish. We cannot swim in our streams. We cannot practice our cultural activities down there anymore. Thousands of animals and birds that have come into contact with the site have died. The site has also affected the Bottoms Area, which is considered our sacred hunting grounds. The site needs to be cleaned up as soon as possible, and we seek your help on this.

This concludes my testimony, and thank you for the opportunity to testify, and thank you for leadership that you guys are showing.

[The statement of Mr. Small follows:]

Nathan Small, Chairman, Fort Hall Business Council, Shoshone-Bannock Tribes
House Interior and Related Agencies Appropriations Subcommittee (5/10/2018)

My name is Nathan Small. I serve as Chairman of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes (Tribes) of the Fort Hall Reservation (Reservation), located in southeastern Idaho. My testimony focuses on the following: (1) serious concerns with DOI's proposed reorganization and its request for FY19 funding for its reorganization; (2) the need for EPA to require clean up the Eastern Michaud Flats Superfund Site; (3) concerns with HHS Centers of Medicare and Medicaid Services' work requirements that would negatively impact the IHS system; (4) the need to protect IHS funding for the Community Health Representative Program and Health Education program; (5) the need to protect the Special Diabetes Program for Indians; (6) the need for a replacement adult substance use and disorder inpatient residential treatment facility and adult transitional safe and sober housing; (7) the need to increase BIA funding for tribal survey and mapping activities; and (8) the need to address water storage in Grays Lake.

The Tribes deeply appreciate the bi-partisan efforts of this Subcommittee to protect and increase funding for essential programs for tribal governments so that the federal government can better meet its solemn treaty and trust obligations. We thank the Subcommittee for funding increases for IHS and BIA in the FY18 Omnibus despite the Trump Administration's request to reduce/eliminate funding at these agencies. We extend special thanks to Rep. Mike Simpson, the Tribes' Representative, for his efforts on the House Appropriations Committee to improve funding for tribal programs and for his friendship with the Shoshone-Bannock people.

For FY19, we respectfully request that the Subcommittee consider continuing increases in funding for critical tribal programs to make up for the severe chronic underfunding and to address the staggering backlog of deferred maintenance and unmet tribal needs. The Trump Administration's FY19 budget request, recommending significant decreases and the elimination of essential tribal programs, shows an unfortunate lack of understanding of the unique political status of Indian tribes and the federal government's fiduciary obligations to tribes incurred when tribes ceded millions of acres to build this country through historical federal policies of forced removal of American Indian people from their lands. Now, more than ever, the United States needs your leadership in the face of yet again another disheartening Trump Administration budget proposal, which includes cutting funding at DOI by 15% and at EPA by 25%.

Concerns about Proposed DOI Reorganization

The Tribes have serious concerns about DOI's proposed reorganization. DOI has requested FY19 funding for its reorganization but has yet to provide information on how the reorganization would impact tribes and has yet to engage in consultations with tribes about its proposed reorganization. DOI bears a primary responsibility to provide tribes with federal services. We are worried that DOI, in violation of its duties to tribes, is going ahead with its reorganization without engaging in meaningful tribal consultations, and without properly considering negative impacts of the reorganization on tribes or that DOI has already made up its mind on its reorganization and that any future consultations will be meaningless. ***We urge the Subcommittee to direct DOI to cease its reorganization efforts until it has engaged in meaningful government-to-government consultations with tribes about its reorganization plan and to direct DOI to provide all relevant details to tribes about its proposed reorganization.***

Need to Clean Up Eastern Michaud Flats Superfund Site on Reservation

The Tribes and the U.S. signed the Fort Bridger Treaty of 1868 (Treaty) ratified by the Senate on February 16, 1869. This Treaty was part of the "Great Peace Commission" that was a massive effort of the U.S. from 1968-69 to gain Indian land throughout the American West and to negotiate treaties to secure landownership for the expanding US. Under the Treaty, the Tribes agreed to settle on the Reservation as our "permanent home." However, the Tribes reserved the following off reservation rights: "the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts." Article IV. Subsequent to the Treaty, the Tribes ceded hundreds of thousands of acres to the U.S. to facilitate settlement of large portions of the Reservation in a series of cession agreements; however, the Tribes expressly reserved specific usufructuary rights for lands remaining in the public domain, including retained priority rights to hunt, fish, gather, graze, and cut timber for personal use.

For almost 70 years, the health, environment, and safety of Tribal Members have been subjected to toxic contamination caused by the J.R. Simplot Company (Simplot), a large phosphate manufacturing company, and the FMC Corporation from their mining and processing of phosphates on the Reservation and our ceded lands for many decades. Simplot continues to process phosphates at its Pocatello Don Plant, which is located adjacent to the Reservation within our ceded lands where we have vested treaty property rights to hunt, gather, and graze livestock. In 1976, the Idaho Department of Health and Welfare found elevated levels of arsenic, lead, and cadmium in monitoring wells down-gradient from the Simplot and FMC plants. In 1987, the EPA detected arsenic, cadmium, and selenium in monitoring wells in the deep confined aquifer which runs under the area. The EPA also discovered heavy metals in the sediments of its toxic waste dump site. In addition, elevated contaminant levels were found in soils both on-site and off-site. In all, 2,530 acres of land surrounding the plants were found to have "contamination levels of concern." The findings above culminated in EPA's designation of the area in 1990 as the Eastern Michaud Flats (EMF) Superfund Site and its listing on EPA's National Priority List as one of the most contaminated Superfund Sites in the country.

The EMF Site is a continuing source of chemical and radioactive contamination, introducing dangerous airborne, surface, and groundwater contamination into our ecosystem and into the regional ecosystem. Contaminants from the Site move off the private property boundary via groundwater and air and enter the Reservation, impacting our health, our land, and water resources. The groundwater moves generally north-northeast under the EMF Site, and discharges into springs and into the Portneuf River, which flows past the Simplot Don Plant and onto the Reservation. Thousands of mammals, reptiles and birds that have come into contact with the Site have died. The Site has also affected the Bottoms area, our sacred hunting grounds. The Tribes have fought for decades to require Simplot and FMC to clean up their Superfund site on and next to the Reservation, which has contaminated our lands and watersheds to the point that we cannot eat the fish we catch or swim in our streams and lakes. Simplot and FMC still have not cleaned up the EMF site. ***We respectfully request the Subcommittee's assistance in working with the EPA, which has a treaty obligation to protect the health of Tribal Members and to protect our lands and water sources, to require cleanup of the EMF Site.***

Further, the Tribes oppose H.R. 4448, the Blackrock Land Exchange Act, which would mandate the transfer of over 718 acres of BLM land, which is adjacent to the Reservation and part of the Tribes' ceded lands. This bill would allow Simplot to increase the footprint of the EMF Site and eventually create an even larger Superfund site, increasing the environmental contamination of the Reservation, its neighboring communities, and the Portneuf River. H.R. 4448 would negatively impact the Tribes' treaty rights, the environment, our health, and our cultural resources. Instead, the federal government should be working toward the goals of clean air, clean water, and the protection of cultural resources that protect us, and uphold our treaty rights.

Negative Impacts to IHS from HHS Centers for Medicare and Medicaid Work Requirements
The Centers for Medicare and Medicaid Services (CMS) recently took a position that IHS beneficiaries are subject to CMS work and "community engagement" requirements. This position is contrary to treaties and other federal laws that acknowledge the political governmental status of tribes and requiring quality health services for American Indians. Specifically, Section 1911 of the Social Security Act authorizes IHS and tribally operated programs to bill the Medicaid program to provide supplemental federal funding to IHS. Mandatory work requirements will create a barrier to access to Medicaid for American Indians; and, faced with these requirements, American Indian Medicaid enrollees will no longer participate in the Medicaid program. This will deprive IHS of much-needed Medicaid resources and jeopardize the IHS system. ***We urge the Subcommittee to clarify through legislation that IHS beneficiaries are not subject to CMS work and "community engagement" requirements.***

Protect IHS Community Health Representative Program and Health Education Program
The FY19 President's budget request proposes eliminating funding for the IHS Community Health Representative (CHR) Program and the IHS Health Education Program. CHR's and Health Educators are trained in a wide variety of general and advanced medical topics, including health promotion and disease prevention, and are programs wholly operated by tribes through P.L. 93-638 contracts with IHS. Their assistance is part of the backbone of the Fort Hall community. Without the CHR Program, our elders or disabled individuals who need assistance getting to health care appointments, which is often 50 miles away, or help with follow up from doctor/hospital visits, changing bandage or wound dressings, picking up prescriptions, etc. The Health Education Program helps in the reduction and management of chronic and communicable diseases and disabling conditions. The bottom line is that we need more CHR's and Health Educators, not less of them. ***We respectfully request that the Subcommittee protect this important funding.***

Protect Funding for Special Diabetes Program for Indians
The Trump Administration's FY19 budget requests transfer of the Special Diabetes Program for Indians (SDPI), funded at $150 million, to the discretionary line item rather than the mandatory spending that it is currently. We are concerned that the Administration has made this request so that it can seek reductions/elimination in funding for SDPI in the future. Diabetes is a complex and costly chronic disease that requires long-term lifestyle changes for prevention and treatment. The Indian health care system is funded at about 59% of need and is overburdened. At a rate of 2.8 times the national average, American Indians have the highest prevalence of diabetes. 14% of the Fort Hall community suffers from diabetes. The federal investment in SDPI has shown significant improvements and is advancing the quality of our health care. ***We respectfully request that the Subcommittee maintain SDPI as mandatory spending.***

Need for Replacement Substance Use Treatment Facility and Adult Transitional Housing
Unfortunately, the Fort Hall community suffers from high rates of alcohol, methamphetamine, and opioid abuse. Due to these high rates of substance abuse, our community has recently experienced an increase in violence and deaths associated with substance abuse. The Tribes have been addressing these issues in a variety of ways, including treatment and recovery. However, in December 2017, the Tribes' primary residential treatment facility, the Four Directions Treatment Center, had to suspend inpatient services after their old facility was condemned. The treatment center now has to refer patients in need of in-patient services to other facilities, including out-of-state facilities. Further, due to the high cost of treatment and limitations on Purchased/Referred Care (PRC) funding, our treatment center can only refer 10-15 patients even though our average is approximately 25 patients in need. The Reservation is also in need of transitional safe and sober housing for adult males and females who successfully complete treatment programs. A safe and sober home is a primary factor to maintaining a healthy and sober lifestyle, along with access to other services as needed. ***We respectfully request the Subcommittee's assistance in working with IHS to develop a long-term solution for a residential treatment facility and transitional safe and sober housing on the Reservation.***

Need for Adequate BIA Funding for Tribal Survey and Mapping Activities
The Tribes' Survey & Mapping Program provides critical cadastral surveys for individual and Tribal allotments on the Reservation to determine land boundaries and to provide surveys and legal descriptions for home sites and gift deeds or partitions of land parcels. The Tribes maintain contracts with the BIA for these activities from the BIA's rights protection funding; however, funding for these critical surveys has been chronically deficient with the Tribes having to supplement salaries for 1.5 full time employees. While the Tribes' survey program has been successful in completing 57 survey requests within the last year, but with over 50 individual survey requests submitted per year, there remains a 3-year backlog of work. ***We respectfully request additional funding of $175,000 for the Tribes to help eliminate the backlog of survey requests, provide services for new survey requests, and to protect the history and ownership of the Tribes and its Reservation boundaries.***

Need to Address Water Storage in Grays Lake
Congress enacted the 1990 Fort Hall Water Rights Agreement (P.L. 101-602) to solidify the Tribes' water rights in a number of water sources in the upper Snake River Basin. The Agreement states that, in low water years, the Reservation water supply would come from storage in the Blackfoot Reservoir and Grays Lake. However, the Tribes have been unable to fully implement and exercise these water rights because Grays Lake is drawn down annually to accommodate for established grazing rights. The 1990 Agreement directed $5 million in funding to the BIA to buy out grazing rights and to purchase lands to enhance storage supplies for the Fort Hall Irrigation Project (FHIP). Although tBIA has purchased approximately 4,183 acres of lakebed interests from seven separate landowners, the remaining landowners restrict the BIA from effectively managing the water level and prevent full implementation of the 1990 Agreement. Securing the remaining lakebed interests will improve water storage and water management and will significantly benefit the Tribes and the water users of FHIP. ***We respectfully request that the Subcommittee provide $8 million to the BIA to complete the Grays Lake land acquisitions and finally accomplish the goals of the 1990 Agreement.***

Mr. SIMPSON. Thank you, Nate.
Mr. SMALL. Thank you.
Mr. SIMPSON. Chad.

THURSDAY, MAY 10, 2018.

RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA

WITNESS

CHAD ABEL, DIVISION ADMINISTRATOR, TREATY NATURAL RESOURCES DIVISION, RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA

Mr. ABEL. Thank you, Mr. Simpson, Ms. McCollum. Since 2010, Red Cliff and Bad River Bands of Lake Superior Chippewa have pursued funding for a program in Wisconsin waters of Lake Superior that we call Lake Superior Co-Management. The reservations of both tribes are on the shores of the lake, and we actively manage an extensive commercial fishery. Our tribal fishers are independent small business owners who are licensed to fish the tribe in exchange for abiding by rules and regulations adopted for the fishery.

Red Cliff and Bad River co-manage the Lake Superior Fishery through a negotiated three-party agreement with the State of Wisconsin as it has been since 1981. This was after the Gurnoe decision affirmed the rights of the bands to fish and dismissed State prosecution of tribal fishers. Issues regarding the use of Lake Superior were explicitly stipulated out of the Voigt decision between member tribes and State in 1985.

To this day, management of 1842 waters of Lake Superior in Wisconsin is left to the two tribes whose reservations and fishing tradition extend to the lake. This is actually what the fishing agreement looks like that we have with the State of Wisconsin.

So, what is Lake Superior co-management and what do we do? We have fishery observers that monitor catch on board these commercial vessels while harvest is occurring. The agreement mandates that we monitor 7 percent of all harvests, which in itself is a tall order. We manage a limited entry fishery. That means we maintain a number of big boat and small boat licenses that are available in any given year. We have standardized fish assessments that occur annually on our research boat. Some of these assessments began in the mid-80s, so these are long-term data sets we manage and produce biological reports on.

Red Cliff's Fisheries Department was highlighted in the 2018 Green Book for lifting 76,900 feet of survey net on our research vessel. This is a pretty typical year of survey effort for us, processing data from nearly 15 miles of net we have set in Lake Superior to understand the fishery.

We have conservation enforcement. Our wardens participate in what is called grid patrol, meaning they are out on the lake, ice or open water, to check nets that are set. This is one of our most effective means to confirm that harvest reports submitted by commercial fishers are accurate. Wardens also meet commercial vessels dockside as they come in to confirm catch brought to shore is legal. When you consider our treaty fishing areas in Michigan as well, our three wardens patrol 7 million surface acres on Lake Superior.

To put that into perspective, that is an area bigger than three Yellowstone National Parks. We must staff a fish biologist to produce statistical catch at age models, and with the aptitude to use complex statistical software like RStudio and ADMB ModelBuilder.

So, how are we doing all this without the funding we are here asking for? Red Cliff and Bad River receive TMB funding from BIA, but keep in mind our TMB funding is for all of our on-reservation natural resources management as well, not just our fishery responsibilities, and the funding level has barely budged since the 80s. In its heyday, Red Cliff had a stellar fisheries program and they initiated a lot of the standardized surveys we still do today. But funding did not keep pace with the cost of doing business, and at one point we could not even afford the number of staff needed to man the research vessel. Our two wardens at the time had to choose between health insurance and being laid off. I call this the dark age of our fishery program, the period from the late 90s until 2010.

Red Cliff is not living up to its agreement with the State of Wisconsin, and it had devastating consequences. In 2011, we had to ratchet lake chart harvests over a 3-year period from 135,000 fish annually to 52,000. Imagine what that does the livelihoods of these independent commercial fishers who are small business owners, and imagine what this does for the non-Native participants in the fishery as well, the charter boat captains and sport anglers.

The fact is, we did not have our finger on the pulse of the fishery and drastic measures had to be taken to right the ship. Our renaissance began in 2010 with the beginning of GLRI and also our efforts to make BIA aware of our management responsibilities and our funding need. BIA has supported Lake Superior Co-Management since 2010, funding the program indirectly through CLIO and basis species funding and through end-of-year funding, for example. We have also benefitted from GLRI, and I want to voice my strong support for its continuation. Without GLRI and BIA funding support, all of the projects we highlighted in our written testimony would not have been possible. Our request is for $750,000 that would be allocated between Red Cliff and Bad River, but we can do more with less than, and less is, of course, better than zero.

And in conclusion, I look to the members of this committee to help us do good work. We cannot rely on a piecemeal approach from BIA forever, and we have no idea what is to be of GLRI down the road. I am asking you to see a program that is functioning at a high level, that is doing the work that is required to co-manage the resource, and to lend it your support. Thank you.

[The statement of Mr. Abel follows:]

Red Cliff Band of Lake Superior Chippewa
Chad Abel, Administrator of Natural Resources
FY19 Testimony to House Appropriations Committee on Interior, Environment and Related Agencies

Department of Interior, Bureau of Indian Affairs, Operation of Indian Programs
Trust – Natural Resources Management, Tribal Management/Development Program (TM/DP)

A requested increase of $750,000 to fund Lake Superior Co-Management (LSCM) in Wisconsin waters of Lake Superior for the Red Cliff and Bad River Bands of Chippewa

The Red Cliff Band of Lake Superior Chippewa Indians have a small reservation with 22 miles of Lake Superior shoreline on the northern most point of Wisconsin. Commercial fishing on the big lake is a tradition spanning generations, as this excerpt describes:

28TH ANNUAL REPORT OF THE BOARD OF INDIAN COMMISSIONERS, 1896

THE RED CLIFF RESERVATION, A THIRD MEMBER OF THE LA POINTE AGENCY GROUP, IS ABOUT 24 MILES BY RAIL FROM ASHLAND. IT CONTAINS 191 INDIANS, A PARTICULARLY INDUSTRIOUS AND DESERVING LOT OF PEOPLE. A GOOD MANY OF THE RED CLIFF INDIANS OBTAIN THEIR CHIEF EMPLOYMENT AT THE BAYFIELD SAWMILLS, AND MANY OTHERS HAVE UNTIL RECENTLY EARNED A FAIR SUBSISTENCE BY FISHING WITH NETS IN THE BAY ALONG THE BORDER OF THE RESERVATION. THEIR FISH THEY WOULD PACK AND SHIP IN KEGS TO THE MARKET, WORKING ON A COOPERATIVE SYSTEM. NOW THE STATE OF WISCONSIN HAS ADOPTED LAWS WHICH FORBID THEIR NET FISHERY, ALTHOUGH THE TREATY OF 1854 BETWEEN THE TRIBE AND THE UNITED STATES GOVERNMENT GUARANTEES THEM THIS PRIVILEGE. THEY CANNOT UNDERSTAND THE CONFLICT OF STATE LAWS WITH FEDERAL TREATIES, AND STILL CONSIDER THEMSELVES ENTITLED TO FISH, THOUGH THEY HAVE MADE NO ATTEMPT TO ASSERT THEIR RIGHTS AGGRESSIVELY SINCE SOME OF THE FISHERMEN WERE ARRESTED BY THE STATE AUTHORITIES.

After *State v. Gurnoe, 53 Wis. 2d 390* (1972), the treaty right to fish Lake Superior was affirmed, and the decision went on to dismiss state prosecution against tribal fishers, initiating the current system of self-regulation. Disagreements over fishery management continued between the Tribes and the State for decades to follow, despite formalized agreements defining management over the shared fishery. However, at present there is a new spirit of cooperation and collaboration. Resource management in the western arm of Lake Superior requires involvement from all entities, and tribal entities need sufficient funding to successfully manage the shared resource.

LSCM spans 6 management units and 7,051,090 surface acres of Lake Superior. Red Cliff licensed fishers alone have averaged about 1,000,000 pounds of fish harvest annually in the 1842 ceded waters over the last several years. Management authority of this magnitude requires conservation enforcement, on-board commercial monitors, fishery-independent surveys, and population modeling to ensure sustainable harvest of target fish species. LSCM funding is essential for Red Cliff and Bad River to continue to fulfill management obligations on Lake Superior and to adhere to the Lake Superior Fishing Agreement with the State of Wisconsin.

Tribal Co-Management Success Stories

Cisco Management

Cisco (lake herring) was once an abundant prey species in the Great Lakes. Cisco stocks collapsed across the Great Lakes and at present have only been successfully rehabilitated in Lake Superior. Beginning about a decade ago, the demand for cisco roe in Scandinavia fueled a November fishery that targets spawning aggregations. Harvest levels for cisco around the Apostle Islands quadrupled to meet demand and, as this new fishery took off, regulations on the harvest and the data available to manage the stock were lacking. Stakeholders were profiting from meeting the increased demand for cisco roe which dampened political will to address depleting cisco stocks.

After many years of concern, tribal and state biologists worked together to set an initial quota that could pass governing bodies. Red Cliff began a research project with University of Minnesota – Duluth and USGS in 2017 to test new hydroacoustic equipment that has the ability to refine estimates of cisco abundance while minimizing the time (and cost) of gathering this critical data needed for harvest management.

USFWS helped organize an interjurisdictional approach to gather existing data on cisco in the western arm of Lake Superior, and the group held a series of meetings to discuss the best way to develop a stock assessment model. Participating entities include Red Cliff, Bad River, State of Minnesota, State of Wisconsin, GLIFWC, Ontario Ministry of Natural Resources, Grand Portage, and USGS. With the help of the Quantitative Fisheries Center, these efforts have just recently led to the first stock assessment model for the western arm of Lake Superior and an understanding of where critical data gaps still exist. The collaborative approach gets all stakeholders to the table and involved early in the process which prevents costly, drawn out disagreements at the point where biological efforts result in new policy. Shared datasets also minimize duplicative efforts.

Returning Sharp-tailed Grouse to the Moquah Barrens

The Moquah Barrens is a unique wildlife management area in the Chequamegon-Nicolet National Forest. Sharp-tailed grouse were once abundant in the barrens, but decades of fire suppression and other factors reduced the population to the point that spring lek surveys were only documenting a few remaining individuals. USFS biologists met with Red Cliff staff to cooperatively develop a management plan to restore thousands of acres of habitat and to trap sharp-tailed grouse in NW Minnesota, where they are abundant, and translocate them to Moquah Barrens. The project is now in its fourth and final year, and the broader effort included collaboration by Sharp-tailed Grouse Society, WI DNR, MN DNR, and Bad River.

By all accounts, translocation efforts have proved an enormous success. The project received a National Honor Award in late 2017! Red Cliff has been responsible for tracking the radio-collared

grouse released to the Moquah Barrens, and this data has been remarkably helpful in understanding habitat preferences and the potential for connectivity of the meta-population. Collaborations like these maximize the effectiveness of federal dollars.

Removing Phragmites from three Wastewater Treatment Plants
The invasive Phragmites has been devastating to coastal estuaries and wetlands throughout the Great Lakes, however there are only a few documented populations of Phragmites in the Lake Superior Basin. Red Cliff began finding small clusters of Phragmites on the Red Cliff reservation in 2013, but the source population was unclear.

In the 1990's Red Cliff and the neighboring communities of Bayfield and Washburn constructed wastewater treatment plants (WWTPs) that used Phragmites in the reed bed system to dewater sludge. Though Phragmites was a known invasive, the plants sourced were marketed as sterile. Working with GLIFWC, Red Cliff documented escaped populations in Washburn and Bayfield as well. Genetic analysis helped to confirm the three WWTPs were the source population.

With support of GLRI, Red Cliff implemented a project to remove and replace the invasive Phragmites with a native species in all three reed bed systems. The construction phase will occur this summer. The project is slated to protect 14,000 acres of estuary in the Apostle Islands area. The Bad River reservation is just across Chequamegon Bay from these communities, and the Bad River estuary is a Ramsar Wetland of International Importance that represents 12,000 of those estuary acres this project is protecting. Coincidentally, Bad River natural resources staff documented a stand of Phragmites in their pristine coastal estuary for the first time in 2017. This project could not be timelier. There is still time to prevent this species from proliferating in the Apostle Islands area and the greater Lake Superior Basin. This is a wise investment in federal dollars; to combat this issue now instead of spending millions on endless control efforts later.

Frog Bay Tribal National Park
In 2012, Red Cliff opened the first tribal national park in the country! The conservation area has grown to 300 acres and is open, free of charge, to tribal membership and the general public alike. The park is a consolidation of former private and Bayfield County lands, and it includes 40 acres of existing tribal land. The park permanently protects one mile of undeveloped Lake Superior coastline, the Frog Creek estuary, and a rare and pristine example of transitional boreal forest. Frog Bay looks out to five of the islands on the Apostle Islands National Lakeshore, and Red Cliff has engaged NPS on how we can manage these protected areas in concert with each other. Look in the coming years to how we define co-management with Apostle Islands National Lakeshore!

LSCM is a program that deserves federal funding. We've develop a model for federal funding that is cost effective, collaborative, and proficient. We do more with less and maximize the federal

investment in natural resources management; resources we all share. Currently Red Cliff receives $260,000 in TMDP to support all of our work in the region. If not for GLRI and interim LSCM support from BIA, these important projects may not have been possible. Please consider funding Red Cliff and Bad River's joint request.

LSCM Wisconsin Waters Program Write-up

Of the proposed increase, $750,000 will be provided to support Lake Superior Co-Management (LSCM) tribes in Wisconsin Waters (Red Cliff, Bad River). The reservations of the LSCM tribes border Lake Superior coastal shoreline, and the tribes actively participate in commercial and subsistence fish harvest across six management units and 7,051,090 surface acres of Lake Superior. The reservations' economies are fundamentally based and inextricably linked to the continued sustainable harvest of wild, native fish stocks in the 1842 ceded waters of Lake Superior.

Tribal commercial fishing on Lake Superior under the Treaty of 1842 (7 Stat. 591) and Treaty of 1854 (10 Stat.1109) with the Chippewa was affirmed in *State v. Gurnoe*, 53 Wis. 2d 390 (1972), which dismissed state prosecution against tribal fishermen and initiated the current system of self-regulation. The US District Court for the Western District of WI also dismissed allegations against tribal fishermen in *US v. Peterson*, 82CR7OU (1984), in light of the regulatory provisions contained in the Lake Superior Fishing Agreement, first adopted in 1981, between the Red Cliff and Bad River Tribes and State of WI. While the rights of these tribes to manage the Lake Superior fishery was made clear in court decisions, the exact jurisdictional boundaries and roles of each Tribe in cooperation with the State was determined through negotiated efforts. Prior to, and since the federal court's decision in *US v. Peterson*, the tribes have maintained sovereign rights to regulate Treaty harvest and to cooperatively manage the shared fishery resource in Lake Superior through subsequent negotiated renditions of the Lake Superior Fishing Agreement in coordination with the State of Wisconsin in 1991, 1995, and 2005. LSCM tribes (Red Cliff and Bad River) each currently receive base TMDP funding for on-reservation management of fish and wildlife resources. Funding of LSCM will provide the funding required for Red Cliff and Bad River to co-manage tribal resources in compliance with the Lake Superior Fishing Agreement within the jurisdictions also managed by the State. This increase to LSCM (Red Cliff and Bad River) is needed to improve conservation enforcement, commercial monitoring, and data-driven fishery management activities within the co-managed jurisdictions of Lake Superior in cooperation with the State.

Since the Gurnoe Decision (1972) reaffirmed the rights of the Chippewa tribes to engage in reservation-based fish harvest, LSCM tribes have developed natural resource programs to demonstrate their co-management authority on Lake Superior and ensure sustainable fishery management. The core functions of these programs are fish stock assessments, conservation enforcement and harvest monitoring.

Mr. SIMPSON. Thank you. Thank you all for being here today. Casey mentioned that I told you that I would love to get a codel from our committee, and I am sure Betty would be more than happy to come.

Ms. MCCOLLUM. We could do the Northern Tier.

Mr. SIMPSON. Yeah, we could do the Northern Tier, but would love to come out to the Nez Perce Reservation and the Shoshone-Bannock Reservation at Fort Hall. We learn a lot when we actually get out on the ground and see conditions and situations. So, anyway, thank you all for being here today. I appreciate it.

Mr. MITCHELL. Thank you for that, Mr. Chairman, and just to say that you guys are more welcome to come out there and visit with us, and spring and summertime are great——

Mr. SIMPSON. That is the preferred time. [Laughter.]

Mr. MITCHELL. But, you know, any time would be awesome, and we would love to have you guys.

Mr. SIMPSON. We would have to wait until the wind quits blowing, which is, what, like, June, July? [Laughter.]

Mr. MITCHELL. Thank you for your time and your leadership today.

Mr. SIMPSON. But we will put together a codel, and I am sure that Chairman Calvert and Congressman Cole would love to come also, so. Betty.

Ms. MCCOLLUM. Thank you. Well, we could handle the winter. We know how to dress for it. But we much prefer our summers back home.

Mr. SIMPSON. Yeah. Yeah.

Ms. MCCOLLUM. Mr. Simpson and I do. I want to highlight something. The Great Lakes funding makes a big difference in tribes being able to do what you are doing in Wisconsin, on Lake Superior, the two bands there. Without the Great Lakes funding being used, you would even be farther behind.

You pointed out how you have not kept up with inflation and more has been added to your table. But the Great Lakes funding has really, in my opinion, covered up some of the shortages that we would be here talking about even more so than you are today for the work you are doing.

If I might ask again about consultation on reorganization, because we have heard this over and over again on other testimony. MAST represents many of being the Northern Tier tribes. There have been maps proposed for a reorg where Minnesota was the child in between both. We love the Great Plains, but we also love our lakes, so we are being left out of some of the boundaries that have been proposed. So, my question is, have you had any discussions with the Department of the Interior about its reorganization? Because the Minnesota DNR and the Wisconsin DNR working with the Canadian government on Lake Superior is really important to your work. Those things all have to move together in order for you to be successful. Is that not correct?

Mr. ABEL. Yeah, that is correct. There has not been any formal consultation over the reorganization that I am aware of. We have had meetings with BIA officials here in Washington, one just yesterday, to kind of try to understand better what the reorg really even means, and it is vague on details.

And, yeah, just to your point about GLRI, it has helped us a lot. It has helped special research initiatives that we have done on our research vessel. It has also helped to fund some of those land restoration practices on reservation that otherwise we would not have been able to afford or we would have had to take out of our base funding in order to accomplish. When GLRI started, we had an enormous backlog of stream bank failures, port culverts. We had a shoreline stabilization project on Lake Superior that never would have happened without GLRI and a number of other great projects that I highlight in our written testimony as well.

Ms. MCCOLLUM. Who requested the meeting on the reorg with the Department of Interior? Did you request it or did they ask you to come?

Mr. ABEL. We had requested a meeting. It was just one of the topics that was brought up at the meeting.

Ms. MCCOLLUM. Thank you.

Mr. SIMPSON. Thank you all for your testimony and for being here today. Nathan?

Mr. SMALL. I would just like to mention the picture there.

Mr. SIMPSON. I was going to mention that, yeah.

Mr. SMALL. It is from our tribe, and we brought it here during the time of the Violence Against Women Act was being proposed and stuff like that. The picture of those women there is when they were at their strongest. That is how the women were back in the day. Nowadays, you know, we are still dealing with a lot of violence against our women, and we are also seeing a lot of kidnappings and being moved around and stuff like that.

So, I hope that picture inspires you every day to think about our Indian women and to continue the funding for that particular act. Because of all of the alcohol, and opiates, and meth, and all of those kinds of things, our women cannot be that strong anymore, and we need a lot of help. You know, we have done everything we can to try and prevent these kinds of things from happening. But because of the influences of all those things, we are not our people anymore, and our women are not like that anymore, so.

Mr. SIMPSON. Thank you for bringing that up. I was going to mention that, and thank you. When I became chairman of this committee, I asked you to send me some stuff because you get to put kind of your own stuff around here when you are the chairman. But Mr. Calvert had decided to leave that up because he thinks it is important, too.

Ms. MCCOLLUM. A lot of us love it.

Mr. SIMPSON. Yeah, it is a great picture. Thank you for sharing that with us. We have one more panel. Unfortunately, we have some votes, and we have got 55 seconds left to get to the Capitol, and we have three votes. And then we will return, so if you just want to have a pause here for probably 20 minutes, we will be back, and the last panel of Wisconsin individuals. We will be back in, like I say, about 20 minutes, okay? Thank you all.

[Recess.]

Mr. SIMPSON. So, who is first?

THURSDAY, MAY 10, 2018.

LAC DU FLAMBEAU TRIBE

WITNESS

JOSEPH WILDCAT, SR., PRESIDENT, LAC DU FLAMBEAU TRIBE

Mr. WILDCAT. Okay, good morning, Chairman Simpson, and Ranking Member McCollum, and members of the subcommittee. My name is Joseph Wildcat, Sr. I am the President of a 4,000-member Lac du Flambeau Band of Lake Superior Chippewa Indians.

Our 86,000-acre reservation is located in Vilas and Iron Counties in northern Wisconsin. Water defines us. Our reservation is half water, half land with 260 lakes, 71 miles of rivers, streams, and 42,000 acres of water and wetland. My testimony today concerns IHS, BIA, and EPA budgets and how Federal funding helps our tribe promote community stability.

Through our tribal enterprises, we employ over 800 people with about 25 percent of our workforce paid in full and in part by Federal appropriations under the subcommittee's jurisdiction. We are the largest employer in Vilas County. Thank you for your bipartisanship in pressing for enactment of the 2018 appropriations for BIA, BIE, and IHS. My testimony today is simple: please build on the successes realized in the 2018 appropriations as you consider tribal needs in the 2019 budget.

With regard to healthcare programs on our program, we operate a $24 million budget. The IHS funds about one-third of our healthcare budget. We operate the Peter Christensen Health Center, dental program, family resource center, and inpatient treatment center. We provide some 48,000 patient appointments each year. If we lose third-party collections, especially Medicaid, without a significant increase in IHS appropriations to offset those losses, we would have to reduce services at a time of growing healthcare needs. I worry that our Medicaid reimbursement will be reduced if CMS does not grant tribes an exemption from state work release requirement waivers.

We have an opioid crisis on our reservation. In 2017, 48 of 90 tribal births resulted in an opioid-addicted baby. Early treatment is critical to their survival and long-term success. We had 100 members overdose on opioids in the last decade. I ask this subcommittee to provide additional funds for 2019 for hospitals and clinics preventive health programs like drug-endangered children and drug-endangered elders. We need additional purchase referral care funds to help ensure our members receive the continuum of care they require.

With regard to natural resources, we operate one of the leading natural resource programs in the country. We oppose the Administration's harmful reductions to BIA, EPA programs that we need to pay salaries of fish, wildlife biologists, fish hatchery operators, hydrologists, and other employees. Minnesota and Wisconsin lakes have the highest number of mercury-contaminated lakes. Deer suffer from chronic wasting disease. Fish, venison, and wild rice are staples that our members rely on for food security. Water and ground contaminants endanger the health of our members. Please

reject budget reductions to the BIA and the EPA funds we need. We alone need half a million dollars to operate our fish hatchery and tribal management and development programs for 2019. Please increase funds for Great Lakes Restoration initiatives which benefit our tribe.

With respect to law enforcement, we appreciate recent increases for tribal courts, PL 280 states, and urge the subcommittee to increase this important program for 2019. Thank you for sustaining adult scholarships, special education scholarships, and the Johnson O'Malley Program, including a directive to the BIA to complete an accurate student count.

I conclude on road safety and express my thanks for the subcommittee's continued attention and increases to the unfunded BIA roads maintenance program. We contract the program under the 638 contract. We receive less than $90,000, but operate on a program close to $2 million. This gives you an idea of the level by which our tribe subsidizes yet another Federal trust obligation.

I want to thank you for your time today and allowing me to speak. Thank you.

[The statement of Mr. Wildcat follows:]

Testimony of Joseph Wildcat, President
Lac Du Flambeau Band of Lake Superior Chippewa Indians
Before the House Appropriations Subcommittee
On Interior, Environment and Related Agencies
Concerning IHS, BIA AND EPA Programs in the FY 2019 Budget
April 30, 2018

My name is Joseph Wildcat, I am the President of the Lac du Flambeau Band of Lake Superior Chippewa Indians, located in Vilas, Oneida and Iron Counties Wisconsin. Our Tribe of 3,400 members is the largest employer in Vilas County. Together with tribal enterprises, the Tribe employs 800 individuals, with nearly 25% or 190 employees paid in full or in part with appropriations made under this Subcommittee's jurisdiction. Our reservation has one of the densest concentrations of fresh water in the country and our lands and waters are sacred to the Band and its members. Within our 86,600-acre reservation, there are 260 lakes, 71 miles of streams and rivers, approximately 42,000 acres of forested land and roughly 42,000 acres of water and wetlands. We are working hard to build and maintain a stable, healthy tribal community, amid many challenges. Like many rural areas, we are dealing with opioid abuse and the challenges of creating and maintaining jobs for our citizens and residents.

My testimony today addresses IHS, BIA and EPA programs that are vital to the Lac du Flambeau Band. The Tribe thanks the Subcommittee for its leadership and commitment to Indian tribes which honors the Nation's trust responsibility to the Indian people. The Tribe appreciates that Congress provided increased funds in FY 2018 for BIA, IHS and EPA programs and the other programs across the federal government.

Please recognize the interconnectedness of IHS, BIA and EPA programs which help promote healthy tribal members and healthy communities; essential building blocks for stable communities where Tribal parents can raise Native youth in safety and security so that they may realize their fullest potential and contribute to their community's and the Nation's future.

I. INDIAN HEALTH SERVICE PROGRAMS

The Tribe recognizes the increase Congress provided for FY 2018 for the IHS. With that being said, the I.H.S. funding only cover 32% of our financial need! The Tribe operates the Peter Christensen Health Center, Dental Program, a Family Resource Center, and an In-patient Treatment Center with a total annual operating budget in excess of $24 million. The Tribe's annual funding for FY2018 is $7.7million. These programs are vital to ensuring the support and preservation of family life and wellbeing by providing such services as outpatient mental health, inpatient & outpatient alcohol and other drug abuse, and psychological consults. The Health Center provides quality health care and offers a full range of family medical services by Board Certified family physicians, advanced practice nurse practitioner and physician-assistants serving 5,500 patients and providing 48,000 patient appointments annually. Together, our Tribal Health Program employs a staff of 150 individuals. The Tribe asks that Congress increase IHS funding in 2019.

Our rationale for this funding increase is borne of necessity. We are seeing how important proactive and preventive health services are for our community. In particular, like the rest of the Nation, our community is in the throws of the opioid epidemic. It has tragically claimed the lives of numerous Lac Du Flambeau members, with approximately 100 members overdosing on opioids. Approximately 60 percent of the Tribe's annual births result in opioid-addicted babies. In 2017 alone, 48 of the Tribe's 80 births resulted in opioid-addicted babies. Early treatment is critical. We urge the Subcommittee to increase funds for preventive health programs such as Drug Endangered Children (D.E.C.) and Drug Endangered Elders (D.E.E.). These programs can save lives and empower our Tribe to help our citizens address addictions and mental health issues, especially targeting our tribal youth. Please continue to prioritize increases in FY 2019 IHS funding for Hospitals and Clinics, mental health, substance abuse treatment and P/RC funds so that we can take a proactive stance by investing wisely in preventive health services.

II. NATURAL RESOURCES (EPA AND BIA)

The Tribe has one of the leading tribal Natural Resources programs in the Country. Our program includes a Fish Hatchery for several species of fish, Fisheries Management, Waterfowl habitat protection, Great Lakes Restoration Initiative, Conservation Law Enforcement, Wildlife protection, Historic Preservation, and numerous environmental programs, including water resources. Our Natural Resources Department employs fish biologists, wildlife biologists, fish hatchery operators, hydrologists, technicians and administrators, many of whom are paid in full or in part with EPA and BIA funds and critical to our work protecting the resources that were promised to us in our Treaties. We urge the Subcommittee not to jeopardize our Natural Resources programs that are critical to protecting our culture, our health and our economy, that is part of Wisconsin's $19 billion hunting, fishing, recreation and tourism industry.

The proposed reduction in EPA funding and cuts to BIA Natural Resources programs would be devastating to our Program. Even with existing funding, we struggle to meet the demands we face to maintain clean air, water and lands from the many contaminants that threaten our community. The highest concentrations of mercury tainted lakes are in the State's northern most counties, including Vilas and Oneida. Minnesota and Wisconsin lead the nation with mercury-contaminated lakes. At present, there are more than 146 lakes with fish health mercury advisories in place in Wisconsin. This presents a direct threat to our culture because we cannot eat contaminated fish that are otherwise a staple of our diet. A continuing threat to our treaty protected resources is Chronic Wasting Disease (CWD), it has been detected in deer in our ceded territories and is moving closer to the deer population on our Reservation. There is no silver-bullet to this challenge, but we need resources to ensure proper monitoring and management.

A. Trust-Natural Resources Management. In FY 2018, Congress appropriated $204 million for the BIA's Trust-Natural Resources Management programs, a $3.2 million increase from FY 2017. We greatly appreciate this, but given the importance of our natural resources to our culture and economy more is needed. Our Tribe alone needs nearly a $500,000 increase for our Tribal Fish Hatchery Operations and Tribal Management/Development Program for FY 2019.

B. Circle of Flight: Wetlands Waterfowl Program. We urge the Subcommittee to continue to provide support for the BIA Circle of Flight Program (about $707,000). This modest BIA program supports Tribal efforts throughout the Great Lakes Region to restore and preserve wetlands and waterfowl habitat and enhances wild rice gathering within Tribal territories throughout the three states along the Mississippi flyway.

C. Great Lakes Restoration Initiative. Thank you for funding the Great Lakes Restoration Initiative at $300 million in FY 2018. Do not terminate this vital program. For the indigenous people of Wisconsin, the Great Lakes represent the lifeblood of our culture and the foundation of our economies. The protection and preservation of the Great Lakes is a necessity.

D. EPA Tribal General Assistance Program. Congress approved $3.5 billion for State and Tribal Assistance Grants, including $2.461 billion for Infrastructure assistance grants and $1.066 billion for categorical grants (maintaining Tribal air quality management grants and Tribal general assistance program (Tribal GAP) grants at $12.8 million and $65.4 million, respectively). The Tribal GAP program provides base environmental funding to assist Tribes in building their environmental capacity to assess environmental conditions, utilize available data and build their environmental programs to meet their local needs. While we strongly support the Tribal GAP funding, that funding is limited to capacity building and it is critical that we expand Tribal EPA funding to include program implementation.

E. Underground Storage Tank Fund (LUST). We remain concerned that annual reductions to the Underground Storage Tank fund (LUST) permits ongoing contamination of ground waters that threaten tribal and other communities. We encourage the Subcommittee to instruct EPA to give greater consideration to tribal cleanup standards and help Indian tribes remediate unsafe conditions on reservations. We would ask Congress to direct EPA to work with Tribes to address these sites that present a continuing threat to our Reservation.

III. BIA and BIE APPROPRIATIONS

A. Law Enforcement. The Tribe is working collaboratively with our state and local partners to address drug trafficking and gang activity on and off the reservation. In December, we lost a young tribal member, related to these activities. We want to ensure that this does not happen again. There is a greater need for cooperation among the Tribe, the State and federal law enforcement agencies to address the significant impact of drug trafficking on the public safety of our community.

As a Tribe in P.L. 280 states we have long suffered from the lack of sufficient support by the federal government for our law enforcement and tribal court needs We have one full time judge who handle a range of cases ranging from domestic abuse orders to child support enforcement. In addition, we a three court clerks and a prosecutor. We greatly appreciate the Appropriations Committee support of Tribal justice systems for Tribes in P.L. 280 states, we provide an important service to the people of our Reservation that if we did not do it, the state courts would have to do it. We would urge Congress to continue this funding.

Related to this is the need to provide specific funding for conservation law enforcement officers. Our conservation officers, provide a critical role in the management of our natural resources and sometimes are the first line in identifying drug and other illegal activities on the Reservation.

B. Indian Education. Congress provided $34.9 million for Adult Scholarships and restore the $2.9 million for special higher education scholarships for FY 2018. We recommend this Subcommittee continue to support these programs that provided needed support to tribal members seeking higher education.

The Lac du Flambeau Public School and Lakeland Union High School educate our tribal youth. The High School is approximately 23% Native American and 86% of high school graduates went on to attend four- and two-year colleges/technical schools, 9% entered the workforce or pursued other activities and 5% entered the military. For this reason, we oppose any effort to eliminate the Johnson O'Malley Program, the goal of which is to address the unique cultural needs of Indian students attending public schools through a supplemental program of services planned, developed and approved by the Local Indian Education Committee, comprised of parents of eligible Indian students. The $14.9 million JOM Program must be protected, so that Indian children are provided the supplemental programs that honor and celebrate their Native heritage and help them grow into confident, well-adjusted adults who contribute to their families. Given our experience in calculating our native student count in our schools, we are troubled by the BIA's inability to provide Congress with an accurate student count.

C. Road Maintenance Program. The Tribe appreciates Congress including $4.3 million increase in funding for the Road Maintenance Program for FY 2018. We believe a $10 million increase is justified for FY 2019. The Tribe receives less than $90,000 to maintain nearly 180 miles of BIA-owned roads. Our budget requirements for road maintenance are closer to $2 million annually. A year's entire road maintenance budget can be consumed in the winter months removing snow and salting/sanding roads to ensure freedom of movement. Transportation barriers undermine federal and tribal efforts to improve Native health, educate our youth and attract businesses and jobs to remote, rural communities like ours. The "historical" formula for the BIA Road Maintenance Program makes little sense to us. We ask the Subcommittee to include report language for FY 2019 that directs the BIA to explain the allocation methodology, verify each Tribe's road inventory that generate Road Maintenance dollars, and make publicly available to tribes their relative share of funds.

Mr. SIMPSON. Thank you, Joseph.
Douglas.

THURSDAY, MAY 10, 2018.

MENOMINEE INDIAN TRIBE OF WISCONSIN

WITNESS

DOUGLAS COX, CHAIRMAN, MENOMINEE INDIAN TRIBE OF WISCONSIN

Mr. COX [speaking native language]. Good morning, everyone. I want to thank you, Mr. Chairman, Ranking Member, and the committee for the invitation to be here today to discuss our Menominee Indian Tribe of Wisconsin's request that the Federal government fulfill its commitment to assist and providing the funding necessary to reestablish the Lake Sturgeon population in the upper reaches of the Wisconsin Wolf River.

Currently, the Shawano Hydroelectric Project outside the Menominee tribal lands near Shawano, Wisconsin is one of the two remaining manmade barriers to sturgeon moving from the Lake Winnebago system upstream to our tribal lands. That also is the cause of other major environmental and cultural impacts to Menominee lands. The tribe's treaty rights and the purpose for which those treaty rights were reserved have been interfered with since the dams were constructed; that is, the dams prevent the passage of Lake Sturgeon and other fish to historic spawning grounds at Sheen Falls, which is located within the Menominee Reservation.

The relicensing process was cumbersome, a 20-year process that the tribe was involved in and added legal and administrative burdens to us. The Shawano Hydroelectric Project, known as P–710, is licensed by the Federal Energy Regulatory Commission, or FERC. After FERC renewed the project license in 1997, the tribe, together with the Department of the Interior on behalf of BIA and U.S. Fish and Wildlife Service, filed a petition for review claiming, among other things, that FERC failed to uphold its trust and statutory responsibility to the tribe when it issued a license which failed to adequately provide for the protection and utilization of the Menominee Reservation pursuant to Section 4(e) of the Federal Power Act. Through mediation, the parties negotiated and agreed upon an appropriate set of conditions for inclusion in the project license.

So, dams downstream from the tribe's reservation, about 1.5 miles, creates numerous problems, including, but not limited to, preventing the fish, including Lake Sturgeon, from returning to Keshena Falls. It contributes to flooding in the Village of Keshena via frazil ice formation. It also causes adverse effects to our historic properties and our archaeological sites on the banks of the river within the reservation.

So, the settlement agreement also construction and installation of functionalities that would address some of the terms that we settled on: installation of frazil ice booms, one of them, installation and operation of upstream gauging stations and downstream station, and installation of downstream fish protection in freshwater mussel restoration. The license also received a 40-year license term which was unusual. At this time, I was part of the terms of the

settlement. Most were 30-year terms. This adds more burden to the tribe's responsibility of monitoring impacts during that period. But we have not entered into the settlement agreement if not for the understanding that the Federal government were to assist in providing funding to meet the tribe's obligations in the agreement.

Here are some examples of the cost breakdowns within the agreement. The licensee, who is the dam owner, costs for installing the frazil ice booms will not exceed $25,000. The tribe's estimates and the responsibility for the remaining cost of the construction, which is estimated at $500,000 in annual maintenance costs, estimated to be $10,000. The tribe did secure a grant through GLRI funding, Great Lakes Restoration Initiative, to do some design work on the upstream fish wake part. The tribe shared to complete construction installation of the fishway. However, that construction will be approximately $1.25 million. That is just construction. The tribe will also be responsible for annual maintenance which is estimated to be about $50,000.

The Wisconsin Department of Natural Resources is unsupportive of the tribe's efforts to reconnect this ecosystem. New burdens placed on us by Wisconsin DNR to complete a water resources management plan has delayed the project significantly and added more costs to the tribe's efforts when all the license article really required was a fisheries plan.

Licensee's cost for installing downstream fish passage will not exceed $55,000. The tribe is responsible for the remaining construction costs estimated at $250,000 and annual maintenance estimated at $25,000. This is not a complete list of the tribe's obligations under the settlement agreement. There are more, but rather highlights the most costly obligations.

So, in terms of commitments made by the Federal government with our tribe and based on the settlement agreement terms, tribes are requesting that the Subcommittee on Interior, Environment, and Related Agencies support the tribe's request that the Federal government fulfill its commitment to assist in providing the funding necessary through the long term of the settlement agreement and the license in implementing settlement terms that are estimated to be approximately $5 million.

Thank you for your time and your attention to this important environmental issue currently impacting the Menominee Nation.

[The statement of Mr. Cox follows:]

Statement of Douglas Cox
Menominee Nation Chairman

Before the
U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies
May 10, 2018

Thank you, Mr. Chairman, Ranking Member, and Members of the Committee for the invitation to be here today to discuss our Menominee Indian Tribe of Wisconsin's request for the federal government fulfill its commitment to assist in providing the funding necessary to establish a lake sturgeon population in the upper reaches of Wisconsin's Wolf River. Currently the Balsam Row hydroelectric project, outside our Menominee Tribal lands in Shawano, Wisconsin is one of two remaining man-made barriers to sturgeon moving from the Lake Winnebago system upstream to our tribal lands.

The arrival of dams and river controls around 1890 ended 10,000 years of sturgeon migration to the upper Wolf River, and spawning access to the upper river's rocky shoals was denied to those fish blocked by dams. Re-establishing a lake sturgeon population in the upper reaches of Wisconsin's Wolf River is a long-standing objective of state and federal resource agencies, as well as the Menominee Indian Tribe of Wisconsin. Lake sturgeon historically have been central to the Menominee and their way of life, and the Wolf River provided excellent spawning grounds for this prehistoric fish.

The 700-kW Shawano Project is licensed as Federal Energy Regulatory Commission (FERC) P-710, but the dam is referred to as Balsam Row Dam by the regulatory agencies and dam owner. The settlement agreement for relicensing this project with the FERC - into which the Menominee Indian Tribe entered in consultation with the Bureau of Indian Affairs (BIA) and the U.S. Fish and Wildlife Service (FWS) - stipulated the inclusion of upstream fish passage. The Wisconsin Department of Natural Resources (DNR) was involved in discussions about fish passage at this site but was not a signatory to the settlement agreement.

When the 1997 FERC license and 2006 settlement agreement were signed, the hydropower licensee agreed to provide fish passage. As part of the agreement, DNR and FWS concurred that fish passage was in the interest of the state and federal environmental goals, so the FERC license was made contingent upon such fish passage being constructed by 2020.

In terms of commitments made by the federal government to our Tribe and based on FERC Settlement Agreement Terms, our Menominee Tribe come before you today to restore sturgeon fish above the Balsam Row dam so sturgeon can have a presence and spawn at their traditional sites on our Menominee Indian reservation below Keshena Falls, and I will discuss with you:

- 20 Year Relicensing Process That Took the Tribe through Legal and Administrative Burdens
- The hydroelectric facility is downstream from the Tribe's Reservation and creates numerous problems, including, but not limited to: preventing fish, in particular, lake sturgeon, from returning to Keshena Falls; contributing to the frazil ice and flooding within the Village of Keshena; and causing adverse effects to the historic properties and archaeological sites within the Reservation.
- Settlement agreement puts fiscal responsibility on our Tribe
- Our Tribe would not have entered into settlement agreement if not for our understanding that the federal government would assist in providing funding to meet the Tribe's obligations in that agreement.
- Reissued license (2006) extended to 2037 – will require the Tribe to keep monitoring and tracking compliance with settlement terms and various License Articles throughout the license term.
- We enacted a Tribal Resolution 10-41 detailing our tribal position on sturgeon restoration plan
- Reintroduction Plan is Not Meeting Goal
- The Licensee's cost for installing frazil ice booms will not exceed $25,000.00. The Tribe is responsible for the remaining construction costs, estimated to be $500,000.00, and annual maintenance, estimated to be $10,000.00.
- Tribe Secured Grant Funding to Complete the Fishway Design – Licensee only contributed a small portion, $65,000.00, that paid for part of the design. The Tribe's share to complete construction and installation of the fishway will be approximately $1.25 million. The Tribe is also responsible for annual maintenance which is estimated to be $50,000.00.
- Wisconsin Department of Natural Resources unsupportive of the Tribe efforts to reconnect ecosystems. Undue burdens to develop a **"Comprehensive Water Resources Management Plan"**, when all the license article mentions is a "Fisheries Plan".
- The Licensee's cost for installing downstream fish passage will not exceed $55,000. The Tribe is responsible for the remaining construction costs, estimated to be $250,000.00, and annual maintenance, estimated to be $25,000.00.
- This is not a comprehensive list of all of the Tribe's obligations under the settlement agreement but rather highlights a few of the more costly obligations.

The Tribe is requesting that the Subcommittee on the Interior, Environment and Related Agencies support the Tribe's request that the federal government fulfill its commitment to assist in providing the funding necessary to implement the settlement terms that are estimated to be approximately $5 million.

Mr. SIMPSON. Thank you, Douglas.
Mr. COX. Thank you.
Mr. SIMPSON. Michael.

THURSDAY, MAY 10, 2018.

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

WITNESS

MICHAEL J. ISHAM, EXECUTIVE ADMINISTRATOR DESIGNATE, GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

Mr. ISHAM [speaking native language]. Mr. Chairman, committee members, thank you for the opportunity to testify here today. My name is Mic Isham. I am a member of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. And as of April 16th, I am the new executive administrator of the Great Lakes Indian Fish and Wildlife Commission, GLIFWC. And I took over for long-serving administrator, Jim Zorn, and he sends his appreciation for all the work that you guys have given us over the years.

We at GLIFWC, we represent tribes from what is now known as northern Michigan, Wisconsin, and Minnesota, these areas right here, and I am pretty sure you all have these, but I will, of course, hand that over. We represent 40,000-plus tribal citizens and co-manage the natural resources in 60,000-plus acres of our ancestral homeland, which we continue to harvest fish, venison. We gather wild rice and berries. We hunt, fish, and gather, and as we have done for thousands of years. I want to first and foremost thank you for 30-plus years of support for our primary sources of Federal funding, RPI rights protection and implementation through the BIA and GLRI, Great Lakes Restoration Initiative, through the EPA.

You have our written testimony with all the numbers on it and all the justifications, and I had a presentation all prepared to talk about those programs and justifications and things and what they do. However, I sat in here yesterday and witnessed some of the testimony, so I kind of scrapped that presentation because after I heard your guys' comments yesterday, I realized that you all really know what we do. You understand what we are about. You understand treaty rights and sovereignty. And so, well, I want to thank you for those comments and for that understanding. We really appreciate that understanding. You guys understand that we are not just coming here with our hand out asking for more money, more money. You guys really understand what we are here to do.

Yesterday, I heard Congresswoman McCollum speak about a few years ago when she was in middle school, and she witnessed——

Mr. SIMPSON. A few years ago.

Mr. ISHAM. Yeah, a few years. And she talked about witnessing the violence that was happening at the boat landings. Our tribal members were subjected to rock throwing and all kinds of violence while were out there exercising our treaty-reserved use of refectory rights. And so, I know you understand what are RPI funds, the counting and measuring of all the fish, and that data gets out into the public. And that data helped calm some of those fears from the

citizens who thought that we were harming the resource. So, I want to thank you for those comments yesterday. You basically testified for me on why the RPI should be funded. So, again, thank you for those comments.

I also heard Chairman Calvert talk about how the Treaty of 1836 basically led to Statehood for Michigan, and that was then and still quite the deal for the United States of America. In our treaties in the mid-1800s, the Chippewa ceded millions of acres of land, billions of board feet of timber which gets harvested, and regenerated, and cut again, and creates revenue for the United States and the individual States. And also, the United States gained all the gravel, and the ports, and the minerals, and it adds to the treasuries for the States and for the United States of America.

So, by funding our line items—RPI, GLRI, tribal management and development, you are not funding what I have heard some people refer to as non-self-sustaining programs. Our treaty ceded resources continue to add to the Federal and State treasuries and, thus, pay for these line items over and over again.

Chairman Calvert's comments yesterday alluded to a talking point that I use when I give treaty rights presentations to students. Those treaties are not just Indians' treaties. There are two parties to the treaties, the tribes, but also the United States, and we both have obligations under those treaties.

So, again, thank you for that understanding and those comments. And when I left the room yesterday, I had a renewed sense of hope even though I keep hearing day after day about all these proposed cuts. I believe 37 percent is what the President is proposing to cut our line items. I believe that is what he proposed to cut last year as well. And we are extremely grateful to Congress for restoring that funding to our line items. At GLIFWC, that would have cost us 20 full-time jobs, and certainly our obligations to fulfill the decrees are not decreasing. So, hopefully Congress will not allow those cuts to become a reality again this year.

GLRI was also proposed to be cut. It was massive cuts, an almost elimination of the program. And GLRI, the Great Lakes, are very important to our tribes, and we thank you for your support of the GLRI, in particular, the language in the GLRI that talks about a distinct tribal program. We are still working with the EPA to develop that program, but we will get there.

The funding for our GLIFWC programs is not just the success in collecting and publishing the data and managing the resources. It also has other successes and benefits, such as positive effects on diabetes, obesity, and youth violence. And if I had more time, I would certainly speak about how our programs affect that and some success stories. Also, if I had more time, I would speak on the question that I keep hearing in regards to the reorganization of the DOI, which GLIFWC or none of my member tribes had any consultation with at all.

And so, again, oh, and we did meet with the DOI as you alluded to with the further or the ones right before us, and basically they said check the website, there are maps on there. And if it is for efficiency and meeting our treaty obligations, that is one thing, but we are a little worried about it. And we have nothing really in writing that we can even consult with anyway on that.

So, again, we appreciate your words, and your understanding, and your deeds over these last 30 years, and thank you so much for your support. [Speaking native language.] Thank you for listening to me.

[The statement of Mr. Isham follows:]

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION
P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294

• MEMBER TRIBES •

MICHIGAN	WISCONSIN		MINNESOTA
Bay Mills Community	Bad River Band	Red Cliff Band	Fond du Lac Band
Keweenaw Bay Community	Lac Courte Oreilles Band	St. Croix Chippewa	Mille Lacs Band
Lac Vieux Desert Band	Lac du Flambeau Band	Sokaogon Chippewa	

FY 2019 TESTIMONY – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
MICHAEL J. ISHAM, EXECUTIVE ADMINISTRATOR
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

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

   a. **TRUST-NATURAL RESOURCES MANAGEMENT, RIGHTS PROTECTION IMPLEMENTATION (RPI)** – At least the **$40,161,000** provided in FY18 and a proportionate share for **GREAT LAKES AREA RESOURCE MANAGEMENT.**
   b. **TRUST-NATURAL RESOURCES MANAGEMENT, TRIBAL MANAGEMENT/DEVELOPMENT PROGRAM (TM/DP):** At least the **$11,652,000** provided in FY18 and the TM/DP requests of GLIFWC's member tribes.
   c. **TRUST-NATURAL RESOURCES MANAGEMENT, INVASIVE SPECIES:** At least **$6,724,000**, the amount estimated in FY18.
   d. **TRIBAL GOVERNMENT, CONTRACT SUPPORT:** Full funding, estimated to be at least **$241,600,000**, as provided in FY18.

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:** The historical allocation of **$300,000,000** including a tribal program of no less than **$15,000,000.**
   b. **STATE AND TRIBAL ASSISTANCE GRANTS, CATEGORICAL GRANTS, TRIBAL GENERAL ASSISTANCE PROGRAM:** At least the FY 18 amount of $65,476,000.

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.

Funding through these programs fulfills federal treaty, trust and contract obligations to GLIFWC's member tribes, providing vital resources to sustain their governmental programs. We ask that Congress maintain these programs and provide funding at no less than FY18 levels.

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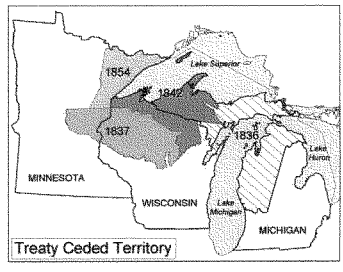
[1] Specifically, the Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109. The rights guaranteed by these treaties have been affirmed by various court decisions, including a 1999 US Supreme Court case.

GLIFWC's FY 2019 Funding Request Highlights

1. GLIFWC would be pleased to accept an allocation of appropriated RPI funding that is in the same proportion as it has currently been receiving.
2. Full restoration of Great Lakes Restoration Initiative funding to its historical $300,000,000 level, with a total tribal set-aside of no less than $15,000,000.
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 more than 30 years, Congress has funded GLIFWC to implement comprehensive conservation, natural resource protection, and law enforcement programs that: 1) protect public safety; 2) 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; and 3) 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 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-

[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.

generational learning and the transmission of traditional cultural and management practices. These programs, in turn, promote safe and healthy communities by encouraging healthy lifestyles, intergenerational connections, and cultural education.

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. There are two main elements of this FY 2019 funding request:

BIA Great Lakes Area Management (within the RPI line item): A proportionate share of the $40,161,000 provided in 2018 for the RPI line item. The FY 2018 increase of $500,000 is greatly appreciated. GLIFWC continues to support allocating increases to the RPI line item in the historically proportionate amounts.

There is a long history of federal funding for treaty rights protection and implementation programs. For more than thirty years, Congress and each Administration have appropriated funding for these programs. GLIFWC has testified about the fact that the need is consistently greater than RPI funding, and the impacts that underfunding has on treaty rights programs. The federal government, as a treaty signatory, is required to uphold treaty rights. It has appropriately chosen to invest in our programs as efficient, cost-effective service delivery mechanisms at the appropriate governmental level to implement federal court orders and to protect and restore the natural resources on which the treaty rights are based.

Tribes can only protect the resources that support their rights if they undertake relevant scientific and technical analyses that inform the design and implementation of adaptive natural resource management activities. To this end, maximum flexibility should be provided to GLIFWC and its tribes to define for themselves the science and research activities best suited to the needs of their member tribes and the particular issues within their region. GLIFWC would gladly accept funds in proportion to overall RPI funding, as provided in FY 2018.

EPA Environmental Programs and Management: $300,000,000. 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 consistent funding for the GLRI at $300 million, the level that has been provided and received unwavering bipartisan support since 2011.

GLIFWC appreciates the directive in the FY 2018 Consolidated Appropriations Act's explanatory statement that EPA should work with tribes and the BIA to develop a proposal for a distinct tribal program within the GLRI. GLIFWC is working with those agencies to develop such a program, and recommends that the program be funded at no less than $15 million to ensure that it allows tribes the flexibility to develop the programs that are of the highest priorities to their communities, fulfills the spirit of self-determination, meets treaty obligations, and carries out federal trust responsibilities.

Sustained funding for the GLRI allows GLIFWC to maintain its participation in interjurisdictional governance structures, including the implementation of the revised Great

Lakes Water Quality Agreement (GLWQA). With GLRI funding, GLIFWC has been able to provide active support on numerous implementing Annexes, including the Lakewide Action and Management Plan, Aquatic Invasive Species, and Chemicals of Mutual Concern Annexes.

Sustained GLRI funding also allows GLIFWC to augment and leverage its current natural resource protection and enhancement activities. This includes enhancing GLIFWC's participation in interagency efforts to assess the impacts of mining waste (stamp sands) on an important whitefish and lake trout spawning reef in Lake Superior, and to explore remediation options and strategies.

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:** While more funding would increase program comprehensiveness, sustained funding at the FY 2018 level supports tribal compliance with various court decrees and intergovernmental agreements that govern the tribes' treaty-reserved hunting, fishing and gathering rights. Funding for science and research enhances GLIFWC's capability to undertake work and participate in relevant partnerships 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 fora 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.

Mr. SIMPSON. Thank you.
Shannon.

THURSDAY, MAY 10, 2018.

STOCKBRIDGE MUNSEE MOHICAN COMMUNITY

WITNESS

SHANNON HOLSEY, PRESIDENT, STOCKBRIDGE MUNSEE MOHICAN COMMUNITY

Ms. HOLSEY. Thank you. Well, good afternoon, everybody. My name is Shannon Holsey. I am the President for Stockbridge Munsee Community, and it gives me great pleasure and honor to be here to testify on behalf of my tribal community today on matters that relate to specific tribal programs serving American Indians and Alaska Natives, specifically regarding mandatory appropriation, streamlining fee-to-trust processes, and our opposition to the Bureau of Indian Affairs reorganization as it is being proposed.

I would also like to take a moment to thank Chairman Calvert, Ranking Member McCollum, and Congressman Cole regarding the bipartisan letter that was sent regarding their opposition to the work requirements in CMS, and specifically not just to the work requirement, but to the language or to the implication of race versus tribal governed and their sovereignty. So, I appreciate that.

With regards to mandatory appropriation, tribal governments provide services to their membership largely through a combination of Federal funding and tribal gaming dollars. Specifically, for Stockbridge Munsee, that would require 80 percent of our tribal government budget which comes from gaming dollars. This funding source has allowed for expansion of services to tribal members, everything from healthcare, police departments, and emergency responders, to funding membership education and training. However, in Wisconsin, tribal gaming has stagnated and the market has become very saturated, so that is why this is the time of essence for stabilized funding and for the Federal government that will allow tribal governments to invest in the diversified economy.

The best way that Congress, and specifically this committee, can assist in driving diversified economic development in Indian Country is by leading a funding mechanism shift to a mandatory appropriations model. The members of this subcommittee have done an extraordinary job for many years in finding ways to provide more funding for tribal needs, often exceeding administration budget requests. This is very much appreciated as it is clear that you recognize the spending to meet tribal needs is a trust obligation of the United States.

Unfortunately, the pressures of Federal discretionary budgets are great, are increasing, and will continue to impact our ability to provide necessary funding. What ultimately is needed is for funding obligations to be made mandatory spending, freeing them from uncertainties of yearly appropriation processes, sequesters, government shutdowns, and competition with other priorities. This would give tribal leaders certainty that the needs of their people would be met, and in return we would provide the highest level of transparency to ensure that all funding was spent appropriately. I know

that many members of this subcommittee have advocated for this change, and tribal leaders are here and ready to assist in any way that we can to achieve this goal.

The need for mandatory appropriations and for streamlining fee-to-trust processes after. After our removal from the East Coast to Wisconsin, our reservation was diminished and dis-established. This has meant to my tribe the need to use the Federal fee-to-trust land process to regain a land base that can sustain our tribe. Federal regulations currently outline separate processes for an on-reservation and off-reservation application as well an administrative appeal process that can add at least two levels of administration appeal.

I would like to note that the off-reservation application process is currently being considered for rulemaking, and we are on record for not supporting such rulemaking for a number of reasons, including the additional burdens placed on tribes and the dis-valuing of tribal interests in favor of local governments. Presently, in the best of circumstances, the application takes 1 to 2 years. However, if a local government opposes a fee-to-trust decision, taking the land into trust, then an additional 7 to 8 years can be added to this timeline while administrative appeals are pending. Currently, my tribal nation has had several applications taking up to 11 years because of the local opposition and the sub-sovereign level of mandate given to our local municipality.

Additionally, instead of amending fee-to-trust regulations to place more obstacles to trust acquisitions, we feel the process should be streamlined and appeals processed more quickly. For example, why is one tribe required to submit its application to an agency office while another is allowed to submit its applications to the regional office? The tribes who submit applications directly to the regional office are able to cut out one level of administrative appeal which can take years off the application.

Opposition to the Bureau of Indian Affairs reorganization. At this time, I would like to just briefly touch on the proposed reorganization of the Department of Interior, including the Bureau of Indian Affairs. I feel that this reorganization, at least in relation to the BIA, could be a waste of Federal funds and has the potential to actually hurt tribes. At present, the Midwest Regional Office provides services in relation to all of the tribes in Wisconsin, and I believe it would be in the vested interest for all Wisconsin tribes to remain in the same region.

Finally, my testimony only highlights two recent policy announcements by the Federal government that will negatively affect my tribes. These impacts and these decisions will not only be exacerbated by the uncertainty inherent in the current funding process, switching to a mandatory appropriations funding model will allow tribes to conduct long-range planning and secure the financing necessary to continue diversifying tribal economies beyond gaming, thereby providing tribal members stabilized government service levels that are critical to all of our wellbeing.

And finally, this funding model will also provide certainty for the Federal government and hopefully change the narrative in Washington from cost savings and reducing government to a discussion of providing the best services and the best support for tribal gov-

ernments that allow economic growth on all reservations across the Nation, especially this largely due to rural economic development needs to continue to drive the nation's economy forward.

Thank you so much.

[The statement of Ms. Holsey follows:]

Written testimony of President Shannon Holsey, on behalf of Stockbridge Munsee Community

Senate Appropriations Committee-

Subcommittee on Interior, Environment, and Related Agencies

May 10, 2018

On behalf of the Stockbridge-Munsee Community, this testimony addresses important tribal programs serving American Indians and Alaska Natives in the Department of the Interior Bureau of Indian Affairs regarding mandatory appropriations, Streamlining of Fee-To-Trust Process, and Opposition to Bureau of Indian Affairs Reorganization.

Mandatory Appropriation

Tribal Governments provide services to their membership largely through a combination of federal funding and tribal gaming dollars. For the Stockbridge-Munsee Community 86% of our tribal government budget comes from gaming dollars. This funding source has allowed for the expansion of services to tribal members. Everything from health care, police departments and emergency responders to funding for membership education and training.

However, in Wisconsin tribal gaming has stagnated as the market has become saturated. Almost every citizen in the State of Wisconsin is within a one-hour drive time of a tribal casino. This blanketing of the market has resulted in tribal net win flat lining at 1.1 to 1.2 billion dollars from 2007 to 2017. This flat lined revenue drives competition between the tribal gaming venues as the needs of each tribe's membership must still be met and is ever increasing. The end result of this saturation and competition is increasing overhead with declining profits as each facility competes for customers.

That is why time is of the essence for stabilized funding from the federal government that will allow tribal governments to invest in a diversified economy. Being able to plan years in advance due to a stable federal government funding level of its trust responsibility to tribes, allows tribes to engage in long term planning and financing that is crucial to successful diversified economic development projects.

The best way Congress and specifically this committee can assist in driving diversified economic development in Indian Country is by leading a funding mechanism shift to a mandatory appropriations model. The Members of this Subcommittee have done an extraordinary job for many years in finding ways to provide more funding for tribal needs, often exceeding Administration budget request. This is very much appreciated, as it is clear that you recognize that spending to meet tribal needs is a trust obligation of the United States. Unfortunately, the pressures on the federal discretionary budget are great, are increasing, and will continue to impact your ability to provide necessary funding. What ultimately is needed is for these funding obligations to be made mandatory spending, freeing them from the uncertainties of the yearly appropriations process, sequesters, government shutdowns, and competition with other priorities. This would give tribal leaders certainty that the needs of their people would be met, and in

return, we would provide the highest levels of transparency to ensure that all funding was spent appropriately. I know that many of the Members of this Subcommittee have advocated for this change, and tribal leaders are ready to assist in any way we can to achieve this goal.

Need Mandatory Appropriations for and Streamlining of Fee-To-Trust Process

To illustrate this need for adequate, mandatory appropriations, my testimony is going to focus on the fee-to-trust land process. This is an especially critical issue for my Tribe. After our removal from the East coast to Wisconsin, our reservation was diminished and disestablished. A smaller reservation was reestablished for my Tribe under the Indian Reorganization Act of 1934, but, the reservation is on what the federal statutes characterize as sub marginal land (25 U.S.C. §5503). This has meant that my Tribe has needed to use the federal fee-to-trust land process to regain a land base that can sustain the Tribe.

The federal government has an obligation to process tribal applications to have land taken into trust under federal law (25 U.S.C. §5108; federal regulations at 25 CFR part 151). Federal regulations currently outline separate processes for on-reservation and off-reservation applications, as well as an administrative appeal process that can add at least 2 levels of administrative appeals. I would like to note that the off-reservation application process is currently being considered for rulemaking and we are on record for not supporting such rulemaking for a number of reasons, including the additional burdens placed on tribes and a disvaluing of tribal interests in favor of local governments.

I feel that appropriations supporting the fee-to-trust process must be mandatory. The federal government has trust and treaty responsibilities to tribes in relation to having and holding tribal lands. This core responsibility requires sustained funding in order to ensure that applications continue to be processed and can be processed in a timely manner. We presently have 4 applications that were submitted in 2017 before the local Bureau of Indian Affairs agency office (Great Lakes Agency). We have 3 bundled applications that are on appeal to the local BIA regional office (Midwest Region) since the agency decision to take land into trust was appealed by local governments. We also have 2 bundled applications that are before the Interior Board of Indian Appeals, which is the next stage of appeal.

Presently, in the best of circumstances, the application process takes 1-2 years. However, if a local government opposes a fee-to-trust decision taking the land into trust, then an additional 7-8 years can be added to this timeframe while administrative appeals are pending. For example, in 2017, my Tribe had 2 applications complete the fee-to-trust process. One application took 9.5 years. The other application took 8.5 years. Prior to those applications, the Tribe had not had land taken into trust since 2011 and that application took 11 years to process. All of these applications did involve administrative appeals due to standing local governments opposition. Of the applications currently being appealed, the applications that are before the regional office were all submitted in 2012 and 2013 and the agency's decision has been under review by the regional office for about 1.5 years so far. This means that these applications have been pending for about 6 years and there is still another level of administrative appeal that the local governments can use to oppose the land going into trust.

I share this background information to show how there is a constant need to have appropriations to ensure staff time and attention on the fee-to-trust process. We need adequate numbers of trained federal employees working at all levels of the fee-to-trust process. Why has it already taken the regional office over 1.5 years to review the decision by the agency office – and we do not have a decision? We need more staff dedicated to working on applications and their appeals to keep the process moving smoothly and quickly.

Additionally, instead of amending fee-to-trust regulations to place more obstacles to trust acquisitions, we feel that the process should be streamlined, and appeals processed more quickly. For example, why is one tribe required to submit its applications to an agency office while another is allowed to submit its applications to the regional office? The tribes who submit applications directly to the regional office are able to cut out one level of administrative appeals, which can take years off the application process.

These delays in the fee-to-trust process have real consequences for the Tribe and its members. Tribal members who live and work on the reservation are not required to pay state income taxes. However, until the land is taken into trust, these same tribal members are being taxed. Similarly, the Tribe has to pay property taxes while the land is in the trust process. The Tribe may already be providing local services like policing, fire protection, social services, and road maintenance in relation to the land, but, it still has to pay property taxes as well. Delays also increase the time period when there is more potential for jurisdictional conflicts. For example, my Tribe does have state-recognized police department (Wisconsin is a Pub.L. 83-280 state, which means the state has concurrent criminal jurisdiction). However, its jurisdictional territory is reservation and trust land. While we do have a good relationship with the county sheriff and are able to have our officers are cross-deputized, this could change and limit the ability of tribal officers to respond and assist tribal members who live on land that is not yet in trust.

Opposition to Bureau of Indian Affairs Reorganization

At this time, I would like to also touch on the proposed reorganization of the Department of Interior, including the Bureau of Indian Affairs. I feel that this reorganization, at least in relation to the BIA, would be a waste of federal funds and has the potential to actually hurt tribes. At present, the Midwest Regional Office provides services in relation to all of the tribes in Wisconsin. The proposed reorganization would split the State of Wisconsin in half with some of the tribes being part of an eastern district since they are part of the Great Lakes watershed and others remaining part of a midwestern district since they are in the Mississippi River watershed.

My Tribe is one of the tribes that would be part of the Great Lakes watershed district. This means we would likely be working with new people, who may take a different approach, on fee-to-trust issues. It would also mean fee-to-trust applications and appeals that are currently active may be moved to new staff, resulting in delays while the work on them starts over or is delayed while new people familiarize themselves with the application. We would also need to educate the new people working on our fee-to-trust applications about the circumstances of local government opposition and how their goal is to at least delay applications and extend the timeframes when the Tribe has to pay taxes.

Another issue is that this reorganization would likely result in more travel time and costs. The BIA at times has to do site visits to the Tribe's reservation, such as those done as part of the fee-to-trust process. Tribal officials at times visit BIA offices such as for tribal consultations, listening sessions and educational sessions. The proposed new regional office for the Great Lakes watershed, which may be in upstate New York, would be a much greater distance from our reservation than the current office in Minneapolis. It would be too far to drive and there are no direct flights. This means that there would be much more time that needs to be spent by each party traveling and travel costs would be higher.

Furthermore, separating the 11 Wisconsin tribes into 2 different regions also means that there is a much greater likelihood of inconsistency in federal treatment of the tribes that are in close proximity and a duplication of federal efforts. For example, our tribal staff are currently working with BIA staff on how to implement a Wisconsin tax law program in relation to the fee-to-trust process. State law establishes a program (the Managed Forest Law program) that provides a tax savings to landowners when the land is appropriately managed for good forest resources and is open to access by the public. The state law also contains a provision that allows land to exit the program early so that it can be held in trust for a tribe. Tribal and BIA staff have been working on how to accomplish this so that the law can be used not only by my Tribe, but by other tribes in Wisconsin. If the Wisconsin tribes were split between 2 regions, it would mean that potentially 2 tribes working with 2 different regions would be working on the same issue related to a Wisconsin law. The regions could reach different conclusion on whether and how the fee-to-trust process would work in relation to land enrolled in the tax program so that, not only is there duplicated work, but similarly situated tribes would be treated differently.

Conclusion

My testimony only highlights two recent policy announcements by the federal government that will negatively affect my tribe. The impacts these decisions will have is only exacerbated by the uncertainty inherent in the current funding process. While I acknowledge there will always be issues to work on with our federal partners, the trust relationship dictates that stable funding for tribal programs should not be one of them.

Switching to a mandatory appropriations funding model will allow tribes to conduct long range planning and secure the financing necessary to continue to diversify tribal economies beyond gaming thereby providing my tribal members stabilized government service levels critical to their wellbeing.

This funding model will also provide certainty for the federal government and hopefully change the narrative in Washington from cost savings and reducing government to a discuss of providing the best services and support for tribal governments that allow economic growth on the reservations across the nation. This largely rural economic development will continue to drive the nation's economy forward.

Mr. SIMPSON. Thank you. Thank you for being here to testify today. Douglas, who owns the dam you're talking about?

Mr. COX. Well, the dam is owned by a small company called Wolf River Hydro, LLC.

Mr. SIMPSON. Is it for power production or flood control or both?

Mr. COX. It is for power production, and it only produces 700 kilowatts.

Mr. SIMPSON. Is there a fish bypass in that?

Mr. COX. There is not, and that is one of the terms in the settlement agreement right now that we are pushing for. The $1.25 million tag is on the fishway.

Mr. SIMPSON. Are the Lake Sturgeon on the endangered list?

Mr. COX. They were for quite a long time. They have recently come off. Wisconsin downstream where the fish are not block has their citizens in Lake Winnebago harvesting them before they ever get a chance to reach the reservation.

Mr. SIMPSON. I see, interesting. It is challenges we have out in the West with salmon in the Snake River, and dams there also, and fish populations, stuff like that.

Mr. COX. This one has the potential to do the same over time.

Mr. SIMPSON. Yeah, okay. Well, thank you all. I appreciate your comments, and I truly appreciate your recognition of the efforts that this committee has made. And I have to tell you, having been chairman of this subcommittee and now of Energy and Water, I can tell you that mainly the credit should be going to the chairman and the ranking member for the last few years of what they have done. But Chairman Calvert and Ranking Member McCollum have done a great job in keeping up with the priority that has been set in previous years by both Republican and Democratic chairmen of this committee. And so, they really should get much of the credit because they write the bill. The rest of us have our little say, but they write the bill.

So, anyway, thank you all. Betty.

Ms. MCCOLLUM. Thank you. And, Mr. Simpson, I still go to you for advice, so we work on this together. I want to ask some questions. As you were testifying, I was taking a Wolf River map out and taking a look to find out where the blockage was. Then I did a little more research on the Lake Sturgeon and found out what you just shared with Mr. Simpson, that it is doing well in one part, but not doing well in the other. So, my questions are more general.

We had in the testimony yesterday one of the Michigan tribes talk about the litigation support fund and how the Administration has proposed to cut that by 37 percent. That is the CORA funding. I will just put a couple of things out and let you all respond however you think best. Are you also concerned about this litigation funding being cut 37 percent, and is that funding that you would use in some of the discussions that you are having, whether it be the trout or the sturgeon, or other Fisheries.

We know we have a terrible problem with mercury, and some of it is from our neighbor to the north. But we have really been, I think, very united in the Northern Tier until recently about what we needed to do to reduce mercury emissions that fall into the water. We have all seen these terrible fish advisories and people are limited. Sometimes if you are an expectant woman, you are told

not to even eat the fish at all, and then you have children who want to consume fish. So, if you could talk about any concerns that you have with the Administration putting out rulemaking that walks back some of the EPA clean power plant rule and how it affects us and what we are trying to do about mercury emissions.

Last but not least, I think you all have alluded to it, and we have heard it loud and clear, these reorganization maps that are out there and then they changed, not only divide up the Great Lakes Region at times, and others actually divide States into different regions. To be clear, I am not opposed to reorganziation. I want to go on the record. I am not opposed to Secretary Zinke looking at doing reorganization. We all do that in our personal lives. You do it with your tribal government. You do it with the organizations that you are on. You have to be open to looking at doing things in a different way to see if there are more efficiencies, or times have changed, or projecting out into the future.

Ms. HOLSEY. Agreed.

Ms. MCCOLLUM. Right now, they are getting a failing grade from everyone, but I think the Department is not at the point where people have such total distrust that they are going to say no to everything. I hope that the Department of Interior is listening loud and clear that people need to all be at the table because your tribal DNRs work with State DNRs as well, and Fish and Wildlife, and everything is interspersed. I think they have heard that. I know this committee has heard that.

But could you talk about this CORA fund and about some of the EPA's decisions that might be counterproductive to the things we are trying to do in the Northern Tier to reduce mercury in fish?

Mr. COX. I am going to defer on the mercury question. I can answer on the litigation support question. We have accessed those funds in the past. It has helped us with this very issue that I am referencing. We have done some of our research in preparation for some of these conditions and terms related to our fight legally on the hydropower facility with FERC and the other agencies and accessed litigation support funds. We will continue to do that. To lose the ability to access those funds would be detrimental to us because we are still using them today.

Ms. MCCOLLUM. A 37 percent cut is pretty substantial. Thank you.

Mr. COX. Yes, it is.

Mr. ISHAM. Sometimes it is hard to take my tribal chairman hat off. You know, I have been on the tribal governing board for 22 years, and when we met with DOI yesterday, we did have a tribal chairman, but now I am the executive administrator, so that is a different role. And we asked questions about the reorg, and then, again, as I said, he said, well, look on the website. There are maps there, but there is no plan.

So, I am like you. We are not opposed generally, and I do not want to speak for the chairman. But we are not opposed to a reorg if it is about efficiency and everything like what they are talking about, but there is nothing there yet for us. And then he made the comment, well, we are going to do eight consultations, and, of course, I had a chairman there, so, you know, my gut was like, why, is there only eight tribes? There are a lot more tribes than

eight. If you are going to do consultation, you really need to talk to more of the tribes.

We built up these relationships over time. When I come to D.C., we go to DOI, BIA, Congress, Senate, and we go to a one-stop-shop. But now, the offices are empty. Why are they? One guy, two are in Albuquerque, and another one is in Alaska. And then I go to our regional office in Ashland, Wisconsin and Minneapolis, and the same thing. There are four desks, one person wearing all the hats. And, you know, I said, what is going on here? Well, they all have been transferred. So, this reorg is already going on. It is not a proposal. It is happening now. And, you know, a little funny thing. The guy had a volleyball in one of the chairs like on the movie Castaway, and he said, "How is it going, Wilson," you know. So, that is already going on.

But in regards to mercury, some of our funding, that is what we use it for. We do fish testing from all the lakes that our tribes harvest, and then we publish these maps and it shows how many meals of fish you can eat if you are a pregnant woman or nursing or men. And we give these to all the tribal harvesters so that they are more informed when they are out harvesting. So, as you can see, mercury is an issue.

And litigation support. Again, it is weird wearing the different hat, but we used the litigation support many times. Most of our court cases, and as Brian alluded to yesterday, is that it is U.S. v. Michigan. They are filing suit on behalf of the tribe. So, with the Mille Lacs case, the U.S. was sitting at the table with us.

Ms. MCCOLLUM. Right.

Mr. ISHAM. And we used those litigation support costs for expert witnesses, ones that, you know, are not for one side or the other. They are peer-reviewed expert witnesses, and that really helped us in our case, most recently, the Night Hunt case in Wisconsin. So, we are real concerned about those cuts as well.

Ms. MCCOLLUM. And are the tribes being consulted? Because there is proposed sulfide-ore mining, and both States have very porous watersheds. Are you being consulted on that?

Mr. ISHAM. Go ahead.

Mr. COX. You know, I am glad you brought that up. In Michigan, Menominees in Wisconsin, the 1836 Treaty which was mentioned earlier that developed for Michigan was one of our treaties, Treaty of the Cedars. So, we tried to consult in Michigan for a massive sulfite mine that is proposed to discharge water directly into the Menominee River, which is linked to our Creation story, the Menominee were created right on the mouth of the Menominee River in Green Bay.

So, the efforts that we make to go there and consult on sulfite mining which was stopped by the State of Michigan telling us our obligation is to Michigan tribes. Those continual burdens and rules and barriers that are put up are related to these kinds of things. We need the reorg to help us to address those things and bring people with us to the table when we are pushing States hard on this is your responsibility. EPA delegated that authority to Michigan. There is no EIS. There is no 404 permit. And here we are a Wisconsin tribe being told we cannot have consultation government-to-government with the State of Michigan.

Ms. HOLSEY. And I will speak that, too. To your claw back of 37 percent as it relates to litigation, it really means so much more to tribal nations because our tribal nation has enjoined with Menominee Nation in their opposition to that permitting. We have gone to Stephenson, Michigan to oppose it, but it is a little arduous and it is a little cumbersome to us.

But we recognize that water is life, and it is a requirement for everybody. And we are trying to emphasize that, you know, the land is an inheritance of ours, that it is borrowed from future generations, and that we all have a role and responsibility to it. And it would have detrimental effect not only to the people of Michigan, but to the people in the waterways of Wisconsin as well. So, it would be extremely detrimental because for whatever reason, I am not sure what their reasoning is for the claw back of that proposed 37 percent.

And with regards to the reorganization of Interior, I, too, fully concur with regards to change is good. Looking at efficiencies and ways to streamline processes would be wonderful. As I had spoke about earlier, one of our fee-to-trust applications took 11 years, and it was a result of the validity given to a local municipality and their opposition and appeal. Well, that cost money.

You know, people do not understand that when you are in process of fee-to-trust, you still are responsible for the taxes that are associated with that, you know. We still take care of a majority of our roadways in our county even though we are not required of it. We are the largest employer in our county, so we are good stewards, too. We offset the police department by almost three-quarters of a million dollars. We are cross-deputized, so, therefore, we do not have just an obligation to our ceded territory, we also participate and govern the rest of Shawano County to make sure that we do not put those unnecessary burdens on our county.

So, we have tried to work through that, but, you know, when you are treated as a sub-sovereign in that process of fee-to-trust, it is a really hard pill to swallow, especially because there is trust and treaty responsibilities to that. So, we struggle with that, but it does not mean that we are not going to participate, and that is through thoughtful and meaningful consultation.

I have attended several consultations as it relates to that, especially the validity given to the process of appeal, and that really is one of the contentious issues with regards to what is being proposed. And also, as Michael has expounded on, the separation, and I think you did as well, with regards to regionally separating us, we have connection to Wisconsin. We are from Wisconsin. There are 11 tribal nations in Wisconsin. We work collectively on many, many issues specific to especially fee-to-trust, so it is not an adversarial issue. It is a well-needed issue, especially as it relates to the environmental protections and the need for economic development as it relates to fee-to-trust.

So, I would say I am open to that, and I hope before they make any proposed regulation changes that there is a continuation of dialogue before finalization is made because it is detrimental. I realize that it has been, they say a hundred years since it has been looked at. And as Mic said, it is already taking place. Kim Bouchard, our representative from Ashland, was outsourced imme-

diately. She is in the Eastern Region. She is in Nashville. Great Plains Region is now in Wisconsin, and they notified us in 30 days somebody else is going to be coming in. So, it is creating uncertainty in that. It is really hard to work with an Administration if you do not have certainty of who is even going to be sitting in that seat or their familiarity with the region in which they serve.

Ms. MCCOLLUM. Thank you.

Mr. SIMPSON. Thank you all for being here—did you have something?

Mr. WILDCAT. I just wanted to expand a little bit on the mining issues. Lac du Flambeau Tribe also supports the efforts of Menominee Tribe. We potentially have a mine possible looking in our area. It is called Willow Flowage area, and it is southwest of our reservation. And we harvest walleye from that body of water. So, these types of things are very damaging to our resource, so I just wanted to say that we are against the mining. Until there is a time when mining can be proven to be safe, we will keep that stance.

Mr. SIMPSON. Thank you.

Ms. MCCOLLUM. Thank you so much for your time.

Mr. SIMPSON. Thank you all for being here today.

Mr. ISHAM. We are not against mining. We are against pollution.

Mr. SIMPSON. Thank you all for being here today. I just want to say, the reorganization issue has come up repeatedly, and I have talked to Secretary Zinke about this. He is trying to do the right thing. He is trying to create efficiencies, that kind of stuff. I just do not think it has been fully flushed out yet about how that ought to happen. I hear people in Idaho talk to me when they have seen these kinds of preliminary maps and say, oh, we want Idaho all in the same region. What he is trying to do is look at watersheds and that kind of stuff, and Idaho is a big State. The northern watershed is much different than the southern watershed and that kind of stuff.

So, believe me, it will get back to him that there are a lot of people that are concerned that we have not done enough consultation. And so, he will hear that from this committee readily, so.

Ms. HOLSEY. Thank you so much.

Mr. SIMPSON. I appreciate you all being here, your testimony, and it will help us as we draft the 2019 bill. Thank you.

Ms. HOLSEY. Thank you so much.

Mr. ISHAM. Thank you.

Mr. SIMPSON. You bet.

Ms. HOLSEY. I appreciate your time.

Mr. ISHAM. Your staff's as well.

Ms. HOLSEY. Yes, for the hard work. Thank you.

Mr. ISHAM. We understand your work as well.

Mr. SIMPSON. Adjourned.

THURSDAY, MAY 10, 2018.

AFTERNOON SESSION

Mr. CALVERT. Hello. Welcome to this public witness hearing on American Indian/Alaska Native programs under the jurisdiction of the Interior and Environment Appropriations Subcommittee.

I want to welcome the distinguished Tribal elders and leaders testifying today in the audience. Most of you have traveled a long way to be here. We thank you. I hope you will seize the opportunity to meet with other Members of Congress outside of this committee to remind them that honoring the Nation's trust obligation and responsibility is shared by all Members of Congress, regardless of our State or congressional district.

I can assure you that your voices are heard by this subcommittee, but we need your help to continue to build awareness and support among our colleagues in Congress.

For those of you new to this process, I see many of you who are not new to this process, but if you are, today's hearing is just a start of a dialogue we come to depend upon to help us make smart choices in the budget and earn the votes of our colleagues.

Be assured that American Indian and Alaska Native programs will continue to be a nonpartisan priority for this subcommittee just as it has been in recent areas under the chairmanships of both Democrats and Republicans alike.

Before we begin, I have a little housekeeping. Committee rules prohibit the outside use of cameras or audio equipment during hearings. The hearing, however, can be viewed in its entirety on the committee's website and an official hearing transcript will be available at GPO.gov.

I will call each panel witness 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. And as I have mentioned, finishing early you earn brownie points, not necessarily more money, but more brownie points.

We will be using a timer to track the progress for each witness. There it is. When the light turns yellow the witness will have 1 minute remaining to conclude his or her remarks. When the light blinks red we will ask the witness to stop.

We will hear from every witness in each panel before members will be provided opportunity to ask questions because we have a full day ahead. I like to keep things moving. Airplanes are leaving this afternoon, and I know everybody is concerned about thunderstorms and so forth, so we will try to keep things on track.

With that, thank you again for being here.

And I am happy to yield time to my friend and colleague Ms. McCollum.

Ms. MCCOLLUM. Well, thank you, Mr. Chair. You have been talking about brownie points. It is after lunch. Maybe next year we can have brownies.

Mr. CALVERT. There you go. That is a good idea.

Ms. MCCOLLUM. I thank everybody for coming, and I look forward to the testimony.

Mr. CALVERT. Okay. We have our first panel this afternoon. And we will start with Ashley Tuomi, who is the president of the National Council of Urban Indian Health.

Welcome.

THURSDAY, MAY 10, 2018.

NATIONAL COUNCIL OF URBAN INDIAN HEALTH

WITNESS

ASHLEY TUOMI, PRESIDENT, NATIONAL COUNCIL OF URBAN INDIAN HEALTH

Ms. TUOMI. Chairman Calvert and Ranking Member McCollum, good afternoon. My name is Ashley Tuomi, and I am a member of the Confederated Tribes of Grand Ronde, and I am an urban Indian. My status as a Tribal member does not change based on the ZIP Code that I live in.

I am here today as the president of the National Council of Urban Indian Health. And NCUIH represents urban Indian health programs across the Nation that provide accessible, high-quality, and culturally competent healthcare to the American Indian/Alaska Natives living in our urban areas.

I also serve as the CEO of American Indian Health and Family Services, one of the urban clinics in the Bemidji Area and I am located in Detroit, Michigan. My testimony today will focus on the Indian Health Services.

Chairman Calvert and Ranking Member McCollum, your subcommittee is best positioned to understand the healthcare-related needs of urban Indians. I am thankful for your continued support of urban Indians and recognition of the Federal Government's obligation to provide healthcare for American Indian and Alaska Native people on or off a reservation.

I first would like to take a moment to thank you for the support in the fiscal year 2018 omnibus spending bill. Your work to prioritize UIHPs above and beyond the administration's recommendation is greatly appreciated.

We are deeply concerned that this year the President's budget for fiscal year 2019 includes a decrease of nearly $3 million for our urban Indian health programs and would be a huge step backwards from all the work that this committee has done to protect the health of urban Indians.

With only $49 million in funding, UIHPs receive an average of about $721 per patient per year. For other Americans that number is almost $10,000 per patient.

Unlike IHS and Tribal facilities, our programs do not have access to additional line items, such as Purchased/Referred Care or con-

struction dollars. We are already funded minimally and cannot easily withstand any reductions. Instead, we propose an increase in UIPH funding of at least $32.7 million to provide existing ambulatory services and improve our current services.

The amount of Medicaid service costs paid by the Federal Government is set by law at 100 percent for IHS and Tribes, but for UIHPs, this does not exist because the UIHPs did not exist when the law was written. Congress created UIHPs to respond to the Tribes that wanted to ensure their members would continue receiving quality healthcare off the reservations.

According to IHS' latest study, the cost would be minimal at $2.3 million annually. A hundred percent FMAP for urbans would help stretch the budget this subcommittee provides to IHS, and with many of the proposed changes to our healthcare system UIHPs will be left behind and unable to negotiate with States if we have not achieved 100 percent FMAP.

With all the success of the Special Diabetes Program for Indians, we are pleased that the administration has included it in the fiscal year 2019 budget. However, it greatly concerns us that this funding source has been moved from mandatory to discretionary and many UIHPs fear for the future of this program.

IHS and Tribal providers, as well as other comparable Federal healthcare centers, are covered by FTCA. UIHPs, however, have been denied this coverage and must purchase their own expensive insurance on the open market.

With FTCA coverage money spent in insurance costs would instead be available for the provision of additional services, and this change would maximize the value of your appropriations to IHS.

As many of you recall from my previous testimony, the Department of Veterans Affairs and IHS have implemented an MOU that reimburses IHS and Tribal providers for services rendered to veterans who are also IHS beneficiaries. However, this agreement does not include reimbursements for UIHPs.

I appreciate the continued support from this subcommittee regarding this issue, and I was pleased to see that there has been some movement through the last omnibus bill.

Under the urban Indian health line item, IHS was directed to work with the Veterans Affairs on the report examining services for Indian veterans at urban clinics. We are hopeful that this report will be quick and that we can move forward in making sure that our Native veterans living in urban communities have access to timely, high-quality, and culturally competent healthcare that our UIHPs can provide to them.

In January of this year, CMS released a letter announcing that States could implement work and community engagement requirements for certain Medicaid beneficiaries to meet. Although we support full employment of American Indians and Alaska Natives, this approach is neither in line with the trust obligation of the U.S. Government, nor does it respect the inherent sovereignty of self-governing people.

We stand with the Tribes in expressing concern about the administration's viewpoint that our Tribal members cannot be exempt because of civil rights concerns and stating that the request from exemptions is race-based.

As you well know and have voiced throughout these hearings, the Federal Government has a unique legal and political government-to-government relationship with Tribal governments and a special obligation to provide services for American Indians and Alaska Natives based on these individuals' relationships to Tribal governments.

Thank you for this opportunity to testify. In review, we have submitted our full written request with further details on all the subjects that I talked about. Thank you.

[The statement of Ashley Tuomi follows:]

President Ashley Tuomi, National Council of Urban Indian Health
Testimony for House Committee on Appropriations, Subcommittee on Interior, Environment,

My name is Ashley Tuomi, and I am the President of the National Council of Urban Indian Health (NCUIH). NCUIH represents urban Indian health care programs (UIHPs) across the nation that provide accessible, high-quality, and culturally-competent health care to urban Indians, a category which comprises more than 70% of American Indian/Alaska Native (AI/AN) people. My testimony today will focus on the Indian Health Service (IHS). "Urban Indian" refers to any AI/AN person who is not living on a reservation, either permanently or temporarily—often because of the federal government's forced relocation policy or lack of economic opportunity. Congress has long recognized that the federal government's obligation to provide health care for AI/AN people follows them off of reservations:

> *"The responsibility for the provision of health care, arising from treaties and laws that recognize this responsibility as an exchange for the cession of millions of acres of Indian land does not end at the borders of an Indian reservation. Rather, government relocation policies which designated certain urban areas as relocation centers for Indians, have in many instances forced Indian people who did not [want] to leave their reservations to relocate in urban areas, and the responsibility for the provision of health care services follows them there."*

Chairman Calvert and Ranking Member McCollum, your Subcommittee is best positioned to understand the health care-related needs of unban Indians. I am heartened at your words during the House Appropriations Subcommittee hearing on Indian Health FY2019 budget where you promised that "The subcommittee will continue to place the Indian Health Service budget among its highest priorities for 2019."

Increase Funding for IHS

I first, would like to take a moment to thank you for support in the FY 2018 omnibus spending bill. Your work to prioritize UIHPs above and beyond what the Administration saw fit to meet the needs of urban Indian health and reverse proposed cuts to the Urban Health programs are greatly appreciated. Although we have become adept at doing more with less, the resources truly make a difference when making difficult decisions about the service our members can provide. We are thankful for your efforts to prevent additional hardship that budget cuts would visit upon UIHPs, however, we must address the real issue: IHS has been chronically under-resourced.

The National Tribal Budget Formulation Workgroup (NTBFWG), of which NCUIH is a part, has found that IHS has been traditionally funded at 50-to-60% of need; which of course falls short of meeting the health care demands of Urban Indians. IHS per capita health care spending in 2016 was $2,834 compared to $9,990 nationally; of this, UIHPS receives $721 per patient. Additionally, IHS only spends little more than 1% on the provision of health care to urban Indians which comprises more than 70% of the Indian population. The amount which would bring IHS health resources to parity with the rest of the nation, is currently $32.7 billion. Compare this to the current FY 2017 appropriation of $5 billion. The urban line item alone

would have to multiply by almost 1400% to begin to correct the disparity, and that is only one line item.

Medicaid and the Trust Responsibility

Congress sought to address the lack of IHS funding when it amended the Social Security Act (SSA) in 1976 to authorize the IHS to bill Medicaid "as a much-needed supplement to a health care program which for too long has been insufficient to provide quality health care to the American Indian." In authorizing IHS to bill Medicaid, Congress also took steps to ensure that the Federal government did not shift responsibility for Indian health care to the States. Congress amended the SSA to provide for 100% Federal Medical Assistance Percentage (FMAP) for services received through an IHS or Tribal facility. This provision ensures that all Medicaid services provided to AI/ANs that are received through an IHS or Tribal facility are reimbursed to the States at a 100% match by the United States. It was an express recognition of the federal government's treaty obligations for Indian health.

AI/ANs are a unique population and are owed health care benefits under the Trust obligation of the U.S. government which has long been established via contract and treaty.

> *The Constitution recognizes that Indian tribes have a unique political status within our federal system. The federal government is said to have broad "plenary" power over Indian affairs drawn explicitly from the Constitution, including the Indian commerce clause[1], the treaty clause[2], and other provision, as well as "the Constitution's adoption of pre-constitutional powers necessarily inherent in any Federal Government" and the general relationship between the United States and Indian tribes[3].*

AI/AN should not be subjected to disparate rules from state to state which is not in-line with the relationship with the federal government. The federal government must protect access to health care for AI/AN by any means necessary as part of the trust responsibility.

Federal Medical Assistance Percentage (FMAP) for UIHPs

FMAP, the amount of Medicaid service costs paid by the federal government is set by law at 100% for IHS and Tribes, but not for UIHPs, because UIHPS did not exist when that law was written. However, UIHPs were created by Congress as a response to Tribes that wanted to ensure their members would receive quality health care off of reservations as part of the trust obligation. This is particularly true for those forced to leave during the Relocation Era. Indeed, because the Trust Responsibility extends beyond the borders of the reservation, so too does the federal government's obligation to provide health care.

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[1] U.S. CONST., art.I, § 8, cl.3.

[2] U.S. CONST., art.II, § 2, cl.2.

[3] United States v.Lara, 541 U.S. 193, 200-01 (2004); see also Morton v. Mancari, 417 U.S. at 551-52; McClanahan v State Tax Comm'n of Arizona, 411 U.S. 164, 172n.7 (1973); United States v Holliday, 70 U.S. 407, 418(1865); H.R. CON RES. 331, 100th Cong. (1988) (reaffirming government-to-government relationship with Indian tribes recognized in Constitution).

Having 100% FMAP coverage has provided a tremendous benefit to states and Tribes alike, and would expand the services UIHPs are able to provide to their patients. According to IHS, which has recommended 100% FMAP for UIHPs in their budget proposals, the cost would be minimal: $2.3 million annually. Achievement of this objective would help to stretch the precious dollars this Subcommittee is able to provide to IHS, thus allowing the agency to provide more and better services to Indian Country.

If UIHPs remain starved of this resource, facilities will remain unable to provide the full scope of services necessary to their patients.

Reinstate the Special Diabetes Program for Indians in the Mandatory Budget

The Special Diabetes Program for Indians (SDPI) grant program provides funding for evidence-based diabetes treatment and prevention to 301 IHS, tribal, and Urban Indian health programs. To ensure sustained and additional improvements for the health of American Indians and Alaska Natives, the FY 2019 Budget continues funding for this essential program at $150 million and shifts funding from mandatory to discretionary.

The SDPI program has been instrumental in improving access to diabetes treatment and prevention services for American Indians and Alaska Natives. Since 1997, SDPI has made positive strides to improve the landscape for many major cost-drivers including:

- Reversing the trend of increasing diabetes rate in AI/AN communities
- Increasing AI/AN access to diabetes clinical teams by 67%
- Increasing AI/AN access to culturally tailored diabetes education programs by 59%.
- Decreasing diabetes-related kidney failure by 54%
- Increasing blood sugar control for diabetes patients by 8% and,
- Decreasing End-Stage Renal Disease by 43%

With all of the success of the SDPI program, we are pleased that the administration has chosen to include it in the FY2019 Budget. However, we are greatly concerned that the administration has moved this program's funding from mandatory to discretionary. This raises thought as to the administration's future plans for this program. Your support would ensure the continued success of this essential program.

Include UIHPs in the coverage of the Federal Tort Claims Act (FTCA)

The FTCA provides medical malpractice coverage for certain covered individuals (i.e., governing board members, officers, employees, and certain individual contractors) working for FTCA covered entities. The Health Center FTCA Medical Malpractice Program is intended to increase the funds available to health centers by reducing or eliminating health centers' malpractice insurance premiums, which frees up these resources and instead allows them to go towards furnishing additional services.

IHS and Tribal providers, as well as other comparable federal health care centers are covered by the FTCA. UIHPs however, have been denied this coverage and must purchase their own

expensive insurance on the open market. For example, there are two highly regarded UIHPs in Oklahoma which are represented by NCUIH and each pays $250,000 per year for malpractice insurance. If UIHPs are provided FTCA coverage, $500,000 in insurance costs would instead be available for the provision of additional services in just these two facilities. This change would maximize the value of your appropriations to IHS. Any help your Subcommittee can provide, including prompting the relevant House authorization committee, would be greatly appreciated.

Fully implement the Memorandum of Understanding between UIHPs and the Department of Veterans Affairs (DVA).

DVA and IHS have implemented this MoU for IHS and Tribal providers, but not for UIHPs. AI/AN veterans often prefer to use Indian health care providers for reasons related to performance, cultural competency, or the availability of traditional healing services. I appreciate the support the Subcommittee expressed last year when I testified, but I regret to report that the VA states they cannot reimburse UIHPs without a legislative change, and that is why I am back again this year asking for your help. It is understood that AI/AN veterans are more likely to receive adequate health care if they are allowed to determine how, when, and where they are served. DVA sometimes experiences surges in demand, which understandably impact its ability to serve. The ramifications of these services can be addressed if AI/AN veterans can instead elect to receive care at UIHPs.

Given their sacrifices for and dedication to our country, AI/AN veterans should have access high-quality, culturally-competent health care by UIHPs. By working with your colleagues on the House Appropriations Subcommittee for Military Construction, Veterans Affairs, and Related Agencies, NCUIH is confident that you will ensure that AI/AN veterans receive the health care their profound sacrifices have earned.

Conclusion

Thank you for this opportunity to testify before the Interior Appropriations Subcommittee. In review, here are our requests of the Subcommittee for FY19:

1. Continue to increase funding for IHS in order to address the general spending shortfall for AI/AN health care and allow for an increase in the line item for urban Indian health care;
2. Protect Medicaid for Tribal and urban Indians;
3. Provide UIHPs with the same 100% FMAP already received by IHS and Tribal facilities, which, at minimal expense, would improve health care outcomes and stretch further your appropriations for IHS;
4. Support the reinstatement of SDPI, under mandatory funding which, insures future success in fighting the scourge of diabetes in Indian Country, ultimately saves lives and generates significant savings and maximizes the value of this Subcommittee's funding for IHS;
5. Urge your colleagues on the House Judiciary Committee to support the inclusion of UIHPs under the Federal Tort Claims Act, as IHS and Tribal facilities already are, so that they can invest your appropriations in patient care instead of expensive malpractice insurance; and
6. In collaboration with your colleagues on the DVA funding panel, please direct IHS and DVA to finally implement the MoU for UIHPs so that AI/AN veterans can receive the health care their sacrifices have earned.

Mr. CALVERT. Thank you. And your full written text will be part of the record, and we will be reviewing all of that.

Next, Lester Thompson, Jr., chairman of the Crow Creek Sioux Tribe, South Dakota.

You are welcome.

THURSDAY, MAY 10, 2018.

CROW CREEK SIOUX TRIBE

LOWER BRULE SIOUX TRIBE

WITNESSES

LESTER THOMPSON, JR., CHAIRMAN, CROW CREEK SIOUX TRIBE
BOYD GORNEAU, CHAIRMAN, LOWER BRULE SIOUX TRIBE

Mr. THOMPSON. Good afternoon, Chairman and members of the subcommittee. My name is Lester Thompson, chairman of the Crow Creek Sioux Tribe, located in Buffalo, Hughes, and Hyde counties on the eastern bank of the Missouri River in central South Dakota. Thank you for the opportunity to testify today regarding issues of immediate importance to our Tribe.

At this time, sir, I would like to humbly request that my elder statesmen get to take the lead real quick as we share similar subject matter and that we can coincide with each other as we speak.

Mr. CALVERT. The gentleman chooses to yield time, that is fine.

Mr. THOMPSON. And that I be able to follow suit afterwards.

Mr. CALVERT. Sure. Hopefully we will stay within our timeframe as much as possible.

Mr. GORNEAU. Thank you. Appreciate it, Chairman Calvert and Ms. McCollum.

It is an honor to speak before you here today. And we in Lower Brule, we ran into—since coming into office, you know, we have a GSA lease with our detention facility. And the history of the detention facility is, we were fighting condemnation of our own.

And as we were having a dialogue with the BIA we used Tribal money. You work with the BIA over BIA specs, built a facility up to their standards, and we have had a 10-year lease. It has been going great. Although the O&M money hasn't been sufficient, we have been getting by.

Since I got into office, the lease was up in 2 years. We have been working hard on trying to get a renewal. Suddenly the BIA does not have that authority, and we are trying to figure out where that authority lies and how we can get it done. I have been working on it for 18 months, and, you know, we need that facility.

It serves Lower Brule and Crow Creek. Now we have got people that are getting shipped from South Dakota to Oklahoma to serve, as well as Montana and Wyoming. Juveniles, they shut our wing down. They come out with new regulations over sight and sound.

And we do have alternative funding, and that is how we built it, with alternative funding, not from the government, with Tribal dollars. And BLM does come from the government and we want to serve our people well, and we want to keep them at home. And basically we are looking for help, you know.

And as all the other Tribes and Tribal people come up here, you know, we are going to probably hear a lot about the shortness of funding. But this one here to me is something that they have had and that authority to do probably since the Snyder Act in 1924. And I don't know where that authority went to.

And I don't know if the GSA, BIA is fighting. But it is much needed on both reservations. And like I said, we will build a new juvenile wing if we get a lease that is comparable.

Mr. CALVERT. We will look into that.

Mr. GORNEAU. Thank you.

Also, it is holding up processes for the Tribes who want to use their own funds for hospitals, even Lower Brule for a new health facility.

But thank you for yielding, Lester.

And I will turn it back over to him.

Mr. CALVERT. We will take a look at that.

Lester.

Mr. THOMPSON. Thank you for that, sir.

As part of that, as follow-up to what Chairman Gorneau had brought forth, law enforcement is very important in Indian Country. What we are running into is it is a shared facility before Crow Creek and Lower Brule which is located on Lower Brule reservation.

As Mr. Gorneau had pointed out, because we share the facilities we are already at capacity for housing detainees. It is a regional jail. So what happens is we end up coming to capacity and then our detainees get shipped out to multiple areas. And it does cause major problems as far as family visits, so on, and bringing our people back after they are released.

Leading into another issue, Lower Brule and Crow Creek are currently sharing law enforcement as far as police officers go. Crow Creek is currently almost up to staff. Lower Brule is not staffed at all in law enforcement. So what is going on is our officers from Crow Creek are covering Lower Brule, and it is a large area to cover, especially when it is almost one man per shift.

Now, when it comes down to that, Crow Creek itself is 422 square miles, and that is a big coverage, basically 70 miles lengthwise, 30 miles widthwise. I personally know what it is like to cover an area that big as a former police officer of our Tribe. Massive land base.

Then you throw in Lower Brule, who has a similar land base. One officer covering that is not enough. Justice is not being served for our people at all. So those areas do need to be addressed.

One other area, while I have a little bit of time is IHS, the funding for dialysis. IHS currently does not cover dialysis at all. It is a major issue in Indian Country. There has to be attention paid to this.

We transport people 60 to 120 miles off of our reservation to receive dialysis care. If there is a possibility to seek some kind of funding to build a facility or provide equipment for our region, it would be greatly appreciated.

I am pretty much done. Thank you.

[The statements of Mr. Thompson and Mr. Gorneau follow:]

TESTIMONY OF
CHAIRMAN LESTER THOMPSON JR.
ON BEHALF OF
THE CROW CREEK SIOUX TRIBE
BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT AND RELATED AGENCIES
THURSDAY, MAY 10, 2018

Good afternoon Chairman and members of the Subcommittee. My name is Lester Thompson Jr., Chairman of the Crow Creek Sioux Tribe located in Buffalo, Hughes, and Hyde counties on the east bank of the Missouri River in central South Dakota. Thank you for the opportunity to testify today regarding issues of immediate importance to our Tribe.

FUNDING FOR LOCAL DIALYSIS CENTER

Native Americans face disproportionately higher rates of diabetes and its associated complications at almost twice the rate of the total U.S. adult population, and two out of three cases result in diabetic kidney disease. Members of the Crow Creek Sioux Tribe have been particularly affected by this devastating disease. Close to 80% of our people are diabetic with many requiring dialysis treatments to survive. Currently, Indian Health Services does not provide any dialysis treatment centers in or near the Crow Creek reservation. Members are referred to surrounding areas in the state and must travel 60 miles one way, an unbelievable 120 miles roundtrip, to receive dialysis treatment. Dialysis patients are critically dependent on infrastructure for their survival, including transportation. However, many of our people are impoverished and do not have the transportation or the money to travel two to three times a week, to a center located 60 miles away to receive treatment that is critical to their survival. Further complicating the situation are difficult travel and extreme weather conditions making long distance travel nearly impossible, forcing many to go without treatment and resulting in diabetic and renal complications, loss of limbs, treatments of sores and cuts, and reduced life expectancy, placing an even bigger cost strain on Indian Health Services. We ask that the Committee provide sufficient funding for the construction of a Dialysis Health Care Facility to address this critical need.

LAW ENFORCEMENT AND DETENTION CENTER

The Crow Creek Tribe suffers from multiple issues ranging from a lack of sufficient law enforcement coverage, a critical need for a detention center, and an inability to hold court as often as needed due to a lack of funding. Currently, we have three tribal officers that we are sharing with the Lower Brule Sioux Tribe across the river. The Crow Creek reservation alone spans approximately 422 square miles. Now officers must cover an even greater territory with the addition of the Lower Brule Tribe reservation as well. Covering both sides of the river puts an even greater strain on our law enforcement officers and their lack of presence has opened the doors for increased drug activity. Our law enforcement department is called upon to respond a number of problems including domestic disputes, property damage, theft, child neglect, medical

emergencies, threats of suicide, and traffic issues. With a reduced force in the field, oftentimes, we are forced to rely on only one officer to cover the entire territory causing a serious safety risk to the community. The problem has become so severe that we are now concerned people will begin to take the law into their own hands.

Further adding to this problem is the lack of a jail facility to hold arrested individuals. The nearest detention facility is located in Lower Brule. However, several major oversights in establishing the jail has caused significant and serious issues in detaining, transporting, and processing arrested individuals. Firstly, the facility was deemed a regional jail. Because it is deemed a regional jail, the facility must accept prisoners from all over the state as far as Standing Rock. This has overburdened the jail beyond capacity. Those arrested in Crow Creek must now be transported to other facilities across the state and even outside the state, as far as Oklahoma. Secondly, the jail was built to house both juveniles and adults. By law, there should be a division between juveniles and adults. However, the jails has only one booking station, one processing station, and only one recreation area, resulting in juveniles and adults comingling in all areas of the facility. Juveniles must now be deferred and transported to other jail facilities across the state and outside the state as well.

Additionally, our law enforcement is not even housed in a permanently constructed police station. Currently, a module trailer serves as the police station for our tribe. This is woefully inadequate in serving the needs of our law enforcement and the needs of our people. Lastly, the lack of funding for our court systems has left us unable to process detainees fast enough. We can only afford to hold court three times per week when we need to be holding court every day of the week to keep up with the demand.

BIE SCHOOL

The Crow Creek Tribe runs a K-12 campus with an elementary, middle, and high school with dormitories. It has become increasingly difficult to attract and retain qualified teachers for our schools. The base salary at our schools is less than public schools with whom we compete for teachers. Public schools offer a bigger salary base, affordable health insurance, and retirement packages. Funds for the operation of our Tribal schools cover the costs of instructional programs, including salaries for teachers, teacher aides, administrative staff and other operational costs. It is of great importance to look out for the future of our children. However, constant changeover in staffing and a lack of qualified teachers willing to teach at the BIE schools diminishes the quality of education. If our children are to succeed, funding must be increased.

ROADS

An even greater frustration is that the BIA pours funding into and maintains the major arteries for the state but the auxiliary and local roads in the community have been left derelict. The BIA only appears to be concerned with how the state can also benefit and not with what the community needs. Increased Road Maintenance funding needs to be directed to the local roads in our community to improve road safety and protect the safety of our tribal members.

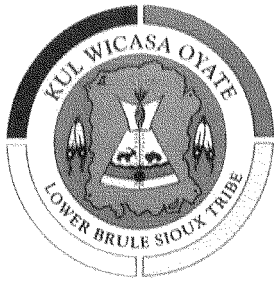
Due largely to inadequate BIA funding for repair and maintenance, our roads are in a state of serious disrepair. Local roads are not receiving funding for necessary repairs. Local roads are deteriorated, riddled with pot holes and many still remain dirt and gravel roads. Further exacerbated by snow and harsh winter conditions, an overwhelming number of local roads are unsafe and unfit. Roads left in this state of disrepair negatively affects the accessibilty for emergency vehicles and law enforcement while negatively impacting the ability for tribal members to conduct day-to-day activities. We need roads that are accessible and safe to travel to ensure the safety and security of tribal citizens.

OPIOID CRISIS

The Crow Creek Sioux Tribe is facing critical health and public safety risks as a result of the opioid and methamphetamine abuse, affecting all facets of life on our reservation. Methamphetamine abuse has created a shortage of housing along with opioid abuse creating alarming levels of crime, juvenile delinquency, unemployment, and dependence on public assistance within our community. Without an on-reservation treatment facility and additional funding levels to address this horrible issue, our communities will continue to suffer. Funding is desperately needed for counseling, behavioral health, substance abuse treatment and rehabilitation services, and increased foster care for children of parents suffering from drug addiction.

The federal programs established and promised by Treaty to assist and support tribes are important to the livelihood of our people. We ask the government to honor its commitments and provide sufficient funding for these critically needed programs so that our people can build a strong community with sufficient law enforcement, accessible medical care, schools with qualified educators, and mental, behavioral health, and substance abuse treatment. Thank you for the opportunity to present these most immediate and critical needs of the Crow Creek Sioux Tribe.

Boyd I. Gourneau
Chairman



Tribal Administration
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Hon. Ken Calvert
2007 Rayburn House Office Building
Washington, DC 20501

Re: BIA on-reservation leasing authority

Good Morning Mr. Chairman:

My name is Boyd Gourneau and I am the Chairman of the Lower Brule Sioux Tribe. Because so many of my tribal colleagues have and will continue to testify about the totally inadequate, poorly thought out budgets that the Bureau of Indian Affairs, the Office of Indian Education, and the Indian Health Service presented for FY 2019, I will not repeat their comments and simply state how frustrating it is when the Administration forgets the impact that its proposals have on the actual lives of human beings.

Instead, I want to focus my testimony today on a problem which has arisen in the BIA that was totally unanticipated and that is presenting serious problems for the Lower Brule Sioux Tribe: the BIA's apparent loss of authority to lease tribally-owned buildings on federally-recognized reservations. Lower Brule has an existing tribally-owned detention facility which was completed in 2009. We built this building with tribal funds when the BIA was unable to provide the funds necessary to reconstruct a detention facility on our reservation. This facility, which now serves both Lower Brule and Crow Creek, is currently under an existing federal GSA Lease, negotiated by the BIA, which is scheduled to expire in 2019. Unfortunately, this space has now become inadequate to meet our current needs and is also in need of some structural repairs to meet updated federal requirements, which the Lower Brule Sioux Tribe is prepared to fund. Unfortunately, though, we cannot obtain the financing for that work unless our lease is renewed and expanded to accommodate new space, space the BIA agrees is needed.

We approached the BIA about a year and a half ago in an attempt to expand and renew our lease. That is when we learned that the BIA has apparently lost its on-reservation leasing authority. We have attempted to learn how and why this happened, but to date no one seems to be able to give us a straight answer. This is very frustrating because we have been advised that going through the GSA leasing system could take up to two years and cost us a sizable amount of money that we do not have to spend. Lower Brule believes that we can secure the funding required to accomplish the repairs and expansion that are needed, but we have already lost at least one potential source of those

dollars because we have not been able to tell our lenders when and under what conditions our lease can be renewed and slightly expanded or even who has the legal authority to do that.

We read with interest the report language that this Subcommittee has incorporated in its last two appropriations reports, encouraging Tribes to find creative ways of funding projects that are not fundable under the existing appropriations systems. Lower Brule followed that advice in 2009 and we want to follow it in 2018, but we can't because of some type of disagreement between GSA, BIA, the Solicitor's Office and others that have yet to be identified.

Mr. Chairman, we at Lower Brule are prepared to do our part to provide much needed services to our people, but we need your help. As we understand it, the money to pay for this new lease is already in the federal system, although some additional dollars may be needed. We just need language in your FY 2019 appropriations bill returning unilateral on-reservation leasing authority to the BIA in those instances where funding from another federal agency is not required for that lease arrangement.

As is the case on many reservations, there are no additional detention spaces available in our area for the federal government to lease pursuant to the Federal Acquisition Regulations, and the needs of two separate tribes are at stake. It is my sincere hope that just a little pressure from this Subcommittee will solve this problem, because nothing else that we have tried over the past two years has accomplished that goal.

Thank you for your kind attention to this matter and we at Lower Brule look forward to working with you to resolve this unfortunate and completely unnecessary problem.

Sincerely,

Boyd Gourneau
Chairman
Lower Brule Sioux Tribe

Mr. CALVERT. Thank you. Okay.

Next, Robert Flying Hawk, chairman of the Yankton Sioux Tribe.

THURSDAY, MAY 10, 2018.

YANKTON SIOUX TRIBE

WITNESS

ROBERT FLYING HAWK, PRESIDENT, YANKTON SIOUX TRIBE

Mr. FLYING HAWK [speaking native language].

Thank you for having us, giving us this opportunity to share our comments and our concerns. I say thank you, and I greet each of you from the bottom of my heart with a handshake.

My Indian name is Mato Ki Nanji, which translates "bear who returns to his place." My given name is Robert Flying Hawk and chairman of the Ihanktonwan, which is known as the Yankton Tribe or the Nation.

And so I am here respectfully, humbly, in the tradition of our ancestors of our elders who have come here before with these types of requests that are presented by our relatives and our neighbors, our other Tribes, who we as people live here on this land and have those challenges that are before us.

I was writing something to share from the heart, from me personally, and we have been struggling with the law enforcement and how to combat the forces that are at home in our lands, in our houses, with our members, that being a drug.

As I got up this morning I received some information, some news that another one of our children attempted to end their life. And last week in our schools a dorm student did just that. There is a funeral happening this weekend.

And so with these cuts that are suggested, these deficits in some of the programs that are suggested for this budget of 2019, it is going to be hurtful. It is a matter of life and death for us at home on our reservations. And we want you to hear us. We are sincere. We are telling truths here. We have a life that we live, and we adapt, and we are going to continue to live.

The treaty was signed, and those are legal and moral commitments and promises that were discussed, and we feel that maybe we might be shying away from those in working with us and as a Federal Government.

I know growing up I was told the grandfather at the Washington office was talked about and said we are going to see him, we are going to be asking these things, we are going to talk to him about these things. Our homes need some repair. Our families need something to eat. We have people coming in from the outside with something that is not good for us, a medicine that affects our minds and our well-being and our health overall.

So we are here, I am here, to ask on behalf of the Ihanktonwan, the Yankton Tribe, that you hear us, that you listen to us, and that these proposed actions that might be happening with that 2019 budget not happen and that you reconsider looking at those programs that benefit us as people at home on the Yankton, and on all of our other reservations that we have.

We have our law enforcement, our IHS. The Department of the Interior covers the Bureau of Indian Affairs that has all these programs. The Bureau of Indian Education, we need our children's education. Some of us have some problems with the dorms where this incident happened.

Staff. Money to provide the adequate staff to help monitor our children, to provide programs where these types of things, the wellness, our mental wellness and our overall health is going to be addressed.

So I wanted to say thank you [speaking native language] for hearing us, and I hope you will listen to us.

[The statement of Mr. Flying Hawk follows:]

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Jason Cooke, **VICE CHAIRMAN**
Kenneth Cook, **TREASURER**
Glenford "Sam" Sully, **SECRETARY**

B&CC Members:
Greg Cournoyer Jr.
Darrell Drapeau
Robert Kazena
Perry Little
Greg Zephier

YANKTON SIOUX TRIBE

U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
TESTIMONY ON AMERICAN INDIAN/ALASKA NATIVE PROGRAMS FY 2019
Presented- May, 2018

Greetings Chairman and Members of this Subcommittee. My name is Robert Flying Hawk and I am the Chairman of the Yankton Sioux Tribe Business and Claims Committee. The Yankton Sioux Tribe appreciates this opportunity to comment on the Fiscal Year 2019 Federal Budget.

The Tribe is deeply concerned by the many substantial cuts and outright eliminations to programs that benefit tribes and native peoples on a daily basis, and that, in some instances, are literally the difference between life and death for our people. The eliminations and cuts signal an obvious retreat by the federal government from the legal and moral commitments that it owes to tribal nations. With that in mind, the Tribe would like to submit the following comments in hopes that they stand as a stark reminder of the importance of these programs and the significant difference they make in the lives of native peoples across the country.

Indian Health Services (IHS) - The FY 2019 Budget ("Budget") requests a total of $68.4 billion for the Department of Health and Human Services (HHS), which oversees the IHS. This is a 21% decrease from the 2017 enacted level of funding given to HHS, amounting to a $17.9 billion decrease. This Budget attempts to conceal this fact with lofty assertions of how this decreased funding will be spent more efficiently and on more important programs. When viewed closely, however, that clearly is not the case.

The proposed Budget also notes that the funding will increase access to direct health services for American Indians, but how this will happen is unclear. The amount of funding was decreased by almost $18 billion and the remaining funding for IHS is to be used to staff and operate newly constructed facilities and to extend IHS services to three newly recognized tribes. While the Tribe appreciates the aid being offered to our relatives, the proposed use of IHS funding stands to offer little aid to other tribes, such as Yankton Sioux, which are in dire need of adequate healthcare facilities and services. With such a substantial decrease in funding and the proposed funding to be used primarily for the above purposes, there will be little to no funding remaining for the IHS to attempt to remedy the severe shortcomings that it has been experiencing for years.

As Congress is likely well aware, the Great Plains Region of the IHS, which includes the State of South Dakota where the Tribe's reservation is located, is one of the worst, if not the worst,

region in terms of IHS performance. Since 2011, four IHS facilities in the Great Plains Region have been sanctioned or threatened with sanctions and at least 11 people have died at these facilities. In the Tribe's experience, the conditions are even worse than documented. We have seen our tribal members die in parking lots because the IHS decided to close down the 24-hour emergency room facility at the Wagner Service Unit. We have seen tribal members and their families financially destroyed and left destitute because they were forced to seek care at non-IHS facilities. We have seen tribal members that suffered for weeks or even months at a time through excruciating pain, including broken limbs and serious ailments, because there was not enough funding left to treat their condition and they do not have the financial means to seek care from a non-IHS facility. Such conditions would be unacceptable in any other context, but it is the norm when it comes to what our tribal members face on a daily basis. My Tribe would best be served by restoring the 24-hour emergency room and adding hospital beds and hospital services. Many of our tribal members do not qualify for referred care priority and they suffer through the pain. For those that do qualify, that referred care is costly and quickly uses up of scarce referred care monies. The lack of 24 hour direct services at our service unit also means that our tribal law enforcement must take persons in their custody to the local community hospital. These services are often not covered by IHS and the local community hospital has previously threatened to discontinue to see these detainee. In spite of this glaring reality, the President's proposed Budget includes millions of dollars' worth of cuts to preventative health, health education, tribal management grant programs, construction of healthcare facilities, medical equipment, and diabetes grants.

Furthermore, of the $10 billion funded to HHS to combat the opioid epidemic, only $150 million was budgeted to IHS for opioid abuse prevention, treatment, and recovery among native peoples. This is true despite the fact that American Indians and Alaska Natives had the highest drug overdose death rates in 2015, and the largest percentage change increase in drug overdose deaths from 1999-2015 of any population at 519%. Similarly, American Indians and Alaska Natives have the highest rate of substance abuse disorders, including alcohol abuse, compared to any other racial/ethnic population.

In the past, and in the current Budget, the federal government has insured that other federal programs that serve the Nation's most vulnerable populations, such as Medicaid and veteran's assistance benefits, were spared from sequestration and indiscriminate budget cuts. Why should the IHS be any different? It is a social program serving the most vulnerable minority population in the country? It bears reminding that the obligations of the United States are legal obligations that stem from years' worth of treaties and promises made with tribal nations. It would be unconscionable for the United States to break these fundamental promises.

Department of Interior (DOI) - In terms of the funding for the DOI, within which is the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE), the Budget requests $11.3 billion. This represents a 2% decrease from the 2017 enacted level of funding that DOI received and equals a $2.2 billion cut. Noteworthy in the Budget is the new Public Lands Infrastructure Fund, which, among other things, would be used to help pay for repairs and improvements at BIE schools. While the Tribe sincerely appreciates the efforts of the federal government to improve BIE schools, the underlying problems with the BIE education system goes well beyond run-down school buildings and inadequate facilities. Additional funding needs to be given to the BIE so that it can address its foundational problems such as lack of qualified educators, lack of retention of the qualified educators that we do have, and the lack of resources to provide much needed training for staff.

The shortcomings of the BIE system have been widely noted and documented, and they do not require repeating here. However, the Tribe would like to bring to your attention the fact that BIE schools are among the worst in the country, boasting sub-par high school graduation rates of 50% or less, and student test scores that trail the national averages by double digits in some cases. This is simply unacceptable, especially considering that, like healthcare, providing education to native youth is a treaty obligation of the United States. Additionally, leaving native youth strapped with a primary education system that is wholly inadequate to prepare them for the realities of American society and capitalism today further perpetuates the cycle of native people living on reservations with astronomically high unemployment and poverty rates. If the federal government expects the living conditions and economic prosperity of native peoples to improve, it should begin by offering them an education comparable to the education that other American youth receive around the country. It is only with a comparable education that native people can be expected to compete for jobs and secondary education opportunities, and be able to lift themselves out of the economic cycle of poverty that native peoples have found themselves in for generations. Adequate funding is the first step to achieve these goals.

The Budget also continues the 2018 budget proposal to reduce funding for land acquisitions. For tribes, like the Yankton Sioux, fee-to-trust land acquisitions are of crucial importance. Due to the disastrous federal government policies of allotment, assimilation, and termination, as well as the sale of reservation lands to non-Indians, the federal government is directly responsible for taking more than 90 million acres of land from Indians, totaling nearly 2/3 of all lands that were once tribal reservations. The Yankton Sioux Reservation is now a checkerboard due to the history of these failed policies, and has been decreased from an original land base of nearly 11,000,000 acres to approximately 38,300 acres. Some of the Tribe's remaining land is in fee simple status, rather than trust status, due in part to challenges to fee-into-trust land acquisitions.

The Tribe would like to offer its sincere appreciation for the $172 million in funding that the Budget places towards the implementation of enacted Indian water rights settlements in support of Federal trust responsibilities to Tribes. This is a good faith showing of the federal government's intent to continue its obligation to supply tribes with the water necessary to make their reservations into homelands. However, there should also be additional funding set aside for the tribes that do not have an enacted water rights settlement, including the Yankton Sioux Tribe.

In regards to the BIA, the Budget would cut funding for the BIA by 15%, roughly equating to $500 million, would reduce funding for BIA social services by more than 30%, and reduce Indian Child Welfare funding by more than 25%. Specifically, some of the more alarming funding and program eliminations within the BIA include the Housing Improvement Program, the Tribal Climate Resilience Program, and the Johnson O'Malley Program which provides supplemental education programs and activities for Native American students attending public schools. Furthermore, the major reductions within the BIA include a cut to social services totaling $19 million, a $5 million cut to Indian Child Welfare Act funding, a cut to welfare assistance by $8.4 million, a $14.7 million cut to rights protection implementation, and a $4.4 million cut to job placement and training. These eliminations and cuts are astounding and simply unacceptable in light of the treaty obligations that the United States owes to tribes and native peoples. At Yankton, we have already endured far too many years of a BIA stretched far too thin. We need the Bureau that is supposed to represent our interest—the interest of native peoples—above all else and, as a federal government agency, it will be unable to do so unless adequately funded.

III. Miscellaneous

Beyond the cuts and eliminations that affect the IHS, the BIA, and the BIE, the Budget also proposes to significantly reduce human services, law enforcement and court programs, and housing and education services. In that same vein, the Budget proposes to eliminate crucial infrastructure programs such as the Indian Community Development Block Grant and the Indian Housing Block Grant, and road maintenance would be reduced. Also, the Low Income Home Energy Assistance Program (LIHEAP), Indian and Native American Program (INAP) under the Department of Labor, and the Tribal Energy Loan Guarantee Program are all slated to be eliminated. The Tribe objects to these proposed cuts in the strongest terms possible. These programs are our most essential and are in need of funding increases rather than elimination.

To exemplify the seriousness of these cuts, consider LIHEAP. In a state such as South Dakota, our winters our incredibly brutal and extremely cold. The Tribe receives an allocation of monies from the LIHEAP to pay one tribal employee to administer the program. Although the funding is typically meager, it is absolutely necessary. The assistance provided by LIHEAP has prevented tribal families from suffering through freezing temperatures and sweltering heat. Assistance is provided to low income families on the reservation to pay for heating and sometimes cooling costs. Each of the recipients is required to demonstrate need and the payment is provided directly to the utility company. There are also annual limits on the amount and number of times a household can receive assistance. Oftentimes, this assistance is a matter of life and death in the harsh climate of the Northern Plains.

The proposal to cut funding for tribal road maintenance is also concerning. These funds are one of the few source of monies for necessary maintenance to roads, transportations programs that provide public transportation, and roads clearing in the winter months. Our members are heavily dependent on the Tribe's transit program to be able to go to work, attend school, and attend necessary medical and other appointments. A cut in this funding would have drastic consequences that would ripple to and effect many areas of tribal life on the Yankton Sioux Reservation.

Turning to the Tribal Energy Loan Guarantee Program, it is slated to be eliminated under the Budget. This is despite the fact that the Budget invests $792 million in energy programs, including investment in onshore, offshore, renewables, and mineral revenue management. There are substantial fossil fuels that can be produced from lands within the Yankton Sioux Reservation in order to meet America's rising demands for energy. Likewise, there is substantial opportunity in Indian Country for development of renewable energy and mitigation projects that will benefit both tribes and U.S. goals to reduce carbon emissions. These projects need the aid of the federal government in order to be undertaken, and eliminating the Tribal Energy Loan Guarantee Program only institutes another barrier to energy development on tribal reservations.

IV. Conclusion - The Yankton Sioux Tribe is well aware of how hard this Committee fights day in and day out to preserve tribal priorities in the federal budget, including IHS Services, DOI services and programs, and more. We sincerely thank you for your time and hard work regarding these issues, and I hope the testimony I have provided you with today will stand as a stark reminder of the importance of these federal programs and services to tribal people. Thank you for allowing me the opportunity to appear here today and I will be happy to answer any questions or concerns that this Committee may have.

Mr. CALVERT. Well, thank you. Thank you for that moving testimony.

First, let me make sure that everyone, rest assured, that we work together, Ms. McCollum and myself, to make sure that we do everything possible within the allocation that we are given to make sure that we meet our obligations with the Native Americans throughout the country.

And so the President's budget, obviously, just as we worked on it last year, we will make sure that we fulfill those obligations in the fiscal year 2019 bill, which will come out here shortly, so you will be able to take a look at it. And I think you will see that it is much improvement.

One of the issues is detention facility. We will look into that. I know that we have these issues not just in South Dakota, but in other locations.

I am just curious, how many people do you have incarcerated in that facility?

Mr. GORNEAU. The capability is a 48-bed unit.

Mr. CALVERT. Forty-eight. Okay. So a relative small facility.

Mr. GORNEAU. Yes.

Mr. CALVERT. And the other issue, too, is on the dialysis. How many people do you have on dialysis in that region?

Mr. THOMPSON. Estimates are climbing every day. We figure about 80 percent of our people have, how do you want to say, type 1, type 2 dialysis, as far as diabetes. I don't have the exact number for dialysis care. The number, like I said, grows every day.

And it is a compounding effect. What happens is first the diagnosis, then treatment. A lot of times if treatment isn't received properly there is loss of limbs, which adds, compounds to other medical treatments, and it just keeps compiling. Again, this is why we are looking for some kind of help here.

Mr. CALVERT. Diabetes is a horrible disease.

Mr. THOMPSON. It is, sir.

Mr. CALVERT. Okay.

And this opioid issue, this is a constant refrain that we are getting from virtually every witness here today. It is a plague that is affecting every part of our society, rich, poor. But it seems to affect Tribes more than most because I suspect this is along the routes that a lot of the drugs are being transported and so forth.

So it is an issue that is very important to me and to many of us here. So it is something we have to stay on top of. You have my commitment on that.

And urban care is an important part of—in my area is very important, too, so it is something we can keep track of. So we will continue to work with you.

Ms. McCollum.

Ms. MCCOLLUM. Just quickly, and you can get back to our staffs.

The memorandum of understanding with the VA, you want that to move faster.

If you could get back to the staff on how you are going to do the medical records transfer back and forth, because different centers might be on different—I want to make sure they are interoperable, is what I am trying to say.

How are prescription drugs going to work? Sometimes purchasing through the VA is cheaper than what someone getting a script from your doctor's office would pay, going and getting it filled there.

If you could let us know how we can stay on top of these memorandums of understandings, making sure that medical records are operable back and forth, and to make sure that we do what we can on the price of prescriptions—because the VA buys at a better rate. I am assuming you don't have a pharmacy at all of your facilities.

Ms. TUOMI. Not at all facilities.

And as far as the interoperability, we are aware that the VA is looking at changing systems and IHS is going through that discussion now, because we are both kind of operating on the RPMS system.

So there are discussions on both sides about switching to new systems, so that will play into that conversation of interoperability, as well.

Some of our facilities do have pharmacies and we do have access to the 340B program.

Ms. MCCOLLUM. But I am sure they all don't.

Ms. TUOMI. Yes.

Ms. MCCOLLUM. Mr. Chairman, I have been on the VA MilCon Committee, as well as the Defense Committee, which we both serve on now, watching the interoperability not go very well with medical records. Maybe we can stay on top of it now that we know the VA is changing.

I want to take a second on the dialysis question, because I had a family member in very rural North Dakota, eastern Montana, go from Sidney, Montana to Williston, North Dakota. All kinds of weather conditions. And quite often you have a person who is medically fragile being driven by somebody who is elderly.

It is tough to ask people to do that in good weather conditions, but when you are out there in a blizzard I know can come up and you can have a whiteout and pretty soon you are trying to find a place to stay and be safe.

I know the Mille Lacs Band in Minnesota was looking at doing some dialysis. Is it the fact that if you have a dialysis treatment center close to the reservation, is it full or is there just nothing available? Because it might be something where we should be talking to the States and the governors with some of their health needs about how do we make regional facilities.

Mr. THOMPSON. There is a facility that is close, but most of the time it is fully booked. The idea would be you look at, if you would look at a map and look where Crow Creek Reservation is located at, we are almost dead center in South Dakota. If you would do a circle we would be able to serve not only Natives, but most likely non-Natives, too. I mean, it would be beneficial all the way around for the area.

Ms. MCCOLLUM. Do you have opportunities to have discussions? Ms. Noem does a great job, and we are working with her and others on an Indian healthcare task force. I will ask my staff later where we are on the dialysis treatment spectrum. I know some of these facilities are running two shifts. Some of them have talked about even running three at times in rural areas.

Looking for efficiency and opportunities to do public-private or public-public partnerships, this might be a good place to start, especially in the Dakotas.

Mr. GORNEAU. Can I make a comment?

On the dialysis, Lower Brule, we take them to Chamberlain. That is 30 miles away. Two shifts. Other people, like my aunt goes to Mitchell, which is 100 miles away, one shift. And I see what you are saying, and we do need a facility, Crow Creek and Lower Brule.

Unfortunately, people are waiting for others to pass away to get their slot. That is what is happening. But thank you.

Mr. CALVERT. That is not good.

Ms. MCCOLLUM. That is hard reality, but it is very true in these areas. That just makes the diabetes program and prevention even all the more important.

Thank you, Mr. Chair.

Mr. CALVERT. Hopefully someday we will find a cure for diabetes, and that would be a big day.

Okay. Well thank you very much for coming out. We enjoyed listening to your testimony, and we will take your comments into consideration. Thank you very much.

Mr. CALVERT. Now we will have our next panel. Please come on up. David Omar Kills-A-Hundred, trustee II, the Flandreau Santee Sioux Tribe. Harold C. Frazier, chairman of the Cheyenne River Sioux Tribe. Jennifer McLeod, board member, Association of Community Tribal Schools. And Ervin Carlson, president of the Inter-Tribal Buffalo Counsel.

Welcome.

I remember you, David. You have the cool name here.

Okay, David, you are recognized for 5 minutes.

Mr. KILLS-A-HUNDRED. Like the previous chairman, I was wondering if I could allow my elders to go before me, if that is okay.

Mr. CALVERT. Absolutely. You are recognized.

Ms. MCLEOD. I don't believe I am one of your elders. But if you would like me to speak I am happy to.

Mr. CALVERT. We are happy to have you speak.

THURSDAY, MAY 10, 2018.

ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS

WITNESS

JENNIFER MCLEOD, BOARD MEMBER, ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS

Ms. MCLEOD [speaking native language].

Hi there. I am Jennifer McLeod. I am a board member of the Association of Community Tribal Schools. I am an elected leader of the Sault Ste. Marie Tribe of Chippewa Indians. And I am an educator.

Of all the titles that I have, the one that warms my heart the most is the educator. And I will tell you that becoming an elected official was not on my career path. When I was in the classroom I was very happy to be there.

But after time and the conditions that I had to work in and what I saw my children having to be in, I knew that just being an educa-

tor, just being a classroom teacher and being a school administrator even, didn't give me enough of a voice to be able to change the things that I needed to have changed for our children.

Being here today is the first time that I have been able to come and speak before a panel such as this, and I want you to know that that is a life goal for me, to get here now, to have 5 minutes of your time.

And I know that you have got good hearts because I was here yesterday and I watched you. And I know that you want to help us in any way that you can. And I know that the stories that I am going to tell you, your heart will hurt, too, just like mine did being there.

I know that you feel the pain of children who are cold and when I had to tape bubble tape on my windows just to get the temperature up to 49 degrees to keep my kids warm. I had to use duct tape on broken asbestos tiles to protect my kids from breathing those things. I know that that is touching your heart.

And our children, all children, deserve safe, warm places to be so that they can learn, so that they can reach that Creator given purpose that they have for being in this planet. That today is why I am here, to talk to you about the conditions that children have to try and learn in.

My conditions, the cold and the asbestos, are small compared to what some of the schools have to endure in other places. We have schools who have no heat. We have schools who have water issues, who can't have sanitation, who have food issues. Children in dormitories. Staffing.

It is very, very difficult, and sometimes I feel like I am preaching to the choir because I can see that you all know exactly what I am talking about.

But, unfortunately, to improve those conditions requires dollars. And that is why I am here to talk to you, to help us find a way that we can work together and find those dollars to improve the conditions for our children.

I want to thank you for the appropriations that we just got. We were so worried. We were scared about what was going to happen to our children. And then when the appropriations came through we rejoiced as much as we possibly could because we knew that we were going be able to at least continue the way we have continued this year, and our children would be at least that okay.

But that is not what we are looking at coming forward. Coming forward is frightening. And I don't know how we are going to help the 30,000 children that are in Tribal schools, and 130 schools. The appropriations that we have now, the way it is scheduled, my school will not see any dollars to help with that facility for over 100 years. That is the schedule.

Some of the buildings that schools have are 100 years old already. What are they going to be like in another 100 years?

So we need to do something, and we need to find better ways.

I have this list of asks that I was sent with, and I am sure that you are going to tell me that you can't give me all of these. But I am going to ask for it anyway, because I do go to those, all those offices up on that Hill. I go from next one to next one and I ask every single one of them, because we have to keep bringing these

issues forward, we have to keep talking about these needs so that we can help.

The fiscal year 2019 request is not acceptable. We lose $50 million. That is over $1,000 per child that we would have less. There would be no books. There would be no money for technology tools, nothing to read, nothing to write with.

So you have got our written documents. The data is there. We have got some beautiful charts and things that you can see, how the appropriations have gone up and down. And my words to you today are to ask for your help. And if you need me to come back and speak to somebody else, point the way, I will be there, because it is that important, whatever it takes.

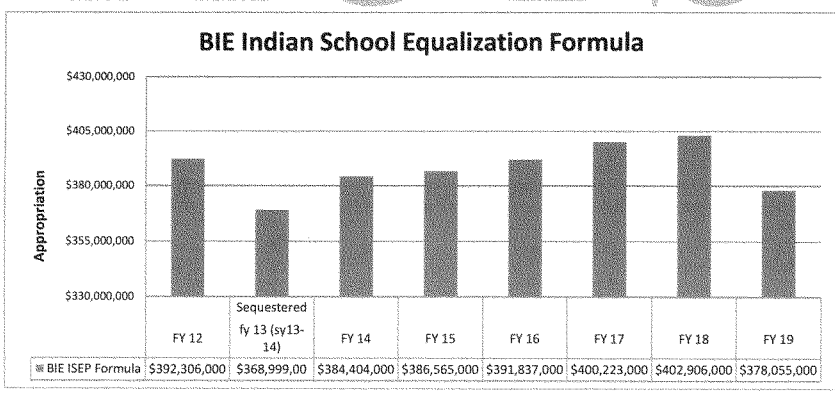
[The statement of Ms. McLeod follows:]

Association of Community Tribal Schools Inc.
FY 19 Interior Appropriations Testimony

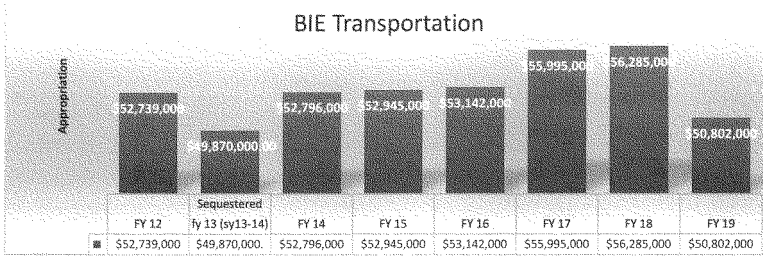
My name is Jennifer McLeod, tribal council member of Sault Ste. Marie Tribe of Michigan and a board member of Association of Community Tribal Schools Inc. (ACTS Inc.). WE WANT TO THANK YOU FOR THE FY 18 Appropriations.

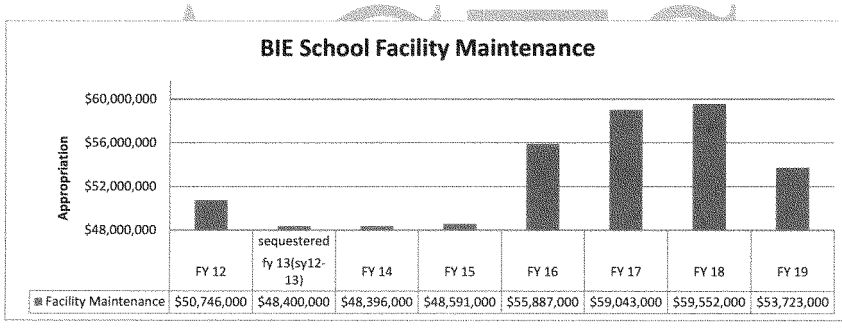
The tribal school movement started in 1966 with Rough Rock Demonstration School in Arizona. Currently there are over **30,000 students in 130 tribal elementary and secondary schools**. The schools are in the states of **Maine, Florida, North Carolina, Mississippi, Louisiana, South Dakota, Minnesota, North Dakota, Michigan, Iowa, Wisconsin, Kansas, Wyoming, Oklahoma, Montana, California, Utah, Washington, Idaho, Nevada, Arizona, and New Mexico**. ACTS represents a significant number of the students in the 130 tribally controlled elementary and secondary schools. ACTS's mission is to "assist community tribal schools toward their mission of ensuring that when students complete their schools they are prepared for lifelong learning and that these students will strengthen and perpetuate traditional tribal societies."

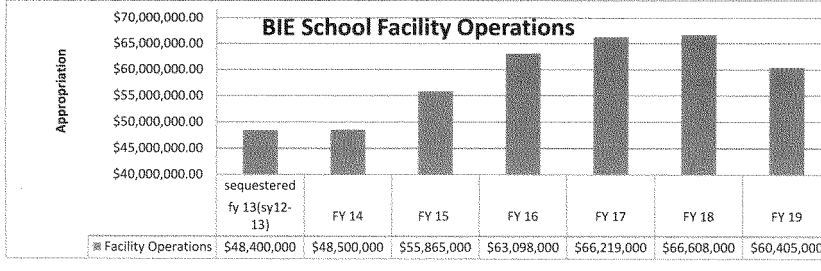
These charts illustrate the history of appropriations and the FY 19 request:

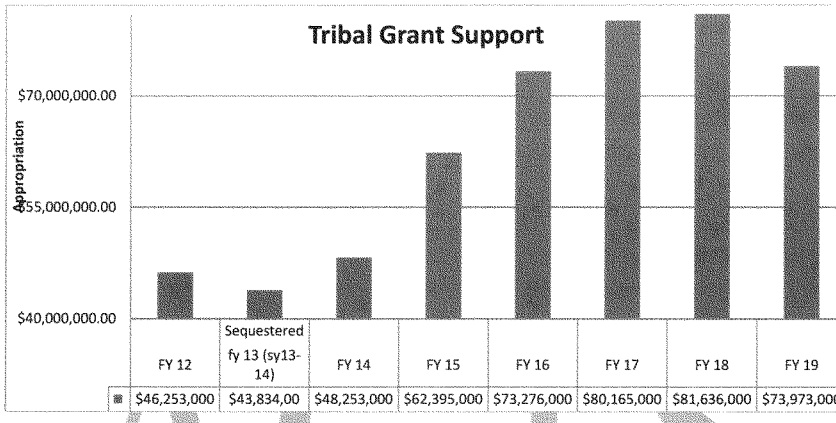


	FY 12	Sequestered fy 13 (sy13-14)	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19
BIE ISEP Formula	$392,306,000	$368,999,00	$384,404,000	$386,565,000	$391,837,000	$400,223,000	$402,906,000	$378,055,000


BIE Transportation
Appropriation
$52,739,000
$49,870,000.00
$52,796,000
$52,945,000
$53,142,000
$55,995,000
$56,285,000
$50,802,000
Sequestered
FY 12
fy 13 (sy13-14)
FY 14
FY 15
FY 16
FY 17
FY 18
FY 19
$52,739,000
$49,870,000.
$52,796,000
$52,945,000
$53,142,000
$55,995,000
$56,285,000
$50,802,000


BIE School Facility Maintenance
Appropriation
$60,000,000
$56,000,000
$52,000,000
$48,000,000
FY 12
sequestered fy 13(sy12-13)
FY 14
FY 15
FY 16
FY 17
FY 18
FY 19
Facility Maintenance
$50,746,000
$48,400,000
$48,396,000
$48,591,000
$55,887,000
$59,043,000
$59,552,000
$53,723,000


BIE School Facility Operations
Appropriation
$70,000,000.00
$65,000,000.00
$60,000,000.00
$55,000,000.00
$50,000,000.00
$45,000,000.00
$40,000,000.00
sequestered fy 13(sy12-13)
FY 14
FY 15
FY 16
FY 17
FY 18
FY 19
Facility Operations
$48,400,000
$48,500,000
$55,865,000
$63,098,000
$66,219,000
$66,608,000
$60,405,000



Requested Action

1. Continue to annually increase these accounts (above FY 18 allocation)

2. BIE-Elementary/Secondary Programs-ISEP $ 6,000,000
   BIE-Elementary/Secondary Programs-Facility Operations $ 6,000,000
   BIE-Elementary/Secondary Programs-Facility Maintenance $ 2,000,000
   BIE-Elementary/Secondary Programs-Student Transportation $ 2,000,000
   BIE – Tribal Grant Support Cost $ 1,000,000
   $ 17,000,000

[The actual need of these accounts, based on the Bureau of Indian Education laws, regulations and Budget Justifications, is well over $ 60,000,000 but we realize the constraints placed on this committee]

3. Increase Early Child and Family Development (allow for expansion) $ 3,000,000

4. Construction – Education Construction. The BIA reports a nearly $ 75,000,000 annual facility deterioration rate, $ 388 million in deferred maintenance, and also reports a $ 4.4 billion school replacement value.

Annual Need	
Replacement School Construction	$ 75,000,000
Replacement Facility Construction	$ 55,000,000
Employee Housing Repair and Replacement	$ 20,000,000
Facility Improvement and Repair	$ 90,000,000

Mr. CALVERT. Well, we appreciate your testimony, and we will be working with you to do exactly that.

Ms. MCLEOD [speaking native language].

Mr. CALVERT. Thank you.

David. Oh, we are going to—okay, Ervin first. Okay.

Mr. CARLSON. I am the youngest here.

Mr. CALVERT. Okay.

THURSDAY, MAY 10, 2018.

INTERTRIBAL BUFFALO COUNCIL

WITNESS

ERVIN CARLSON, PRESIDENT, INTERTRIBAL BUFFALO COUNCIL

Mr. CARLSON. Good afternoon, Mr. Chairman Calvert and fellow committee members, and also Mr. Staff. I would like to thank you for the opportunity to testify today before the esteemed body here. My name is Ervin Carlson. I am the President of the InterTribal Buffalo Council and also a member of the Blackfeet Nation.

I am here today to ask this committee to recognize the importance buffalo play in the lives of Indian Tribes and to financially commit to their restoration after almost achieving their extinction of the buffalo.

While the Federal Government has recognized the importance of indigenous foods, such as fish, whales, and wild rice, it has not recognized how important the buffalo, now the national mammal, remains to Tribal people. And most of the people you have seen here today that were at the tables are all a part of the organization of the InterTribal Buffalo Council.

ITBC seeks to improve the health and welfare of American Indians and Alaska Natives by restoring buffalo to Tribal lands. It is talked about diabetes here. We try to help in that area of getting our people back to eating our native foods, and buffalo is a big part of that. It is rampant in Indian Country, diabetes. And we also within ITBC are trying to create a health initiative to get our people back and starting from our young ones in the schools, back to eating buffalo to also help in that area of health.

ITBC does this by providing grants and technical services to Tribes promoting the spiritual and cultural connection between buffalo and Tribal people, advocating against the slaughter of buffalo, assisting Tribes with school lunch programs, and translocating buffalo to Tribal lands.

ITBC was founded in 1992 with 7 Tribes, and 26 years later ITBC now has 65 member Tribes, and we cover 19 States. Collectively within those Tribes we have 20,000 buffalo. And that is more buffalo than all of the national parks combined, and they have a far more, significantly higher budget than I know we have, and we have far more buffalo that we are managing within that.

However, ITBC's funding has remained stagnant and is insufficient. For the last 10 years ITBC has only received $1.4 million funding annually while its membership continues to grow each year. Funding comes from a discretionary line item in the Bureau of Indian Affairs Natural Resource budget, and we do appreciate

that funding that we do get. But, like I say, our organization grows each year by two to three Tribes.

I am here to request this committee to create a program in the Department of the Interior's budget to provide adequate funding for ITBC's efforts to restore buffalo to Tribal lands. We hope to increase its funding by $5.6 million for a total of $7 million.

Each year we have our Tribes put in their list, a one-page concept letter of what their needs are. And each year the Tribes, some of them hold out because we try to make the money go around. This year we had 30-something Tribes that put in for the grant funding, and that request from them Tribes was $9 million. And that was not even half of what our membership is and what their needs are.

So all this is necessary to promote the self-determination of Tribes, restore the cultural and spiritual connection between buffalo and Tribal people, and fulfill the government's trust responsibility to American Indians and Native Alaskans.

And again, I want to thank you for this opportunity, and I welcome any question that you might have for myself.

[The statement of Mr. Carlson follows:]

TESTIMONY TO THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
Presented by: Ervin Carlson, President, InterTribal Buffalo Council
Fiscal Year 2019
April 30, 2018

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 submit written testimony to the honorable members of the House Committee on Appropriations; Subcommittee on Interior, Environment and Related Agencies. My testimony involves funding requests from the Department of Interior (DOI) (specifically the Bureau of Indian Affairs (BIA), the National Park Service (NPS), and 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 sixty-five (65) federally recognized Indian Tribes in nineteen (19) states with fifty-five (55) buffalo herds. This year alone, ITBC added the Red Lake Nation of Minnesota, and the Sac and Fox Nation and the Tonkawa Tribe, both of Oklahoma.

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 increase of $5,600,000 to our current $1,400,000 FY2018 funding level for a total funding award for FY2019 of $7,000,000 from Department of Interior funds to allow the organization to: 1) increase funds for the Tribal herd development grant program, 2) to fund ITBC efforts to serve as a meaningful buffalo management partner to federal agencies, 3) to fund scientific research on the benefits of buffalo meat for the prevention and treatment of diet related diseases, and 4) to provide for a biologist position at ITBC.

FUNDING HISTORY

ITBC has been funded through various methods from the Department of Interior Bureau of Indian Affairs funding including the President's budget, Congressional earmarks, or administrative action since 1992. ITBC's approximate annual funding is listed below:

FY 1992 - 1993	$ 400,000.00 Congressional Earmark
FY 1994 - 1999	$ 650,000.00 President's Budget
FY 2000 - 2001	$1,100,000.00 President's Budget; Congressional Earmark

FY 2002 - 2003	$1,560,000.00 President's Budget; Congressional Earmark
FY 2004 - 2005	$2,200,000.00 President's Budget; Congressional Earmark
FY 2006	$4,100,000.00 President's Budget; Congressional Earmark
FY 2007	$1,000,000.00 Administrative Action BIA
FY 2008	$1,000,000.00 Congressional Earmark
FY 2009 - 2010	$1,400,000.00 Congressional Earmark; Administrative Action BIA
FY 2011	$1,750,000.00 President's Budget; Administrative Action BIA
FY 2012	$1,400,000.00 President's Budget
FY 2013	$1,600,000.00 President's Budget; Administrative Action BIA
FY 2014	$1,400,000.00 President's Budget; Administrative Action BIA
FY 2015	$1,450,000.00 President's Budget; Administrative Action BIA
FY 2016	$1,400,000.00 President's Budget
FY 2017	$1,400,000.00 President's Budget
FY 2018	$1,400,000.00 President's Budget

The above 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 Priority Projects line item.

FUNDING INCREASE JUSTIFICATION

Increase in Herd Development Grant Funds

ITBC expends 100% of the DOI/BIA appropriated funds on the development and management of Tribal buffalo herds. A significant portion of ITBC funding is distributed directly to ITBC Member Tribes via a Herd Development Grant program. The herd development grant program commenced in 1992 with $400,000 to assist the twelve Member Tribes in the organization. In 2002, ITBC was awarded $1,000,000 for Tribal herd development grants to support 25 Tribal herds. Since then, the herd development grant funding has been stagnant at $1,000,000 despite the continued growth of the Tribal membership of the organization. Today, ITBC collectively manages over 20,000 buffalo, more than all the buffalo currently managed by NPS. A $2,500,000 increase for Tribal herd development grants will provide critically needed funding to protect and manage existing Tribal herds. This increase will provide a total of $3,500,000 for distribution to Tribes in an average amount of $65,000 per Tribal herd depending on specific needs. These funds will create jobs in Indian Country, create sustainable Tribal buffalo herds, and allow Tribes to utilize buffalo for economic development.

Funding for National Park Service and United States Fish and Wildlife Service Partnerships

Since its inception, ITBC has partnered with the NPS on buffalo management efforts including population management through roundups and distribution of buffalo to Tribes. ITBC has not been funded for these activities but has utilized minimal administrative funding to partner with the federal agencies. For example, ITBC is a member of the Interagency Bison Management Plan (IBMP). The IBMP manages the migration of Yellowstone buffalo coming out of the Yellowstone National Park (YNP). ITBC has agreed to translocate some of these surplus buffalo from YNP to the Fort Peck Indian

Reservation for quarantine operations. This process will allow ITBC to transport these genetically pure buffalo to other tribal trust lands around the Nation. However, ITBC has incurred significant costs to participate in all related activities to insure Tribes are represented in buffalo management decisions. ITBC can continue these efforts and develop and manage a quarantine program that will allow the transfer of live buffalo from YNP to Tribes through an increase of $500,000 in annual funding.

Health Related Research

ITBC has a long-term objective to prevent and treat diet related diseases in Native populations through the reintroduction of buffalo into daily diets. 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.

Additionally, sound research results will allow ITBC to develop a health education curriculum for healthy living with a component specifically focused on Native youth. Further, 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 the Indian Health Service to fund this research to promote traditional, healthy tribal diets. Funding in the amount of $3,000,000 will allow ITBC to pursue professional research objectives.

CURRENT ITBC INITIATIVES

ITBC's primary objectives are to restore buffalo to Tribal lands, and to 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:

Technical Assistance to Tribes

ITBC assesses current and potential Tribal buffalo programs to determine technical service and infrastructure needs, and 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, management. However, current funding levels do not allow ITBC to be responsive to the needs of the growing ITBC Membership. Enhanced Technical Services would assist Tribes with reaching goals of self-sufficient herds.

Education and Outreach

ITBC staff provides educational presentations to various audiences including school-age youth on buffalo restoration, conservation efforts, and the historical, cultural relationship between buffalo and American Indians. However, current funding limits outreach and educational efforts. Additional funding would allow more American Indian youth to benefit from the important history of buffalo and Tribal.

Partnership and Collaboration

ITBC is a member of various Federal and State working groups organized to address buffalo issues. ITBC collaborates with the National Park Service and the US Fish and Wildlife Service on surplus federal buffalo and to address the Yellowstone brucellosis concerns. However, ITBC cannot participate to its full potential and serve as a meaningful partner due to a lack of funding for these collaborative efforts.

ITBC Marketing Program

ITBC strives to develop markets for buffalo meat and products for interested member Tribes at the local and national level. ITBC procures buffalo, as limited funds allow, from Tribes and sells the meat products under a joint Tribal and ITBC label. An increase in funding will enhance these marketing efforts.

School Lunch Program

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.

Staff Biologist

ITBC needs a staff biologist to: promote education and outreach; assist with partnerships and collaborations; and provide increased technical assistance to Member Tribes

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 it 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 $7,000,000 which is a level commensurate with the growth of the Tribal Buffalo 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, or to Ms. Arnell Abold, Executive Director, at (605) 394-9730.

Mr. CALVERT. Thank you. Thank you for your testimony.

Mr. Frazier, Harold Frazier, chairman of the Cheyenne River Sioux Tribe.

THURSDAY, MAY 10, 2018.

CHEYENNE RIVER SIOUX TRIBE

WITNESS

HAROLD C. FRAZIER, PRESIDENT, CHEYENNE RIVER SIOUX TRIBE

Mr. FRAZIER. Thank you. My name is Harold Frazier, chairman of the Cheyenne River Sioux Tribe. Also chairman of the Great Plains Tribal Chairman's Association.

I come here today to ask that you honor our treaties. These resources that have made this country powerful and great came from them lands, but yet we, the Sioux Nation, we are the poorest of the poor. High poverty. You look at the statistics. They show the poorest counties in the United States are in Sioux Country.

We don't have a casino, the Cheyenne River Sioux Tribe. Because of that poverty we fight suicides, meth, things like that. Last year, looking at our statistics, there were over 11 attempts per month suicide.

You know, these current funding formulas do not fit us. There are Tribes that have no reservations, no roads, but yet they get millions of dollars more than we do. Our reservation is 3.1 million acres, thousand miles of road, and yet we are funded at $2 million.

You know, last week, April 29, was the 150th year anniversary of the 1868 Fort Laramie Treaty. And I rode with our people horseback all the way, over 350 miles. And when I got there I was really disappointed and saddened to see that there was no one there but a park ranger, who was dressed like Smokey the Bear. And that was the representative of the Federal Government.

And it told me that, even though there is a treaty between our Nation and yours, it will never be honored, it will never be recognized.

But I also felt that someday it will be honored. We need to stand up and fight for our treaty. Because if it wasn't for them treaties, we wouldn't be here. We know that.

We Indian people, we are excluded from everything. Other races are put higher than us, and we were here first.

And in closing, back home many of our people say honor our treaty or give us our land back. Thank you.

[The statement of Mr. Frazier follows:]

Witness Testimony of Harold C. Frazier, Chairman of the Cheyenne River Sioux Tribe
Submitted April 24, 2018

Subcommittee on Interior, Environment, and Related Agencies

I. Introduction

Due to a series of federal Indian policies, the United States conducted experiments to displace and exterminate Indian people. An assimilation chain was initiated throughout Indian Country, some more aggressive than others, and it all started through regulating our funding. Now, we must submit our testimony in an attempt to fight for the scraps of what is left over from the pursuit of the federal government's manifest destiny. Although there has been significant improvements made by allowing tribes to contract federal services, the budget itself continues to cause harm to the people its intended to be responsible for. Our people characterize this responsibility and annual appropriations process as "rent" due.

The Cheyenne River Sioux Tribe continues to struggle economically because our people have suffered through centuries of traumatizing events, paternalism, and poverty. The poverty has indoctrinated our people, leaving us in a state of continued dependency. The only way we will be able to break free from this dependent status is by having adequate funding sent our way for the next five years. Our tribe is a non-gaming tribe, our revenue is limited to tax collections, minor tribal businesses, and land leases. This is not enough to bring our people into a place of renaissance, and to the Lakota, human life is sacred.

In order to make our government to government relationship more meaningful, we need sufficient increases to be directed toward the Great Plains area. Increases in the Great Plains area budget will also increase the revenue for the state of South Dakota. Most of the residents who reside on the reservation travel to the surrounding cities for shopping and entertainment. Increasing our budget also nurtures tribal-state relations.

We are one of the largest reservations in the United States, specifically, around the size of Connecticut. We are part of the Seven Council Fires, our people belong to the Teton Council Fire, and we are comprised of the Minnecojou, Siha Sapa, Sans Arc, and Oohenumpa bands. The Reservation is one hundred miles long and sixty miles wide, and includes Dewey County and Ziebach Counties, South Dakota. We are located in a rural area of north-central South Dakota. With tribal enrollment at 18,814, of which 10,564 live on or near the Reservation, roughly, thirty five percent of the population is under twenty years of age. With an extraordinarily high unemployment rate, we also are of the top five poorest counties in the United States. On top of working in an impoverished, rural area with no tax base, we are left with the responsibility for supplementing underfunded basic governmental services and disaster relief.

Our goal is to aim federal funding toward our long standing, culturally vibrant, existing communities through infrastructure development to revitalize the our societies, reduce public works costs, and safeguard rural landscapes. When we align federal policies and funding to remove barriers to collaboration, leverage funding and increase the effectiveness of programs to plan for future growth we also enhance the government's trust responsibility. This testimony will discuss the most critical need first, our infrastructure. Second, I will discuss the need for education, specifically a new school campus to drastically reduce the poverty through striving for academic excellence and attracting and retaining qualified teachers. Last, I will discuss Public Safety to ensure we are providing adequate services to our large land base.

II. Infrastructure

Cheyenne River believes investing in our well designed infrastructure will have long term economic benefits for the people. Our rural area covers two counties, therefore, there is a strong demand for transportation infrastructure investments. Residents of Cheyenne River want public infrastructure listed as a priority because it is an essential part of the economy. Tribal members use the transportation infrastructure to travel to work, check on elders who live in the outlying communities, and travel to cultural activities year round. We will see a business boom when we have a well-functioning infrastructure system to obtain supplies, manage inventories, and deliver goods and services throughout the reservation. UPS and FedEX, retail businesses, propane and trash trucks all indirectly rely on a stable infrastructure system. We also have farmers who use publicly funded infrastructure to ship crops to buyers. Increased funding for a modern transportation infrastructure network is critical for our economy to function, not to mention a prerequisite for future growth and expansion.

Investing in our infrastructure will create a more livable community for our tribal members. Our quality of life will dramatically improve because we would be able to provide more transportation choices to decrease household transportation costs, reduce our dependence on oil, improve air quality and promote public health. For starters, our BIA Routes 11 and 12 provide the only access to emergency services, schools and services for the communities of Bridger, Cherry Creek, Takini and Red Scaffold. These two roads are brutally dangerous and create an imminent threat to the health and safety of the residents of the large communities and the 155 children attending Takini School. The impact of the poor condition of both roads are acute, and pose imminent risk to life and safety, as well as short and long term economic impacts including. The Tribe is not able to expand in these communities due to the road conditions. In order to improve economic competitiveness of the communities, we need to give the people reliable access to employment centers, educational opportunities, services and other basic needs.

The conditions of these roads are tripling emergency service response times for ambulance, law enforcement and fire protection increasing risk of fatalities. There is an increased number of accidents of private vehicles and extreme risk to school buses and commercial vehicles. Additionally, we suffer economic losses due to extreme wear and tear on all vehicles for the school buses, private vehicles, emergency services and deliveries to the school of supplies.

The main access to the school for delivery of supplies and materials is BIA Route 11, and this project includes 6.7 miles of road from Takini School to Highway S.D. 34. What is troubling about this, is when there are muddy conditions, companies will not deliver to the school and school buses have a very hard time staying on the road. With BIA road maintenance currently funded at only 14% of the need crews are not able to adequately keep this road in good condition. This paving project would reduce the total miles of roads to be bladed and also increase funds available for construction and maintenance of all other roads on the reservation. The problems with the condition of this road is astonishing; the existing gravel surfacing is nearly gone causing washboards, holes, rutting, and sloping on the road increasing potential for rollover accidents and likelihood of fatalities, and the road side slopes are so steep accidents are more likely to result in fatalities. Ultimately, it is impossible to maintain school access in the winter and during rainfall events because the road base is thick clay called gumbo that dries slowly and last, there are no shoulders on the road increasing potential for accidents.

Another important road is BIA route 12 that serves as the primary access to Cherry Creek Community and it provides the only direct access to State Hwy 63 for the southwest corner of the reservation. This road is 18.1 miles long and the last time it was paved was over forty years ago.

Since then, it has deteriorated and is only partially graveled, making this the most dangerous road in Dewey and Ziebach County. Fixing this road will enhance the unique characteristics of the communities by investing in health, welfare and safety of all residents who live in this area. The road would also make way for expansion, because the tribe eventually will build energy-efficient housing choices for people of all ages and incomes to increase mobility and lower the combined cost of housing and transportation.

III. Education

Every time a tribal member is born, a new life is dependent on our care. It is our duty a tribe to provide each life with an opportunity to reach their potential. It is our obligation to ensure each child is loved and nurtured and given a chance to make a life. The Bureau of Indian Education of grave concern to Cheyenne River. School maintenance and school operations continue to be underfunded. BIE has been attempting to reorganize and move further away from our children. Cheyenne River is home to one BIE operated school and two tribally controlled schools all which serve thousands of students. The tribe would like to see education funding best spent directly in schools in ISEP funding and school maintenance and administration. The tribe continues to oppose any increases in BIE administrative dollars and unnecessary pilot project "experiments".

It is disheartening to report that our students have the lowest high school graduation rates in the country. ACT scores are on the decline, and our students have little to no access to high-level high school courses. Our students are not proficient in reading or math by the eighth grade and this is because the federal government continues to cut our funding, move our resources further and further away, conduct experiments on us, and use us as research instead of just adequately fund us until we can become self-sufficient enough to grow on our own.

Presently, the Cheyenne Eagle Butte School is over 55 years old and it is crumbling as we speak. We cannot pick up a telephone and call one person for help because BIE has no authority to request funding for construction of a new school. Federal law, 25 U.S.C. § 2005(d) allows Congress authorization for replacement construction of any additional BIE operated schools. We ask Congress to exercise this power and put us on the list immediately. The Department of Interior has spent over ten million dollars on the Cheyenne Eagle Butte School in the past decade just to put band aids on a crumbling facility that is beyond repair. Our children attend school in the winter with their jackets on because the school's heating system functions so poorly that most classrooms are only at 50 degrees. Mold is a major health concern because it continues to grow in latent areas and there is asbestos exposure from failing walls, floors and ceilings, and cracking from a failing foundation. We continually force our children to sit and attempt to learn in this kind of environment and expect them to perform at proficient levels.

The problems that continue to be documented are unrepaired flooding water damage from frozen pipes including cracks in mortar, ceiling, and wall, flooring damage. We have leaking roofs on buildings, leaking heaters resulting in ceiling damage, electrical hot spots in classrooms and electrical power jumping resulting from inadequate electrical systems to handle maximum operational loads occurring, missing and damaged tiles on floors and in bathroom facilities. There are leaks in the boiler and piping resulting in damage to walls, ceilings and flooring and disintegrating parking lots and sidewalks causing trip and fall hazards. The plaster walls in dormitories that are not fire rated and temperatures of 100 degrees in the kitchen from old equipment and inadequate ventilation. There is an inability to place any additional computers in classrooms due to an inadequate electrical system resulting in denial of access to technology for all students.

This is another cry for a new school campus, please put us on the list so our children can have something to look forward to. This new campus will attract qualified teachers who will want to live among us, and become family. The new campus will also attract our own tribal members to pursue a higher education and teach our own.

Last, Higher Education is being completely gutted. With no gaming revenue to supplement this scholarship program, this cut will leave Cheyenne River members without any type of scholarship funding. The tribe simply cannot afford to offer this service without the funding. The tribe is responsible for the administration of the Higher Education Scholarship Program. This program provides financial assistance to attend a post-secondary institution to pursue an academic degree. The importance of continued education is stressed at all levels - Federal, State and Tribal. The cost of attending college is continually rising and many of our students that attend college off-reservation can expect to face a high loan debt.

IV. Public Safety

Traditionally, public safety has always been our strongest asset. Today, we deal with a host of issues as a direct result from the poverty and rural location. Our public safety department cannot improve services with inadequate funding. Our goal is to create a model for development through community planning tailored toward culturally relevant public safety initiatives. Crime prevention through traditional environmental design initiatives will reduce opportunities for street crime, access more control over housing areas, enhance our neighborhood images, and make the best use of our land.

With only twenty three Law Enforcement Officers, coverage is extremely limited. The sheer size of our reservation, coupled with understaffed department, outdated equipment, and the cost of leasing vehicles through GSA result in risks to the health and safety of the Reservation residents and the officers. Our patrol alone takes one or more hours to respond to reported crimes, emergency calls and law enforcement backup. Patrol vehicles go through a high level of wear and tear with high mileage and maintenance, due to the road conditions and the number of miles driven on the reservation, and our working conditions have resulted in staff turnovers and heightened stress level at the work place. The budget cuts increase the disparity in funding already existing between Courts and law enforcement. It is our hope that Congress will understand that no amount of short term pilot project and grant funding by BIA or Department of Justice will alleviate the crisis created by this underfunding in law enforcement. To properly administer fair justice, our funding must be increased. With thousands of cases, and funding for only three judges, two prosecutors and one public defender, the civil and criminal justice systems are not functioning. Backlogs result in release of offenders while awaiting charging, and inadequate time on each case.

V. Conclusion

In conclusion, Congress needs to provide sufficient funding for Cheyenne River. The general reductions in the Indian Affairs budget is a disgrace to Indian Country. There is no resource more vital the continued existence and integrity of Cheyenne River than our children. As a trustee, you must protect our interests and our future. Congress must move away from paternalistic thinking by funding our allocation requests, protecting our boundaries, and just support tribal governmental authority so we can provide culturally sound care and services our people need. Thank you for this opportunity to give testimony on behalf of the Cheyenne River Sioux Tribe, Teton Council Fire from the Great Sioux Nation.

Mr. CALVERT. Thank you. Thank you all for your testimony.

THURSDAY, MAY 10, 2018.

FLANDREAU SANTEE SIOUX TRIBE

WITNESS

DAVID KILLS-A-HUNDRED, TRUSTEE II, FLANDREAU SANTEE SIOUX TRIBE

Mr. KILLS-A-HUNDRED. Thank you.

First, I would like to apologize to my fellow members here. Tribal leadership has a tendency to age you prematurely, beyond your years.

Good afternoon, Chairman and members of this subcommittee. My name is David Kills-A-Hundred, trustee II of the Flandreau Santee Sioux Tribe. On behalf of the Flandreau Santee Sioux Tribe, I would like to thank the committee for the opportunity to testify today regarding the issues of importance to our Tribe.

But before I begin, I would first like to thank both the members and the staff on both the majority and the minority who serve on the House and Senate Committees on Appropriations, Subcommittees on the Interior, Environment, and Related Agencies, for their efforts in assisting the Tribe in securing much-needed funds within the fiscal year 2018 continuing resolutions for the Tribe's Joint Venture Health Clinic with the Indian Health Service.

You took action after hearing the Tribe's concerns in the same hearing last year, and now the Tribe and its members and the entire community are benefiting from a fully funded, state-of-the-art healthcare facility.

The Tribal clinic is only one of the many issues of importance to our Tribe. I am here again today to speak to those issues and seek solutions that will serve for the best interests of the Tribe and of our people.

Opioid addiction and its collateral consequences are debilitating Indian Country. The Flandreau Santee Sioux Tribe is plagued with an epidemic of opioid addiction and abuse, causing a substantial loss of resources, with little to no funding available to address this serious issue. Every facet of our community has been affected, including a direct impact on children suffering from the abuses of adults that care for them.

The costs on the Tribe are not only emotional and physical, but financial. We have seen costs increase dramatically as the epidemic expands. We have seen increases in public safety needs to combat the epidemic, increases in healthcare and rehabilitation services to those who have been suffering and the families they have impacted. Our community will overcome, that is our nature, but we need help in this battle.

Most government funding programs allocate funds to the States with the expectation that the funds will trickle down and find their way to Indian Country. Unfortunately, this is not the case. Tribes are disproportionately affected by the methamphetamine and opioid abuse and our Tribe is in a crisis situation. And as such, our limited resource are overburdened and have been exhausted.

To address the impacts of the methamphetamine and opioid abuse and the unmet needs facing our community, we urge the subcommittee to increase our funds for IHS mental health services, alcohol and substance abuse programs, as well as increased funding for inpatient, long-term treatment. It is critical and necessary.

Public safety is of the utmost importance to the Tribe, especially in a region currently damaged by methamphetamine and opioid abuse. As a result, expenses in operating our Tribal Law Enforcement Program have increased exponentially, while funding has flatlined.

An issue we touched on last year before the subcommittee was the need for a detention facility to house individuals arrested on the reservation. This need has now grown exponentially.

As you all recall, the nearest detention facility for the Tribe is located 125 miles away from the reservation. This distance puts a significant burden on our Tribal police, who must make the 250-mile round trip in order to place those who they have arrested into a detention facility. The situation takes officers away from duty on the reservation for substantially long periods of time and poses a serious and significant safety risk to the community.

The need for a local detention facility to house individuals arrested within the Tribe's jurisdiction has been a critical need for our Tribe for years, and we have been actively trying to remedy the situation, but we need your help.

In 2012 and 2013 our Tribe received funding for a planning grant to design a local detention facility. With this funding we successfully obtained the design plans but have yet to receive funding to build the detention facility. Our need for a detention facility has now reached desperate levels.

With timely and proper funding, our Tribe can quickly start new construction and begin to alleviate some of the substantial burden that has been placed on our Tribal law enforcement.

Again, we request appropriations for the construction of a reservation-based local detention facility.

And I did thank the committee earlier for assistance in obtaining the funding that was contractually obligated by the Federal Government to the Tribe for the health clinic. However, the funding that is owed to the Tribe for operations of the clinic has been delayed for long periods of time, creating serious problems with operations of our health clinic. Often we are forced to overburden Tribal funding sources to pay for operations for the clinic, including payroll and supplies.

When funding is consistently late the clinic is without adequate funds for operations, programming, and contract support costs. This jeopardizes the health of our community. There needs to be a faster way to receive funds through the Aberdeen Area Office in South Dakota.

We ask the committee to seek workable solutions to this problem and respectfully suggest IHS look into restructuring the protocol and process for funding distribution.

It would also be beneficial to approve the appointment for a new director of Indian Health Service and other positions critical to Indian Country. Please keep in mind that both police and healthcare are treaty and contractual obligations of the United States.

The Flandreau Santee Sioux Tribe thanks the subcommittee for its efforts in addressing Tribal priorities and addressing the critical needs of Tribal communities. The decisions made by the committee impact the lives of people in the Flandreau Santee Sioux Tribe, and we ask that you take our requests into consideration.

[The statement of Kills-A-Hundred follows:]

TESTIMONY OF
COUNCILMEMBER DAVID KILLS-A-HUNDRED
ON BEHALF OF
THE FLANDREAU SANTEE SIOUX TRIBE OF SOUTH DAKOTA
BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT AND RELATED AGENCIES
THURSDAY, MAY 10, 2018

Good afternoon Chairman and members of the Subcommittee. My name is David Kills-A-Hundred, Trustee II of the Flandreau Santee Sioux Tribe. On behalf of the Flandreau Santee Sioux Tribe, I would like to thank the Committee for the opportunity to testify today regarding issues of importance to our Tribe.

Before I begin, I would first like to thank both the Members and Staff on both the majority and minority who serve on the House and Senate Committees on Appropriations Subcommittees on Interior, Environment and Related Agencies for their efforts in assisting the Tribe in securing much needed funds within the Fiscal Year 2018 Continuing Resolutions for the Tribe's Joint Venture Health Clinic with the Indian Health Service. You took action after hearing the Tribe's concerns in this same hearing last year, and now the Tribe, its members, and the entire community are benefiting from a fully funded, state-of-the-art health care facility.

The tribal clinic is only one of many issues of importance to our Tribe and I am here again today to speak to these issues, and to seek solutions that will serve the best interests of the Tribe and our people.

METHAMPHETAMINE AND OPIOID TREATMENT FACILITIES

Opiod addiction and its collateral consequences are debilitating Indian Country. The Flandreau Santee Sioux Tribe is plagued with an epidemic of opioid addiction and abuse, causing a substantial loss of resources with little to no funding available to address this serious issue. Every facet of our community has been affected including a direct impact on children suffering from the abuses of the adults that care for them. The costs on the tribe are not only emotional and physical but financial. We have seen costs increase dramatically as the epidemic expands. We have seen increases in public safety needs to combat the epidemic, increases in healthcare and rehabilitate services to those who have been suffering and the families they have impacted. Our community will overcome, that is our nature, but we need help in this battle. Most government funding programs allocate funds to the states with the expectation that funds will trickle down and find their way to Indian Country. Unfortunately, this is not the case. Tribes are disproportionally affected by methamphetamine and opioid abuse and our tribe is in a crisis situation. And as such, our limited resources are overburdened and have been exhausted.

To address the impacts of methamphetamine and opioid abuse and the unmet needs facing our community, we urge the Subcommittee to increase funds for IHS Mental Health Services,

Alcohol and Substance Abuse Programs, as well as increased funding for in-patient, long-term treatment. It is critical and necessary.

LAW ENFORCEMENT DETENTION FACILITY

Public safety is of the utmost importance to the Tribe, especially in a region currently damaged by methamphetamine and opioid abuse. As a result, expenses in operating our Tribal Law Enforcement Program have increased exponentially while funding has flatlined. An issue we touched on last year before this Subcommittee was the need for a detention facility to house individuals arrested on the reservation. This need has grown exponentially. As you will recall the nearest detention facility for the Tribe is located 125 miles away from the reservation. This distance puts significant burden on our Tribal Police who must make the 250 mile round trip drive in order to place those who they have arrested in to a detention facility. The situation takes officers away from duty on the Reservation for substantially long periods of time and poses a serious and significant safety risk to the community. The need for a local detention facility to house individuals arrested within the Tribe's jurisdiction has been a critical need for our tribe for years and we have been actively trying to remedy this situation but we need your help. In 2012-2013, our Tribe received funding for planning grant to design a local detention facility. With this funding, we successfully obtained the design plans, but have yet to receive funding to build the detention facility. Our need for a detention facility has now reached desperate levels. With timely and proper funding, our Tribe can quickly start new construction and begin to alleviate some of the substantial burden that has been placed on our tribal law enforcement. Again, we request appropriations for construction of a reservation based local detention facility.

TIMELY DISPERSEMENT OF FUNDING

I thanked the committee earlier for their assistance in obtaining the funding that was contractually obligated by the Federal Government to the Tribe for our Health Clinic. However, the funding that is owed to the tribe for operations of the clinic has been delayed for long periods of time, creating serious problems with operations of our Health Clinic. Often, we are forced to overburden tribal funding sources to pay for operations of the clinic including payroll and supplies. When funding is consistently late, the Clinic is without adequate funds for operations, programming, and contract support costs. This jeopardizes the health of our community. There needs to be a faster way to receive funds through the Aberdeen Area Office in South Dakota. We ask the committee to seek workable solutions to this problem and respectfully suggest IHS look into restructuring the protocol and process for funding distribution. It would also be beneficial to timely approve the appointment for the new Director of Indian Health Services, and other positions critical to Indian Country.

Please keep in mind that both police and health care are treaty and contractual obligations of the United States. The Flandreau Santee Sioux Tribe thanks the Sub Committee for its efforts in addressing tribal priorities and addressing the critical needs of tribal communities. The decisions made by the committee impact the lives of the people of the Flandreau Santee Sioux Tribe and we ask that you take our requests into consideration.

Mr. CALVERT. Thank you. And thank you for all your testimony. I appreciate it very much.

School construction, it is high, high on our list. And this has been very important to Ms. McCollum also.

Mr. FRAZIER. Can I comment on that?

Mr. CALVERT. Yes, sir.

Mr. FRAZIER. We have got a BIA school that is over 60 years old that is trying to build a school. And anyway, when we applied to get on the construction list the BIA, they never entered any data into the system. So therefore we do not qualify for a new school.

However, when you go to the school, in January I went over there four times and we were getting down around below zero weather. I mean, it is just shameful that our kids, the junior high had to go to class with jackets on. I mean, I got pictures of a wall on the west side of the school where you could just see outside.

And it ain't our fault, it ain't our kids' fault, it is the Bureau of Indian Affairs. And they are not living up to their trust responsibility.

So I just want to say that for the record, that if there is going to be a new school there needs for different criteria developed on who gets a new school. I know it is very competitive.

So thank you.

Mr. CALVERT. And I appreciate that. Actually, we have probably about a billion-dollar need out there, when we go across the entire Indian Country. We significantly increased the construction account this year in fiscal year 2018, and we want to continue to do that and to try to start catching up.

I was going to ask you a question, Ms. McLeod. In addition to construction, we have been increasing the BIA operations and maintenance funding over the last several years. I am just curious, has some of that money found it in your direction?

Ms. MCLEOD. Yes, it has. We had to replace failing boilers. The operations and maintenance makes it possible for our children to go to school. We are very grateful for that.

But like he said, it is not enough. There are schools within the association that they won't even do the repairs, because it is too costly or they need to replace it, you know, for whatever reason, it is almost like a condemnation situation where we can't fix that furnace. They need a new one, and then there is not enough money for that.

Mr. CALVERT. Well, I recognize we need to replace a lot of schools. We need to put new schools in. We are trying to use some creative ways to come up with financing these schools. We did this with the, as Ms. McCollum knows, we did this with the military. We figured out a way to basically replace the entire schools for the entire United States military. They were also in bad shape. And we were able to do that. I would like to do the same thing with Tribal schools.

Ms. MCLEOD. And you know what I found? What was most impressive with the military schools is how fast you did it. We have got Tribal schools that spend years in the planning process. In the meantime those kids are going without. We need to speed that up.

Mr. CALVERT. Yeah. No, it is absolutely necessary. It is certainly high on our list to do so. And we are going to continue to press forward on this.

Ms. MCLEOD. Let me know how I can help.

Mr. CALVERT. And I know that diabetes is a huge issue in Indian Country, as it is in the entire country, but it is certainly—you know, we have a country that is addicted to carbohydrates and sugar, and that is unfortunate. But it is a societal problem that we have, and, you know, I am probably guilty of it myself. Native foods are, obviously, a big part of that, with the high protein diet. Buffalo is a big part of that. So we will certainly take a look at that.

Mr. CARLSON. And especially with diabetes, like Indian people are, I guess, our metabolism wasn't, you know, used to the foods that are now, other than our traditional foods that we had, and buffalo and all of the wild foods that we had.

So with that big change in our diet that is put upon us now, and especially in the beginning with the—well, we used to call them rations, now they are commodities or food distribution program, you know, that was a big change in our foods. So that is a big contributor in Indian Country as to diabetes, and so that is why it is so rampant there also. And we are trying to educate and get our people back into eating those healthy foods that would change that.

And that would also help within, you know, with the IHS, with the big—you talked about the dialysis centers earlier. And Tribes have to fund them themselves, you know, IHS doesn't do that. So that is a help for us, to Tribes also, to not have that expense so bad and losing our people to diabetes.

Mr. CALVERT. The old saying, an ounce of prevention is worth a lot.

So, Ms. McCollum.

Ms. MCCOLLUM. Well, thank you. Thank you for your testimony.

Mr. Frazier, you have wonderful testimony in here that I was looking at while you were talking and noticed the school that you talked about, 50 degrees.

So I think we need to follow up. If your school was missed we need to make sure that it is in the system now.

You reference in your testimony that there is mold and there is exposure to asbestos and——

Ms. MCLEOD. That is common.

Ms. MCCOLLUM. I know asbestos is common because of the time that the buildings were constructed. That is a life, health, and safety issue. We wouldn't allow any other public building to be open with anyone in it, let alone children. So you have our commitment to work together with you on that.

Then the other correlation that I hear and I see here are roads. The concern is not only to get places safely, though I know they are not lit at night, in the plains, the darkness, the road conditions, all of that. But I will focus on one part of a road, and that is the road to school.

So, sir, you talk about how you don't—and I know this is true throughout Indian Country—you can't even drive the roads. They aren't paved, they are gravel, they are washed out, there are no shoulders. I don't know how you get a plow down there to make

sure you are even hitting the right spot. I am sure you have got really good employees on the reservation that do their very best.

But then you have to cancel school, not just because of the snow condition that one day, but it is snow conditions several other days. As you pointed out—and I am a teacher, too—when a student is missing school they are falling behind, every time they miss school. That is not the student's fault. It is not the parents' fault. It is not the teacher's fault. But the person that pays the consequences is the student for the rest of their life.

Ms. MCLEOD. The rest of their lives.

Ms. MCCOLLUM. The rest of their lives. And that is why graduation rates aren't there. Because when a student starts hitting junior high school or high school age, they become embarrassed when they can't read. So then they avoid being put in a situation where they have to read out loud. They become embarrassed when they can't do the math and science problems.

So you just gave me more fuel for making sure that the roads are done, because I think we have to start connecting our roads to school, and the attendance and the consequences of that.

I want to thank you all very much for your testimony. And in Minnesota we eat a lot of buffalo. We are really liking it. So I want you to be successful. Thank you.

Mr. CALVERT. Yes, I like buffalo, too.

Just one point. I want you to know that we significantly increased school construction this year. We went from $47 million, we put $150 million in for new school construction, $100 million in deferred maintenance, and significant money on top of that.

So we are going to do more. And we know it is not enough, but we are trying to move forward on this as fast as possible.

Ms. MCCOLLUM. We have one of the smallest budgets.

Mr. CALVERT. Yeah, right.

Thank you.

Mr. CALVERT. Okay. Our next panel will please come on up.

Okay. We are missing somebody here. Kathleen Wooden Knife, council member, Rosebud Sioux Tribe?

Ms. MCCOLLUM. Mr. Chair, we do have her testimony, so we have it in the record.

Mr. CALVERT. I think you are the next—yeah, you are on the next one, Roger.

Mr. TRUDELL. They kept telling me, you are up, you are up.

Mr. CALVERT. No, no, no. You are on the 2:30 panel, but I think Kathleen—is Kathleen Wooden—

Ms. MCCOLLUM. Kathleen, we do have her testimony.

Mr. CALVERT. We do have her testimony, but she is not here. Okay.

Okay. Well, we will just get going with this group here. First, let's have Cora, Cora White Horse, council member for the Oglala Sioux Tribe.

Ms. WHITE HORSE. Oglala Sioux Tribe.

Mr. CALVERT. Close. I got so close. You are recognized for 5 minutes.

Just go ahead and push that button.

WEDNESDAY, MAY 10, 2018.

OGLALA SIOUX TRIBE

WITNESS

CORA WHITE HORSE, COUNCIL MEMBER

Ms. WHITE HORSE. Okay. Thank you.

Good afternoon. Thank you for the opportunity to testify before this subcommittee. My name is Cora White Horse. I am a council member for the Oglala Sioux Tribe, and I also chair our finance committee.

It is through our treaties of 1851 and 1868 that the United States cemented its obligations to our Tribe. The appropriations Congress provides for Indian programs and services for us are toward the fulfillment and promises the United States made in those treaties.

I want to personally say thank you for the work that you have done for Indian Country. We are glad you rejected the President's proposed budget cuts for fiscal year 2018, and we want to remind you that we hope you do the same for fiscal year 2019.

The proposed cuts are unrealistic and they totally contradict the United States' treaty obligations and trust responsibilities to our Tribe and other Tribes.

My first point, before I get to our priorities, is IHS and BIA need to start to advocate for Tribes. I don't know how we make them advocate for us, but when they submit their budget requests, they need to be based on need. We submit our statistics yearly. We submit our unmet needs yearly. But the budget requests that are submitted to OMB are unrealistic, and they never come close to meeting the needs of our Tribe. They should be realistic. They should at least meet the basic needs of the people on our reservation and other reservations, all Natives throughout Indian Country.

Our priorities that we submitted in our written testimony, the first is law enforcement. Right now, our reservation has over 3 million acres. We have 34 police officers, 34 police officers to service a population of over 50,000 people. We have over 500 miles of tribal roads. That doesn't include the State roads or county roads or BIA roads. This is just tribal.

The average wait time for a law enforcement officer to arrive is 45 minutes to 2 hours. Imagine what could happen in that time. Thirty-four officers is the same level that we had in the seventies. Twelve years ago, we had 129 officers. They were funded through BIA and DOJ, through the COPS grants. But 129 officers at that time still wasn't enough.

And right now, because of our lack of law enforcement, the crime rate on the reservation is just extremely high. There is just so much violent crimes, there is so much drug problems. And because of our location, there is a lot of trafficking through the reservation, but we don't have the law enforcement to stop it. We don't have the law enforcement to take care of the basic needs of the people in our communities.

We have a facility, a jail facility located in the middle of our reservation in Kyle. For the last few years, it has been in the design phase to have a new detention facility built there in Kyle. It hasn't

been funded to be built. In fact, it was the last one that was designed through the program when they were replacing all Indian Country jails. And they just finished the design last year. So we need it to be funded to have the detention facility built, because the facility that they are in right now in Medicine Root in Kyle was condemned in 2007. But we need some place to house our offenders.

Our next priority is the Tiwahe Initiative, and I am sure you have heard of it. There was five basic components to the Tiwahe. It was CPS, ICWA, social services, courts, and UIHP, and law enforcement. And, you know, Tiwahe was the brainchild of the Oglala Sioux Tribe. Tiwahe in our language actually means family, and the initiative was to repair families.

And so we would like to be a part of that. Our statistics were used, but we are not a part of the initiative, which I really don't believe is fair. We have every single component necessary to make Tiwahe work, but we were not given that opportunity.

I see the red light flashing, but I just have two more things. Our roads, our tribal roads right now, we have 560 miles of roads, and our road maintenance funding for the year is $540,000. That is not even a thousand dollars per mile. It is ridiculously low. And we have several blizzards, you know, South Dakota. And when we have one blizzard, sometimes, because our reservation is so large, it could take up to 50 percent of our budget for road maintenance, which is really, really unrealistic.

So that takes me back again to our priority of finding a way to make IHS and BIA actually be advocates for Indians. They need to submit realistic budget requests. Our budgets need to be based on need. They need to be based on need. We provide the statistics. We provide the numbers. We provide the reports. For what? When they submit their budget requests, they need to act as advocates for Indian tribes, not as advocates for the Federal Government, because they were created to work for us, with us, not against us. And right now, they work against us.

Thank you.

[The statement of Cora White Horse follows:]

Written Testimony of Troy Scott Weston, President of the Oglala Sioux Tribe
"Public Witness Testimony: Fiscal Year 2019 Appropriations"
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
May 10, 2018

Recommendations:

1. BIA – $200 million increase for law enforcement and detention services.
2. BIA OJS - $7.5 million for combating the opioid and other drug crises in Indian Country.
3. BIA OJS – $113.7 million for tribal court development and support services.
4. BIA - $70 million for the BIA Road Maintenance Program.
5. BIA - Increase support for Welfare Assistance, Social Services, and the Tiwahe Initiative.
6. BIA – Increase funding for ICWA and child protection services.
7. BIA - $23 million for the Housing Improvement Program to restore it to FY 2005 levels.
8. IHS – Provide full advance appropriations to the Indian Health Service.
9. IHS – Increase funding for IHS Facilities Construction and Maintenance.
10. IHS, EPA – Adequately fund the completion of the Mni Wiconi Project in the Great Plains.
11. DOI, BIE - $78 million for tribal grant support costs and increased BIE construction funds.

Introduction. Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee, we appreciate the work you have done in this Subcommittee on behalf of Indian Country, the Great Plains, and our Tribe. The chronic underfunding of Indian Country programs and treaty obligations over the years has taken an enormous toll on our Tribe and our members. We thank you for protecting the interests of Tribal Nations in the FY 2018 Omnibus by rejecting the President's inadequate requests, restoring critical funds, increasing support for key programs, and including helpful report language on significant issues for our Tribe. We also thank you for efforts toward fulfilling the terms of the Fort Laramie Treaty of 1868, which cemented the United States' obligations to the Oglala Sioux Tribe. We are hopeful that these actions will be not only repeated but strengthened in the FY 2019 appropriations.

We believe that two ways to do this are through reformation of the budget process so that Department of Interior funds are distributed based on demonstrated need, and full funding of Tribal Priority Allocations (TPA) identified in Interior programs. Needs-based funding would more efficiently and effectively make use of federal resources, while also respecting the diverse needs of Tribal Nations. TPA supports self-determination and enables Tribal Nations to operate critical programs. Together they make for a stronger and more responsive federal budget. In the spirit of advancing the welfare of my Tribe, I offer the following budget recommendations for FY 2019.

I. Law Enforcement and Public Safety

Improve and Expand Security Infrastructure in Indian Country. The Pine Ridge Reservation remains in serious need of additional police officers. Due to lack of funding, we find ourselves unable to meet even the most basic public safety needs. Our current funding leaves us with four officers covering our approximately 3 million acres each 12-hour shift. This makes each officer *responsible for 700,000 acres, without adequate support and with no backup.* Our lack of police officers has fueled crime, which has become increasingly violent, and allowed a number of different drug networks to move into a community. For over ten years, the BIA has acknowledged that at a minimum, 95 more officers are needed on our Reservation but nothing seems to change.

We were thrilled to see that Congress reinstituted the BIA's public safety facilities and housing construction programs in the FY 2018 Omnibus. These programs have been critically needed for many years. Our Medicine Root (Kyle) Detention Project has the distinction of being the Congress's last federally-funded design for the emergency replacement of a tribal detention facility to remain unconstructed. This design, completed just last year, needs to be utilized now as our existing Medicine Root structure was slated for condemnation in 2007, and is still being used to service a community of 50,000 people. We understand that this will be a large undertaking, which may require multi-year funding and we stand ready to work with you and the BIA to address this on-going emergency. **In light of these pressing security infrastructure concerns, we strongly recommend that Congress provide an additional $200 million for tribal law enforcement and detention services in FY 2019.**

Maintain Funding and Expand the Scope of Dedicated Drug Crisis Funding in FY 2019. We appreciate the inclusion of $7.5 million in new opioid funding in the Criminal Investigations and Police Services category in the FY18 Omnibus. We strongly believe, however, that this funding needs to be flexibly administered so that it can be used to address not only opioids but other drugs that cause immeasurable harm in tribal communities. **We, therefore, recommend that Congress maintain the $7.5 million in funding to combat the national drug crisis and expand the scope of the initiative to include other drugs beyond opioids.**

Further Justice by Investing in BIA OJS Tribal Court Development Programs. We are in critical need of federal funding to support the recruitment and retention of skilled staff, as well as procurement of appropriate supplies and equipment for our Tribal Court and legal services to effectively exercise this fundamental aspect of our tribal sovereignty. **We recommend that Congress allocate $113.7 million for tribal court development services in the BIA Office of Justice Services.**

Connect Tribal Communities to Essential Services through Increased BIA Roads Funding. Funding for the BIA Road Maintenance program has been level funded at approximately $26 million for several fiscal year cycles, despite the accumulation of almost $60 million in backlogged maintenance needs in the Great Plains Region and over $380 million nation-wide. We are often forced to expend our limited tribal funds to cover the difference in roads maintenance funding and need – a financial strain that is compounded by the fact that efforts to control snow and ice on our roadways can consume up to 65% of our annual budget each winter. Funding is so tight that routine bridge maintenance is not performed until it reaches a state of emergency. Consequently, our citizens must confront unsafe road conditions every time they drive their children to school, commute to work, or simply travel within the Reservation. This is unacceptable. The BIA should receive and distribute adequate funding to Tribal Nations so that we can maintain safe transportation networks in our communities. **We urge you to provide at least $70 million for BIA Road Maintenance to promote safety in Indian Country.**

II. Social and Human Services for Strong Tribal Communities

Maintaining Critical Social Services and Support for the Tiwahe Initiative. Our Reservation's unmet need is alarming and well-documented. The average American can expect access to quality healthcare, childcare services, employment opportunities, and diverse recreational experiences. The average Oglala tribal member faces a much starker reality. We must contend with high rates of infant mortality, chronic illness, intergenerational trauma, limited to

nonexistent economic development, and limited recreational outlets, among other factors. The BIA's Human Services account which includes Social services is essential to meeting our citizens' complex needs and promoting their well-being. We urge you to reject the President's proposed reductions to Welfare Assistance, Social Services, and the Tiwahe Initiative and, instead, provide increases for them. Together these umbrella categories provide an array of irreplaceable services to Tribal Nations. To strengthen the delivery of Social Services in Indian Country we also recommend that Congress direct the BIA to develop a 5-year Strategic Plan pursuant to tribal consultation. **We recommend Congress increase support for Welfare Assistance, Social Services, and Tiwahe Initiative activities in FY 2019. We also urge you to provide dedicated funding within these categories to address the staggering unmet needs in the Great Plains. We also ask you to expand the Tiwahe Initiative, of which our Tribe wants to be a part.**

Protecting Tribal Youth and Communities under ICWA. Our Child Protection Services (CPS) and ICWA program conduct integrated child and family services on our Reservation. Families form the bedrock of our community – transmitting our Oglala traditions across the generations and ensuring the future prosperity of our Tribe. Providing safe, nurturing home environments to both children and adults is one of the primary goals of all Tribal Nations. Our efforts to achieve this goal have been challenged by chronic underfunding, which limits our ability to deliver services, manage caseloads, and recruit and retain qualified staff. **Increased funding for BIA ICWA and child protection services is urgently needed to operate effective and safe foster care, guardianship, and adoption activities.**

Restore BIA Housing Improvement Program Funding to Promote Homeownership. Our Reservation has a terrible housing shortage with an unmet need of 4,000 new housing units and 1,000 housing units repaired. Many of our citizens live in dilapidated, overcrowded, and often unsafe conditions that no American should have to endure. Chronic and even short-term exposure to these conditions affects the physical, social, and mental state of our people. HIP has played a central role in assisting families under 150% of the HHS Poverty Guidelines that live in substandard housing and have no other resource for housing assistance. A stable living environment translates into improved family conditions, employment rates, and academic achievement. **We recommend that Congress provide $23 million for HIP in FY 2019.**

III. Advance Indian Health Care in the Great Plains

Provide Full Funding and Advance Appropriations for the Indian Health Service. One of the United States' most sacred treaty obligations is providing for Indian healthcare. Yet, in the Great Plains, this moral and legal responsibility has been very nearly abandoned. Decades of underfunding and under-resourcing the IHS have contributed to a severe healthcare crisis in our community – residents of Oglala Lakota County, for example, have among the lowest life expectancy in America. Full advance appropriations for the IHS would promote greater stability in services, medical personnel recruitment and retention, and facilities management. We are also pleased to see that Contract Support Costs have been fully funded in FY 2018, and we urge that support to continue. **We urge Congress to fully fund advance appropriations for the IHS in FY 2019. We also would like your commitment to recruiting, retaining, and training health professionals for health facilities in the Great Plains to continue in FY2019 and beyond.**

Increase Funding for IHS Facilities Construction and Maintenance. We are grateful for the increase in funding for the IHS Facilities account in the FY 2018 Omnibus. Adequate and safe medical and treatment facilities are essential not just for patients and staff, but for instilling

community trust and confidence in the services they receive. The Pine Ridge Hospital struggles with inadequate facilities and a burgeoning user population. The Hospital was designed to serve a user population of 22,000 but, in fact, serves almost double that amount with an active user population of over 51,000. **We urgently recommend that Congress provide an additional increase in the IHS Facilities account for FY 2019 and ask that funding within this account be directed to address the critical facilities needs of the Great Plains Region.**

IV. Water Infrastructure and the Mni Wiconi Project

Provide Adequate Funding to Complete the Mni Wiconi Project. Our Tribe is the lead sponsor of the Mni Wiconi Project (Pub. L. 100-516, as amended), which provides potable water from the Missouri River to three reservations and the West River/Lyman-Jones Water District. Funding is needed to complete the necessary community water systems upgrades on the Pine Ridge Reservation. The Tribe is working with several federal agencies to implement its plan to complete the upgrades. The Tribe, however, needs almost $25 million to upgrade 19 existing systems and transfer them into the Mni Wiconi Project, as intended by the Act, where they will then be operated and maintained pursuant to authorized funding under the Act. **We ask you to increase funding for the IHS Sanitation Facilities Construction account and EPA Revolving Funds so these agencies can better contribute toward bringing this monumental project to completion.**

V. Education Facilities and Programming

Increase Funding for the BIE to Provide Native Youth with Safe and Structurally Sound Learning Facilities in their Home Communities. Education represents the seed from which meaningful opportunity and life-long success grows. To flourish, we must provide our children with safe and vibrant classrooms and engaging areas to play, as well as with wraparound services that address their needs after-hours in safe houses, youth centers, recreational parks, and other programs. Our six tribal grant schools and associated facilities are in dire need of support. Our Wounded Knee and Little Wound schools require complete replacement. All six of our schools desperately need funding for operations and maintenance, which are currently funded at less than 50% of the need. **We strongly recommend that Congress provide $78 million for tribal grant support costs for tribally controlled schools and a significant increase in BIE school construction and repair funds to address the dire and growing needs of our youth.**

Reject Proposed Elimination of Johnson O'Malley (JOM) and Scholarship and Adult Education Programs. We oppose the President's proposed elimination of these two vitally important programs for our people. Our citizens rely on the Scholarship and Adult Education programs in their efforts to strive for further education and broadened opportunities. The JOM program is critical for our students who are enrolled in public schools. It helps them compete academically with their non-native peers, incorporates Native language and culturally-based education activities, and provides help with extra-curricular activities which facilitates self-esteem and staying in school. We use JOM for a number of services, including tutoring, school supplies, lab fees, incentive awards, and educational field trips. Through JOM and our hands-on approach with students, parents and school counselors, we have seen a dramatic rise in our graduation rates. These programs must be supported, not eliminated.

Mr. CALVERT. Thank you for your testimony.

Next, Dave Flute, chairman of the Sisseton——

Mr. FLUTE. Wahpeton Oyate. Sioux Tribe.

Mr. CALVERT. Sioux Tribe, okay, from South Dakota, North Dakota.

Mr. FLUTE. Yes, sir.

Mr. CALVERT. You are recognized for 5 minutes.

WEDNESDAY, MAY 10, 2018.

SISSETON-WAHPETON OYATE OF THE LAKE TRAVERSE RESERVATION

WITNESS

DAVE FLUTE, CHAIRMAN

Mr. FLUTE. Chairman Calvert, Ranking Member McCollum, thank you for coming [speaking native language].

My name is Boy Who Leaves Big Tracks, my Dakota name. I am the chairman of the Sisseton-Wahpeton Sioux Tribe. And I too, as my Uncle Robert, we shake your hands with a good heart.

So this afternoon, Chairman, Ranking Member, we have heard a lot of public safety needs. I do agree with all my colleagues, and I do support all of the members of the Great Sioux Nation that are here. I support the gentleman that had discussed the buffalo needs. You know, we are members of the Great Sioux Nation, more commonly known as the Oceti Sakowin, the Seven Council Fires.

For me, on the Sisseton-Wahpeton Sioux Tribe, we have been working solely on an all-inclusive justice facility that would help alleviate the catch and release that is happening on my reservation. Right now, BIA came in, they closed down our detention facility because we didn't meet any one of the standards. That was a couple years ago. And I am very humbled to say this. I am also very proud, so please don't take this out of context that I am being arrogant, but the Sisseton-Wahpeton Sioux Tribe, with our special counsel that is in this room here today as well, Mark Van Norman, we carried the weight in the omnibus bill that put in moneys for new detention facility construction.

We are very thankful for the North Dakota/South Dakota delegations and their colleagues working to support that or to get that bill passed. So we are very thankful.

We were on the list and we have been on the list. We verified that through our congressional delegations. We have had letters of support from Governor Daugaard from the State of South Dakota, from Governor Burgum from the State of North Dakota, our stature on the Lake Traverse Indian Reservation that crime is rising, methamphetamine use, opioid use. It is on the rise, and we need to fix the problem. And we need to go back and we need to ask ourselves, how do we fix this problem?

So the Sisseton-Wahpeton Sioux Tribe has been working solely on public safety, and I think it runs parallel with community health, if not concomitantly. We have many needs, and I just want to mention, I was very honored to ride with Chairman Frazier on the Fort Laramie ride. We have a lot of needs in education, health,

economic development. But as a member of Great Plains Tribal Chairman's Association, as chairman of the United Tribes of North Dakota, I hear the most common threat out there is public safety and community health. This is an intergenerational problem we have. We are not fixing the problem. We need to get to the root of the problem, and that is we are not getting our people the treatment they need.

So my pitch to you today and my request is that there be appropriations put into treatment facilities for those Tribes that need help with staffing. We are in support of all of the sister tribes and their need for detention facilities, for upgraded treatment.

But for the Sisseton-Wahpeton Sioux Tribe, we are not per-cap tribes, you know, as Chairman Frazier said, and there is a lot of us that aren't per-cap tribes. We are not 280 tribes. We are treaty tribes. And there is Federal responsibility to uphold those treaties.

And then the policies that are made thereafter, such as the Tribal Law and Order Act. The Tribal Law and Order Act requires that the Federal agencies work with the Tribes to create a Tribal action plan. And for the Sisseton-Wahpeton Sioux Tribe, our number one priority has been public safety and the community health of our people. And that is where I think and that is where I would argue that in getting our people fixed is going to help alleviate those other problems that we see that are systemic across Indian—the education, the lack of good parenting. And I hate to say it, but it is the truth.

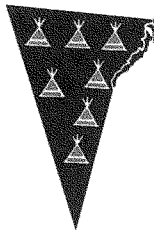
And, again, it goes back to being intergenerational. We are not fixing the problem. Detaining people is one thing. It is unfortunate, but we need to incarcerate some people. Some bad dudes out there, we need to get them off the street.

My Tribe recently passed the controlled drug act, where we banish people. That is an inherent right of our Dakota people. By the way, we put the Dakota in North Dakota, South Dakota, and walleyes are a staple in our community, right, Congresswoman?

So just wanted to mention that, that we would greatly appreciate appropriations going into the construction of new treatment facilities. We have a comprehensive plan that we have been working on. There is $1.2 million been invested in this plan from the United States Government and the Tribe, and we would sure like that funding to be put into there so we can build phase one and two, which would include adult and juvenile treatment facilities so we can help get our people fixed. And it is not just our people, it is going to be the entire community.

So thank you. I would be pleased to answer any questions you have.

[The statement of Dave Flute follows:]



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TESTIMONY OF DAVE FLUTE, CHAIRMAN
SISSETON WAHPETON SIOUX TRIBE

May 10, 2018

U.S. House of Representatives

Committee on Appropriations
Subcommittee on
Interior, Environment and Related Agencies

Good morning, Chairman Calvert, Ranking Member McCollum and Members of the Committee and Honored Guests. My name is David Flute. I serve as the Chairman of the Sisseton-Wahpeton Tribe ("SWST") of the Lake Traverse Indian Reservation in North and South Dakota. I am pleased to testify at this important hearing on FY 2019 Appropriations. At the Sisseton Wahpeton Oyate, we are a Dakota tribe of the Sioux Nation. As the original people, we put the Dakota in North and South Dakota.

The construction of our Sisseton Wahpeton Regional Justice Center is our highest and most important priority. For the past decade, we had been working to replace the old facility with a multipurpose Community Justice and Rehabilitation Center, designed to provide a comprehensive, all-inclusive approach that will address the pressing behavioral health needs of our tribal members. Over $1.2 million has been expended on this endeavor.

South Dakota Governor Daugaard recognized our need for Federal assistance. On August 21, 2017, he wrote to the South Dakota congressional delegation: "If Congress can provide funding assistance, from the BIA and/or DOJ, to the Sisseton-Wahpeton Sioux Tribe for its Justice Center, the public safety of the Sisseton-Wahpeton Sioux Tribe and the surrounding area of northeast South Dakota and southeast North Dakota will be enhanced."

On October 3, 2017, North Dakota Governor Burgum wrote to the North Dakota congressional delegation: "We support the Sisseton-Wahpeton Sioux Tribe's efforts to build the new Justice Center and commend your work to assist the Tribe in securing funding. Your success in promoting construction of the new Sisseton-Wahpeton Justice Center will enhance regional law enforcement, criminal justice

and the safety of our citizens." We have had strong support from both our North Dakota and our South Dakota congressional delegations.

The FBI UCR Crime Report (Sept. 25, 2017) finds that: Violent Crime in the United States increased for the second straight year in 2016—overall violent crime increased by 4.1%. The report shows increases over 2015 in all four offenses in the violent crime category: murder, rape, robbery, and aggravated assault. Murder has the largest growth at 8.6 percent. The 2016 Nationwide Crime Rate 386.3 per 100,000, the South Dakota Crime Rate was 418.4 per 100,000 and the North Dakota Crime Rate was 251.2 per 100,000.

South Dakota State 2016 Crime Reports include a 12.5% increase in drug crime, although overall some of the most violent crime was down. South Dakota AG Marty Jackley said, "Right now there's a meth epidemic across the Nation.... It affects the Reservations as well as the State when the methamphetamine come into the State from across the Southern borders.... We need to ... spread the message to the youth and do everything we can for prevention and treatment." KSFY TV, Reservation Crime Would Nearly Double SD Crime Stats (March 20, 2017).

The FBI, U.S. Attorneys and tribal law enforcement have jurisdiction over Indian reservation crime. "The number of cases and number of users of methamphetamines has been rising on Indian reservations across the state. The increase in drug activity is correlating to an increase in the violent crime. Specifically, we've seen an increase in violent crime incidents in all of the Indian reservations throughout the state," said Matt Moore, FBI Supervisory Senior Resident Agent for Sioux Falls.

South Dakota law enforcement made 7,200 drug arrests in 2015, nearly double the number made in 2005. Aggravated assault and robbery cases also doubled over the same ten year period. "The public's appetite for high-grade marijuana and methamphetamine has fostered a more violent drug culture in which buyers and sellers are more likely to arm themselves." *Is South Dakota more violent than it's ever been?* Sioux Falls Argus Leader, January 13, 2017.

North Dakota Crime Statistics: North Dakota faces significant drug crime challenges as well, including on our Indian reservations. In 2015, North Dakota suffered a 9.8% increase in per capita crime, which was the largest per capita crime increase in 5 years and the most homicides in decades. Based on FBI reports:

> That included a 9.5% increase in crimes against persons such as murder, rape and assaults, and a 14% percent increase in crimes against property such as burglary, robbery and motor vehicle theft. The number of crimes against society—among them drug violations and weapons violations—increased by 11.1%.

"North Dakota in all is a different community. We're not Minneapolis, but we're not the North Dakota of 25, 30 years ago where you can leave your doors unlocked and you know everybody," Bismarck Police Chief Dan Donlin told the Bismarck Tribune. Thankfully in 2016, North Dakota had a 1.1% decrease in crime, with gains made in decreased drunk driving.

Sisseton-Wahpeton Sioux Crime Statistics. At Sisseton-Wahpeton, we have seen continuing serious increase in drug related crime and violence. That is consistent with the overall pattern of North and South Dakota, except we have not had a reduction in drunk driving. Due to the drug and alcohol abuse problems affecting our Reservation, our tribal police made about 1400 arrests in the Lake Traverse Reservation in North and South Dakota last year. In recent years, SWST youth and adults on our Reservation have been suffering with chemical dependency, drug and alcohol abuse, and violent crime resulting in the key incarceration figures:

- ✓ Substance abuse offenses & criminal offenses account for approx. 75% of all adult arrests, of which 15% exhibit highly repetitive substance abuse and criminal behavior. This group uses a disproportionate amount of justice (and potentially other) system resources.

- ✓ About 80% of all juveniles charged with a substance abuse offense, often accompanied by a curfew violation. This pattern shows a lack of parental supervision and clearly underscores a need to address these offenses in the context of families and family networks.

Priorities for Safe, Healthy Sustainable Tribal Communities. SWST has identified Behavioral Health, including addressing chemical dependency, mental health, adolescent treatment, detox, transitional care, inpatient/outpatient services for adult and youth, as our top community health and wellness priority. We currently lack sufficient facilities and services to adequately address these health care needs. We had a 1974 jail, which the BIA closed in December 2016.

Regional Detention Facility and Justice Center. The Sisseton Wahpeton Sioux Tribe worked very hard with Congress and our congressional delegation to seek restoration of FY 2018 Funds for BIA Public Safety and Justice Construction. Specifically, the FY 2018 Appropriations Act provides:

> Public Safety and Justice Construction.-The agreement provides $35,309,000 for public safety and justice construction and includes the following: $18,000,000 to restart the facilities replacement and new construction program; $4,494,000 for employee housing; $9,372,000 for facilities improvement and repair; $169,000 for fire safety coordination; and $3,274,000 for fire protection. The Committees include funding for the replacement construction program, which has not received funding from the Bureau since fiscal year 2010, as other agencies have sought to build these facilities. The Committees also understand the Bureau currently has

> compiled a list of replacement facilities based upon the facilities condition index, inmate populations, and available space. It is the expectation the funding made available for this activity will utilize this list. Further, the Committees encourage the Bureau to develop a master plan that details the location and condition of existing facilities relative to the user population, and incorporates the use of existing tribally constructed facilities and regional justice centers, such as the Shoshone-Bannock Tribes' Justice Center, as an efficient approach to filling gaps where additional facilities are needed. Reasonable driving distances for visitation should be taken into consideration.

Consistent with Congress's intent, our Sisseton Wahpeton Tribe plans a Regional Justice Center to serve our Tribe with 14,000 tribal members 8,000 resident tribal members), the Crow Creek Sioux with about 4,000 members, the Spirit Lake Sioux about 5,000 members and the Flandreau Santee Sioux about 500 members.

FY 2018 Plan: The overall costs of our Sisseton Wahpeton Regional Justice and Rehabilitation Center is projected at $36 Million. In FY 2018, we are requesting Phase One Funding for the $21 Million Detention Center:

- $15 Million in Federal funding--$11 Million from the Bureau of Indian Affairs OJS Public Safety and Justice Construction Program and we have applied for $4 Million through a competitive grant under the Department of Justice Bureau of Justice Assistance CTAS program.

The Sisseton Wahpeton Sioux Tribe will contribute $5 Million of our own tribal government funds to support the project.

FY 2019 Request: To finalize our Sisseton Wahpeton Regional Justice Center, we will need an additional $15 Million for Phase Two: Juvenile Detention, Rehabilitation, Counselling and Transitional Housing.

> **Report language requested:** Within the funds provided for the Facilities Replacement and New Construction Program, the Bureau of Indian Affairs is directed to utilize its list of replacement facilities based upon the facilities condition index, inmate populations, and available space to prioritize funding for Indian tribes whose detention facilities have been closed by the Bureau and are awaiting facility replacement or repair, especially those that serve as regional detention centers for three or more Tribes. Further, priority should be given to completing projects in areas of Indian country under Title 18 USC 1152 and 1153 which received funding under this program in 2018.

Conclusion: We strongly believe that Public Safety, Law Enforcement and the Administration of Justice are essential to health community life and healthy Indian nations. Thank you for the opportunity.

Mr. CALVERT. Thank you.

Next, Brandon Mauai, tribal council member, Standing Rock Sioux Tribe. You are recognized.

WEDNESDAY, MAY 10, 2018.

STANDING ROCK SIOUX TRIBE

WITNESS

BRANDON MAUAI, TRIBAL COUNCIL MEMBER

Mr. MAUAI. Thank you, Chairman Calvert, members of the committee. My name is Brandon Mauai, a councilman from Standing Rock, and today my testimony is going to focus on healthcare, welfare, public safety, and the education needs of our Tribal members.

Standing Rock has a government-to-government relationship with the United States of America, reflected in our 1851 and 1868 treaties. These treaties underscore the United States' ongoing promises and obligations to the Tribe. And today, our testimony is submitted with those promises and obligations in mind.

Standing Rock encompasses 2.3 million acres in North and South Dakota. Approximately 8,500 of those of our 16,000 Tribal members and 2,000 nonmembers reside in eight communities spread across the reservation. The Tribal council's core mission is to improve the social and economic standard of living for our members living on the reservation.

You see, despite the Tribe's best efforts, our unemployment rate remains above 80 percent and, in fact, over 40 percent of Indian families on our reservation live in poverty, more than triple the average U.S. poverty rate. The disparity is worse for our children, as 52 percent of the reservation population under the age of 18 lives below poverty, compared to 16 percent and 19 percent in North and South Dakota, respectively.

This is the kind of poverty that the root cause is the host of health, social, and public safety challenges that we are charged with overcoming. And today, we ask this committee to be a partner in overcoming those challenges.

The Tribe battles the chronic and insidious impacts of substance abuse in our communities. We, like all of Indian country, like you have heard today, are facing an opioid and methamphetamine abuse crisis. Addiction can be lifelong, and must be treated as a behavioral health illness. And Tribes need additional mental health specialists and substance abuse counselors to combat this issue in a holistic and a productive way.

Another area of deep concern for the Tribe is the welfare of our children. Statistics demonstrate that an overwhelming need to increase services to the families so that our children are not put at risk. According to the 2016 ACF report on child maltreatment, Indian children account for almost 30 percent of the abuse cases in North Dakota and almost 45 percent of the cases in South Dakota. However, we are only 5–1/2 percent of the population in North Dakota and only 9 percent in South Dakota.

And finally, according to the Ann Casey Foundation, in 2015, 27 percent of the children in foster care in North Dakota were Indian,

and in South Dakota, 49 percent. Forty-nine percent of the children are in the State's foster care system.

The Tribe's CPS program, Child Protection Services, works very hard to address the needs of our children, but the magnitude of those problems demands more. And this is why the Tiwahe initiative is important, as it seeks to address these issues from all directions. Of course, we need more investigators and foster homes right now. We only have two investigators to cover all of Standing Rock, only two, and only six approved foster homes on the reservation.

But we have to work to address the root causes of why our children are in jeopardy in the first place. We must work to provide people the social, financial, and emotional support that they need to be healthy and strong parents. So we urge this committee to fund—to increase funding for both BIA and social services and ICWA programs so that we can work with families so that they have the resources to stay together and they have the safest alternatives when we do not have to remove them from the homes. You see, without these resources, we will not be able to meet the needs of our most vulnerable population.

And finally, public safety is a priority, as you have heard all across Indian Country. You know, we only have 11 officers to patrol our entire 2.3 million-acre reservation. That amounts to approximately three officers per shift, assuming no one is sick or on leave. And I suspect that there are more than 11 Capitol Hill officers guarding the Rayburn Building right now.

I don't understand why the people living on the Federal reservations are any less deserving of protection than the people who work in this Federal building. We strongly support an increase in funding for fiscal year 2019 for law enforcement and other services at Standing Rock.

You see, we are asking that you continue to—that you uphold the treaties, but not only uphold the treaties that you have engaged with the first nations people, with us, but at least acknowledge the Constitution.

Thank you.

[The statement of Brandon Mauai follows:]

TESTIMONY OF THE STANDING ROCK SIOUX TRIBE
COUNCILMAN BRANDON MAUIA
BEFORE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING THE FY 2019 BUDGET
FOR THE IHS, BIA AND BIE
APRIL 30, 2018

The Standing Rock Sioux Tribe appreciates the opportunity to submit written testimony concerning the President's FY 2019 budget for Indian programs within the Department of the Interior and the Indian Health Service. We would like to thank this Committee for supporting Indian tribes. Our testimony will focus on health care, public safety, education, and infrastructure.

The Standing Rock Sioux Tribe has a government to government relationship with the United States of America, reflected in our 1851 and 1868 Treaties. These Treaties underscore the United States' ongoing promises and obligations of to the Tribe. Our testimony today is submitted with those promises and obligations in mind.

The Standing Rock Sioux Reservation encompasses 2.3 million acres in North and South Dakota. Approximately 8,500 of our 16,000 Tribal members, and 2,000 non-members, reside in eight communities spread across our rural Reservation. The Tribe's primary industries are cattle ranching and farming. The Tribe struggles to provide essential governmental services to our members. The Tribe's desire is to provide jobs and improve the economic standard of living on our Reservation.

Despite the Tribe's best efforts, our unemployment rate remains above 80%. In fact, over 40% of Indian families on our Reservation live in poverty – more than triple the average U.S. poverty rate. The disparity is worse for children, as 52% of the Reservation population under age 18 lives below poverty, compared to 16% and 19% in North and South Dakota, respectively. The federal programs to aid tribes and their members - established and promised by treaty - are essential. We ask the government to honor its commitments by adequately funding these federal programs enacted for our benefit, so that our members may enjoy a standard of living comparable to that enjoyed by the rest of the Nation.

Our specific requests are as follows:

Indian Health Service. We greatly appreciate the $500 million increase Congress provided in IHS funding for FY 2018. We depend on IHS to care for our 16,000 enrolled Tribal members, many of whom suffer from diabetes, heart disease, and hypertension.

The Tribe requests increased funding for substance abuse response and treatment throughout Indian country. The Standing Rock Sioux Reservation, like all of Indian country, is facing an opioid and methamphetamine abuse crisis. Opioid addiction can be life long and must be treated as a behavioral health illness. Tribes need additional mental health specialists and substance abuse counselors to combat this issue in a holistic and productive way.

The Tribe knows that this Committee supports Indian country and in particular our health priorities, but we want to be sure to voice our strong objections to the Administration's proposal to eliminate the Community Health Representatives Program (CHRs). CHRs are the frontline for medical care in our communities. They conduct wellness checks on our elders, ensure that our children make their dental appointments, and provide our members with rides to medical appointments. Without these dedicated professionals, many of our members would not get the care that they need.

Child Protective Services: Services to assist child victims are sorely lacking. The statistics demonstrate an overwhelming need. According to the Department of Justice, Indians have the highest rate of victimization in the Country. According to the 2016 ACF Report on Child Maltreatment, Indian children account for almost 30% of the abuse cases in North Dakota and almost 45% of the cases in South Dakota. However, we are only 5.5% of the population in in North Dakota and 9% in South Dakota. Finally, according to the Anne Casey Foundation, in 2015, 27% of the children in foster care in North Dakota were Indian and in South Dakota the statistic is even more startling at 49% of the children in that State's foster care system are Indian.

The Tribe's Child Protection Service program works very hard to address the needs of our children facing this crisis. But there are only two investigators for this program to protect our children in eight widely scattered communities across our Reservation. The CPS program is outstanding, but it is overwhelmed by the scope and magnitude of the problems it must address. Where child victims need to be placed in a different environment for their safety, there are far too few alternatives. For example, for a service population of about 8,000, there are only six approved foster homes on the Reservation. These homes are always at capacity, so we have no choice but to place some of these children – who have faced the trauma of violence in the home – off the Reservation, compounding trauma to the victim. There is simply an inadequate supply of safe housing alternatives for children who must be moved for their own safety.

We urge the Committee to increase funding for both BIA social services and ICWA programs. Without these resources, we will not be able to meet the needs of our most vulnerable population.

BIA - Public Safety and Justice. Public safety is a priority for the Tribe. We applaud the final FY 2018 enacted appropriations levels for Public Safety and Justice totaling $405 million, and urge the Committee to reject the Administration's unwarranted reductions and continue to support increases for next year. As you know, funding is essential for public safety in Indian Country.

Law Enforcement: The Tribe has seen firsthand that adequate law enforcement funding is key to reducing crime. A number of years ago, the Standing Rock Sioux Tribe was selected to participate in the High Priority Program Goals initiative, which dramatically increased law enforcement positions on our Reservation. This had a significant positive impact in reducing crime. Increased numbers of police officers allowed pro-active policing rather than reactive policing. This initiative enabled officers to be assigned within each Reservation community, which meant quicker response time to calls and more positive relationships between law enforcement officers and the communities they served. The increased law enforcement presence and patrols has deterred crime and resulted in our members feeling safer. The data confirms this. When compared to the number of violent crimes (homicide, rape, robbery, assault) that occurred

between 2007 and 2009, the additional staffing reduced such crimes by approximately: 7% in 2010, 11% in 2011, and 15-19% in 2012. The initiative demonstrated the critical importance that adequate law enforcement staffing can have in our community.

HPPG ended after FY 2013 and the Tribe's law enforcement personnel were reduced from the numbers that served us so well. We now have only 11 officers patrolling our entire 2.3-million-acre Reservation. We have only 1 School Resource Officer to serve the eight schools on the Reservation. This at a time when the need for public safety and security in our schools is at an all-time high. We strongly support an increase in funding for FY 2019 for law enforcement services at Standing Rock.

Bureau of Indian Education (BIE). We urge you to reject the Administration's proposed cuts for BIE programs. Standing Rock relies on BIE funding for three Tribal grant schools – the Standing Rock Community School (K-12), Sitting Bull School (K-8), and Rock Creek School (K-8). The Standing Rock Community School is operated through a Joint Powers Agreement between the Standing Rock Tribal Grant School and the Fort Yates Public School District. The Fort Yates Public School District, like other public schools on the Reservation (Cannonball, Selfridge, McLaughlin, McIntosh, and Wakpala), depends on federal impact aid to cover the costs of the public school's share of the school operations. The children in the schools on the Reservation are among the most at-risk students in the Nation. At seven out of eight Public and Tribal Grant Schools on our Reservation, 100% of the students are eligible for the Free or Reduced Lunch Program. At the remaining school, 90% of students are eligible for the Free or Reduced Lunch Program. The high rate of our student eligibility for the Free or Reduced Lunch Program documents that the majority of our families live at or below poverty level.

A critical source of funds for the operation of our Tribal grant schools is the Indian School Equalization Program (ISEP) Formula funds. The funds cover the costs of the schools' instructional programs, including salaries for teachers, teacher aides, school administrative staff and other operational costs. ISEP has not seen any meaningful increase in years. As a result, there has been a significant negative impact on the effectiveness of the schools' instructional programs. Academic programs are marginal at best and provide limited services to the students. It has become more difficult to attract and retain qualified staff. If the schools serving Indian children are to be effective and if our students are to succeed, and be college and career ready, ISEP funding must be increased.

The near flat line funding for virtually all aspects of BIE programs does not account for population growth, increased costs, or inflation. Student Transportation funding, intended to cover the costs of buses, fuel, maintenance, vehicle replacements, and drivers, has remained at the same level for years. Proposed cuts to BIE funding are unjustified. The substantial increases in fuel costs alone make it impossible to cover such costs. For Standing Rock, funds are further strained because we are a rural community, where bus runs for many of our students may take 1½ to 2 hours each way and can include travel on unimproved roads. These factors result in higher maintenance costs and shorter vehicle life. A substantial increase in funds for Student Transportation is long overdue.

Transportation. Proper road maintenance on the Reservation is essential for the safety and health of our community, and for promoting economic opportunities. BIA Road Maintenance is responsible for 29,700 miles of BIA owned road and 931 BIA owned bridges.

The Administration request of $28 million request would fund approximately 16% of the level of need for BIA road maintenance. Thus, 84% of the roads in the BIA systems will continue to be at poor or failing condition. These are roads used by school buses, first responders and police officers. In any other community this would be unacceptable. We urge the Subcommittee to continue to increase funding for the BIA road maintenance program.

Mr. CALVERT. Thank you.

And thanks to all of you for your testimony. I can't think of an area in the country that is more in need of meeting our obligations than South Dakota and North Dakota. It certainly, as the testimony has indicated, is some of the poorest areas in the United States.

And I wasn't able to go with Tom and others when you were out there just recently, but we need to do that so we have a better idea of what you are having to deal with. Roads that are obviously endless and distances that are large and rural areas and, like you say, and the transit routes of drug activity here in the United States.

And, of course, the lack of justice facilities and law enforcement that has to deal with incredible distances that most people just can't comprehend. And I am sure you don't have helicopters and things of that nature to deal with that kind of thing. So we have special needs that we need to deal with.

And I know foster care—I know we have a facility in my area, Sherman Indian Institute, that has been around for a long, long time. They try to help separate kids from parents, like you mentioned, that need help. Unfortunately, the parents need help too, but to separate these kids from sometimes violent areas and so forth.

So we are making progress. Not quick enough. Like you said, with school construction, we did add some money for detention facilities in fiscal year 2018. We are looking at fiscal year 2019 also, and we are going to try to make it—for healthcare, to fix some of these hospitals that I know that your region needed desperate attention to that. I am hoping that that money is going there as we speak. And we are making some progress, but we have a long way to go.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

As was pointed out, unfortunately, Kathleen Wooden Knife wasn't able to be here. I did look at her testimony. Mr. Chair, she brought up something that, in the years of taking public testimony, I have not heard anyone address. I just want to have that voice heard.

She brought up Bureau of Indian Affairs burial assistance. And there is head shaking. The Bureau maximum burial payment stands at nearly $2,500. A waiver can be granted by the Secretary upon Tribal request. However, any increase in the maximum burial payment standard will only equate to higher burial payments received by fewer people.

And she goes on in her statement, and I will close with this: "Inadequate maximum burial standard payment and funding for indigent burial assistance service has left the Rosebud Sioux Tribe desperate to find resources to help ensure that our Tribal members are provided with a respectful burial." And I think we all want that for our loved ones. So I wanted people to know that that was seen, that was heard, and we will look into it together.

The other two things I just wanted to point out that have come up in testimony here—and, Mr. Mauai, I think it is in your testimony I found it—where it talks about the committee supporting the Community Health Representatives Programs. We have heard

from many Tribes on that, and the importance of the wellness checks for the elders, to ensure that children make dental appointments, and to provide members with rides to medical appointments. Lots of times the CHR is helping an elder, they don't drive anymore, or someone who is going through chemo or something like that, where they just don't feel strong and well enough to drive on these roads that we have all heard about.

That has been brought up several times, and I wanted you to know that we recognize that.

The other thing that has been brought up throughout the testimony the past 2 days is opioids and meth. Unfortunately, methamphetamine in many parts of Indian Country is still rampant, and it is as destructive in a different way as opioids. But I think because opioids have affected a broader U.S. population, it has gotten more significant help. But we still need to be able to make sure that when we are talking about mental health, wellness, behavioral health, and help with this crisis with drugs, that we do not forget that what we put forward should also reach out to those Tribes and those members dealing with methamphetamine. I thank you all for bringing that up.

But I wanted to make sure that Kathleen's words were heard, because I never thought of it that way. It reminded me of funerals that I have attended with people who have really had to scrape together literally, I am not kidding, pennies to bury someone with dignity and respect. And everybody deserves that.

So thank you, Mr. Chair.

Mr. MAUAI. Mr. Chair, may I respond briefly?

Mr. CALVERT. Yes.

Mr. MAUAI. Thank you, Ms. McCollum. The CHR Program on Standing Rock has been—and I think many CHR programs—has been operating off of a budget that has been over 20 years old, there has been no increase, yet statistically, sickness has increased over those 20 years. And diabetes, we have heard diabetes, heart disease, all of these things have increased. And yet we are still asking more of the CHR programs.

And so when we talk about his and CHR, I ask that you look hardly at that, because that is an area of great need all over Indian Country, so that we can continue looking after especially our elders. Thank you.

Mr. CALVERT. Thank you.

Tom, anything?

Mr. COLE. No. I am sorry I got here late, obviously, but I have had the opportunity, as you referenced, Mr. Chairman, to visit Standing Rock and Cheyenne River and Pine Ridge and Rosebud, so I am firsthand familiar with how challenging the situation is, how remarkable the people are, but how desperate the situation, in terms of isolation, lack of infrastructure, you name it, and economic opportunities.

So it is something I wish more Americans saw, because I think it would make them more determined to fulfill their trust obligations. So I appreciate you coming here and making the case, and appreciate the things you do. I know on this committee, in a bipartisan way, we will do everything we can within the allocation that

we have to help you address some of these genuinely staggering problems that you are facing and that your people are facing.

I yield back.

Mr. CALVERT. Thank you.

And thank you for coming out. Thank you for your testimony, and we appreciate having you.

Okay. Our next panel will be Mr. Roger White Owl, intergovernmental affairs liaison—good to see you; Roger Trudell, chairman of the Santee Sioux Tribe; and Victoria Kitcheyan, councilwoman of the Winnebago Tribe of Nebraska.

Welcome. Let's see, Mr. Roger White Owl, intergovernmental affairs liaison, Mandan, Hidaska—I will take it from there. You are recognized.

Mr. WHITE OWL. It is pronounced Hidatsa there, sir.

Mr. CALVERT. Hidatsa, okay.

WEDNESDAY, MAY 10, 2018.

MANDAN, HIDATSA AND ARIKARA NATION

WITNESS

ROGER WHITE OWL, INTERGOVERNMENTAL AFFAIRS LIAISON

Mr. WHITE OWL. Well, I would like to start out by just saying (speaking native language). This said hello and greetings to you in Mandan, Hidatsa, and Arikara, the MHA Nation, the three affiliated Tribes.

Well, good afternoon, Mr. Chairman and members of the subcommittee. My name is Roger White Owl. I am a citizen of the Mandan, Hidatsa, and Arikara Nation. I currently serve as the MHA Nation's intergovernmental affairs officer for Chairman Fox. The chairman regrets that he was not able to be here today and asks that I thank you for the opportunity to present our appropriations priorities.

The most important issue the MHA Nation faces is the impact of the dual taxation on our Tribal budget and your Federal budget. As many of you know, over the last 10 years, the MHA Nation has been in the middle of the most productive oil and gas field in the United States, the Bakken Formation in North Dakota.

Over this same 10-year period, the State of North Dakota took $1 billion, $1 billion in tax revenues from our reservation. Over the next 5 years, the State will take another billion dollars in tax revenues from our reservation. State dual taxation drains the revenues we need to develop our resources, build our infrastructure, and provide services to our citizens. State dual taxation increases our dependence on the Federal budget.

While North Dakota is sitting on a $4 billion rainy day fund, the MHA Nation had a $2 billion shortfall. In the next 10 years, we estimate that we will need about $3.6 billion to maintain, $3.6 billion to maintain our infrastructure, staff our government, and keep up with growth on our reservation. This is the same infrastructure that the Federal Government is struggling to fund: our roads, law enforcement, housing, health clinic, and more.

State dual taxation takes the very resources that the Tribal governments need to keep up with the growth and support vibrant economies. Every study shows that the State dual taxation limits Tribal economies and depresses the broader State and regional economies as well.

Over on my right, there is a chart from the President's budget justification showing the economic impact of Indian energy development. As you can see, Indian energy development added $9.6 billion to the national economy in 2016. Why would you limit this economic engine with State dual taxation? A small clarification updating the Indian mineral leasing laws would address this problem. Congress should clarify that Indian tribes are entitled to the full benefits, including taxes, of resources developed on our lands.

Until this clarification is made, the States will continue to drain our tax revenues, and we will continue to ask the subcommittee to make up for those losses by increasing funding for Federal Indian programs.

Law enforcement is a perfect example. The demand on our law enforcement resources has increased dramatically from 2015 to 2016. Arrests on our reservations rose from 30 to 103. The amount of meth seized rose from 220 grams to over 1,037 grams. Illegal use of prescription drugs rose from 14 cases to 870 cases. Missing children reports rose from zero to 16, and missing persons report rose from zero to 5.

We recently used $17.2 million of our own funds to construct a new public safety and judicial center. The center provides space for law enforcement, a 911 call center, and our Tribal courts. To operate that center, we will need an annual funding of $9.5 million.

Roads are another good example. Recent estimates for new road construction to meet industrial standards are about $4.5 million for a half a mile. We need about $215 million to cover existing road construction and about $1.2 billion over the next 10 years to maintain our reservation roads.

While this subcommittee tries to fund all of the competing priorities in Indian Country, at least $1 billion in tax revenues from our reservation is sitting in North Dakota's $4 billion rainy day fund. This makes no sense and limits what the MHA Nation is able to do for itself.

We also ask that you address the new issue in BIA leasing of tribally constructed facilities. BIA recently ran into issues with GSA when trying to lease facilities constructed by Tribes according to Federal standards. These facilities we had to build because the BIA could not find the funding. The fiscal year 2019 bill should grant BIA full and unilateral leasing authority.

Finally, we continue to need funding for frontline BIA staff to stay on top of the energy development. This includes Office of Trust Fund's management staff that work on our reservation. They oversee thousands of Indian accounts and provide vital customer services to our citizens. They could not fulfill the Federal trust responsibility and provide these services without a local presence.

Thank you for the opportunity to testify, and I am available to answer any of your questions that you may have.

[The statement of Roger White Owl follows:]

MANDAN, HIDATSA & ARIKARA NATION
Three Affiliated Tribes * Fort Berthold Indian Reservation

Mark N. Fox
Office of the Chairman

U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

April 30, 2018

Good afternoon Mr. Chairman and Members of the Subcommittee. Thank you for the opportunity to testify on the appropriations priorities for the Mandan Hidatsa and Arikara Nation (MHA Nation). My name is Roger White Owl. I serve as Chairman Mark Fox's Intergovernmental Affairs Officer.

State Dual Taxation of Energy Development Strains Tribal and Federal Budgets

The MHA Nation and our Fort Berthold Indian Reservation are in the middle of the Bakken Formation one of the most active and productive oil and gas formations in the United States. This energy development brought new economic opportunities to our Reservation, but it is also overwhelming our transportation infrastructure, straining our law enforcement and healthcare facilities and requiring substantial investments in community infrastructure. Current federal law and limited federal budgets limit our ability to manage energy development and invest in our infrastructure.

Under current federal law, the State of North Dakota can place a dual tax on the development of our energy resources. To avoid state dual taxation, which would have eliminated energy development opportunities, the MHA Nation reluctantly entered into a tax agreement with the State. As a result of this agreement, the State takes more than half of the tax revenues from oil and gas development on our Reservation. Over the past 10 years, the State took more than a $1 billion in taxes from energy development on the Reservation. While the State maintains a rainy day Legacy Fund from oil and gas tax revenues with a balance of more than $4 billion, the MHA Nation estimates that its budget shortfall for the past 10 years was more than $1.95 billion.

Without a change in the law, the State will take another billion over the next 5 years. The loss of these revenues prevents the MHA Nation from keeping up with road repairs and improvements, law enforcement, housing, health care, elder care, environmental management and much more. We need the same tax revenues that every other government relies on.

We ask members of the Subcommittee to seek amendments to the Indian mineral leasing laws to make clear Congress' intent to ensure that tribes retain the full value of their energy resources and stop states from making a windfall profit from our natural resources. If Congress does not confirm the ability of Indian tribes to receive the full benefit of their energy resources, even more increases federal budgets will be needed to support tribal energy development and its demands on tribal infrastructure.

Increased Federal Budgets Needed to Support Economic Development

Federal budgets already do not meet the needs on our Reservation. Over the next 10 years, we estimate that we will need about $3.6 billion to maintain our physical infrastructure, develop our governing infrastructure and keep up with growth on the Reservation. Many of these areas are federal responsibilities and the Subcommittee should provide the funding needed to meet the Federal government's treaty and trust responsibilities to the MHA Nation.

We currently need about $215 million to cover road construction and anticipate needing $1.185 billion over the next 10 years to maintain Reservation roads. Roads maintenance and upgrades are needed to provide safe communities and to support commercial and energy activities. Recent estimates for new road construction to meet industrial standards are about $4.5 million a half mile. In addition, over the next 10 years we anticipate needing $365 million for transportation improvements and safety.

In the area of housing, the MHA Nation has an immediate need of $270 million for housing and $160 million for housing related infrastructure. Over the next 10 years, we anticipate needing $1.17 billion for housing growth and replacement, and $234 million for housing related infrastructure. New housing development will also require about $76 million in rural water infrastructure to provide municipal, residential and industrial water supplies. We also need to expand our solid waste facilities. Over the next 10 years we anticipate needing $150 million for solid waste facilities expansion.

With increased populations we also have increased need for law enforcement. We currently estimate needing about $10 million to meet existing law enforcement needs, $10 million for our Drug Enforcement Agency, and $75 million for social services and public safety. In 2016, our law enforcement personnel handled almost 14,000 calls. Each year the demand on our law enforcement officers continues to increase. From 2015 to 2016:

- arrests rose from 30 to 103;
- methamphetamine seizures rose from 220 grams to 1037 grams;
- illegal use of prescription pill cases rose from 14 to 870;
- missing children reports rose from 0 to 16; and,
- missing person reports rose from 0 to 5.

Fortunately, on March 31, 2017, we were able to complete a new Public Safety and Judicial Center on a budget of $17.2 million. The Center provides space for law enforcement, communication, a 911 call center and tribal courts. To operate the Center we will need an annual budget of $9.5 million.

To address the increase in drug related crimes and social problems we are developing a Drug Treatment Facility. We expect to complete the Facility in May 2018 on a budget of $24.8 million. The Facility will provide residential treatment. To operate the Facility we will need an annual budget of $5.25 million. Over the next 10 years we anticipate needing $240 million for drug enforcement.

To provide for our elders we are also developing an Assisted Living Facility. Completion is expected in April 2018 on a budget of $8.5 million. To operate the Facility we will need an annual budget of $2.4 million. To take care of our increasing populations we also need to expand our existing health care clinic. We currently need $70 million to expand our clinic.

Finally, it is important to note that increased energy development also brings a need for increased human capital within tribal government. While the federal government asks tribes to take on more oversight and responsibilities for trust resources, federal proposals lack the funds tribal governments need to hire and train staff. To provide regulatory staff and resources to oversee oil and gas development on our Reservation under current laws we need $20 million immediately and anticipate needing $234 million over the next 10 years to staff and support regulatory offices.

Federal Leasing of Tribal Facilities

When we are able to take action with tribal funds and replace aging federal facilities, at a minimum, the Federal government must sign leases to use the facilities and secure O&M funding to fulfill the federal functions that occur in these facilities. For example, the Bureau of Indian Affairs (BIA) recently run into problems finalizing leases due to new issues being raised at the General Services Administration (GSA). BIA needs full authority to enter into leases to operate facilities constructed by Indian tribes. These are still federal responsibilities, we simply took action to repair and replace aging and often unsafe federal buildings

To resolve this issue, the MHA Nation asks that the Subcommittee include language in its FY 2019 appropriations bill that grants BIA full unilateral leasing authority. There are no other federal spaces available on our large, remote and rural reservation and BIA should be able to utilize tribal placement facilities as needed to run federal programs.

Funding for Drug Addiction Prevention and Treatment

One of the more important infrastructure projects we are working on is a Drug Treatment Facility noted above. When this facility is completed we will need long term funding solutions to ensure that we can provide stable services to our Reservation. Currently, the Indian Health Service (IHS) has a small amount of treatment dollars, the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Department of Justice (DOJ) have small competitive grant programs. We cannot sustain treatment programs with this kind of funding. Meanwhile, BIA's Office of Justice Services (OJS), which actually operates or funds on-reservation detention programs, has no treatment dollars at all.

Meanwhile, Medicare and Medicaid regulations prohibit the use of funding for court ordered treatment. This is a result of how funding works in state detention facilities. This does not work for tribal facilities and tribal sources of funding. We ask that FY 2019 appropriations for Medicaid and Medicare allow tribes to access this funding by including the following language: "except persons receiving addition services pursuant to an order of a tribal court."

Office of Special Trustee – Office of Trust Funds Management

In addition to adequate infrastructure, we need Federal agencies that are well staffed to support energy development on our Reservation. This includes the management of trust revenues from energy development. The Office of Special Trustee (OST) and its Office of Trust Funds Management (OTFM) provides direct services to the MHA Nation and its members in the management of revenues from energy development. We ask that the Subcommittee provide funding for these essential federal staff and maintain local offices.

In areas of active energy production, like our Reservation, OST and OTFM staff must maintain staff and offices onsite. On our Reservation, OTFM is responsible for overseeing thousands of individual Indian money (IIM) accounts and must be available to answer questions and resolve issues with an account. In large part, the number of IIM accounts on our Reservation is a legacy of the Federal government's allotment policies that divided up Indian lands. OTFM could not serve these accounts without a local presence and expertise.

Increased Funding Needed to Complete Fort Berthold Rural Water System

We also ask that you work with your colleagues on the Energy and Water Appropriations Subcommittee to increase annual funding for Authorized Rural Water Projects, including, funding from the $500 million in existing surpluses in the Bureau of Reclamation (BOR) Fund. Our Fort Berthold Rural Water Project remains incomplete more than 50 years after it was originally authorized. This Project was promised when the Garrison Diversion Unit, part of the Pick-Sloan Missouri River Basin Project, flooded the heart of our Reservation and cut off tribal members from their long-standing water supplies. No other rural water projects have taken this long.

Under current funding levels, this important infrastructure project will never be completed. By the time BOR funding reaches our project managers there is little for us to spend on construction each year. North Dakota takes half of the Garrison funding and the other half is split among four tribes. As a result, in many years, the Fort Berthold Rural Water Project barely has the money to keep going. At this rate, funding provided by Congress can barely keep up with the cost of inflation.

Tribal Consultation Needed on Interior Reorganization Plans

Finally, it has been about a year since Secretary Zinke announced his plans to reorganize the Department of the Interior. The Secretary has not held a single consultation session us or any other tribes. We ask that the Subcommittee refuse to appropriate any funding for reorganization efforts until proper and required government-to-government tribal consultation is held. Interior's own Tribal Consultation Policy requires that we have input in the early stages of this effort, not once the decisions have already been made.

Thank you for the opportunity to testify. The MHA Nation is ready to work with the Subcommittee in support of these requests.

Mr. CALVERT. Thank you. Thank you.

Roger Trudell, chairman of the Santee Sioux Tribe. You are recognized for 5 minutes.

WEDNESDAY, MAY 10, 2018.

SANTEE SIOUX TRIBE

WITNESS

ROGER TRUDELL, CHAIRMAN

Mr. TRUDELL. I thank you. And I am sorry for charging your table earlier.

Mr. CALVERT. No problem.

Ms. MCCOLLUM. We are happy you are here.

Mr. TRUDELL. Mr. Chairman, Ms. McCollum, and Mr. Cole, I am glad to be here today. I think I was here before, a couple years ago. We presented, you know, written testimony to you, and I know that you read it, so I am not going to sit here and read you what you are going to read after a while anyway.

I want to take some time. I am also the chairman of the Great Plains Tribal Chairmen's Health Board. And I noticed there were a lot of questions about health and diabetes and that type stuff, so it is an area that—and especially mental health, it is an area that, you know, I have a lot of concerns in. So if you have any questions that I can answer after, I will be more than glad to.

I am also accompanied by our CEO. His name is Dan Redowl. He is sitting back here somewhere.

You know, we experience a number of things on our reservation. We are not one of the bigger reservations. We have one of the smaller land bases. We are 12 by 17 miles. We are in northeast Nebraska, Knox County specifically. It is one of the poorer counties also in Nebraska, steadily losing its spot. Ten thousand people in that county, and that population is declining every year, with the exception of our Tribal population, which goes up about every year.

So we have, you know, some economic development of our own. We need more. We have C stores, two on the reservation and one south of the city of Yankton, South Dakota. We also have a casino. It is a class II casino, it is not a class III. We don't have a compact with the State of Nebraska, because none is required. We don't earn enough to have, you know, per capita to the people. Our sole intent was to provide employment for Tribal members. About 85 percent of the employees at that casino are Tribal members. So, you know, that is one of our goals was to employ Tribal members.

Overall, I think we employ a couple hundred Tribal members out of a population of, I think, close to a thousand people actually on the reservation, given on whatever day it happens to be. We do have a highly mobile population of about 10 percent, you know, that is transient between the reservation and Sioux City's Highway, where there is another substantial amount of Santee Sioux living.

We are originally from the State of Minnesota. We were removed in 1863, 1862. You know, our Tribe has the record, which is not a very popular record, I guess, for having the largest mass execu-

tion of our people, 38 members hung at one time at Mankato, Minnesota. So, you know, that is a subject that kind of doesn't sit very well with a lot of people. They don't like to discuss it a whole lot.

We do have a violent history, which leads to a lot of, I think, problems with our young people. And our young people put theirselves in some dangerous situations, and sometimes our parents put our children in dangerous situations. And we don't have the safe houses for them to take them out of them situations.

You know, at one time, the Health Board asked Indian Health Service to go to every reservation, assess every building on those reservations, because the excuse for everything is we don't have beds. There are no beds for youth. So we said, go to every reservation and have the buildings there assessed. Maybe we can convert something. It doesn't matter whose reservation it is. Maybe we can convert, make beds for some of our youth to get them out of the drug and alcohol scene and out of maybe homes where it is not safe for them.

Currently, we have people that pick up some of our younger people when they hear that they are, you know, thinking about suicide or whatever. They will pick them up, drive them around all night until they are settled down. You know, most of the time, it takes about 12 hours really to make contact with that youth and get them back into a point where they are like theirselves again or where they can cope with whatever situation they are in.

So I look at facilities in a sense that, you know, if we could take a child out of a bad situation for 12, 24 hours, save that child's life, we have accomplished whatever we need to accomplish. Child suicide is probably the worst thing that could ever happen anywhere. And I know our reservations in the Great Plains have dealt with epidemic proportions of child suicide.

And we do not have the mental health resources that are needed on the ground to deal with the number of issues that we have that need to be dealt with. You know, at some time, if we don't get our young people at an early enough stage, you know, we are going to continue to lose that generation. And we can't afford to lose those generations.

You know, some days, these people are going to be the leaders of the Tribe. And, you know, I don't know what the result of long-term meth addiction is. I am sure you are not functioning the way you should be. And these people will be in charge of everything, you know. So we need to really look at it in the sense of self-preservation, that we need to attack this and get it cleaned up and get our people straightened out, make them think proudly of theirselves, respect theirselves, or, you know, we won't be around in another few years, I guess. I am sure you hate to see that, sir.

So thank you. I see the red light.

[The statement of Roger Trudell follows:]

TESTIMONY OF CHAIRMAN ROGER TRUDELL
ON BEHALF OF THE SANTEE SIOUX TRIBE OF NEBRASKA
BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT AND RELATED AGENCIES
THURSDAY, MAY 10, 2018

Good afternoon Mr. Chairman and Members of the Committee. My name is Roger Trudell and I am Chairman of the Santee Sioux Nation. I thank you for the opportunity to provide testimony today on behalf of my Nation on the Fiscal Year 2019 Appropriations requests of IHS and BIA. The Santee Sioux Indian Reservation is located in a severely economically depressed area of rural northeastern Nebraska. The Reservation covers approximately 184 square miles and is composed of approximately 2,900 enrolled members, around 800 of whom reside on or near the Santee Sioux Indian Reservation. We operate and manage a variety of Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs – all of which are critical to our tribal members. I appreciate the opportunity to present these issues of importance.

Before I go into several specific issues, I want to clarify why we are here as a sovereign nation requesting funds. We are here, along with leaders of the other Native American/Alaskan Native leaders, today because Santee Sioux are at a severe disadvantage. We are not the same as states or even localities. We do not have the same structures nor the same economies. Our Tribe was relocated by force to land that was not ours, in fact we are still barred by an Act of Congress from returning to any of our ancestral land in Minnesota. We were forced into agreements that purposely controlled our economies and ways of life. Those agreements/treaties made the Santee Sioux economy reliant on federal appropriations for the lives of their people. It is because of those agreements/treaties, I am here today.

LAW ENFORCEMENT

Our reservation covers 117,000 acres in a rural location. Regarding law enforcement, our situation is critical and the safety of my Nation is already at risk. In particular, our Nation requires a sufficient number of law enforcement officers that includes a criminal investigator and a local detention facility to hold arrested individuals within the Santee Sioux jurisdiction to alleviate long periods of time we are without law enforcement coverage on the reservation. Currently, four law enforcement officers are responsible for serving our entire community. The closest detention facility for arrested individuals is located in another state, in the cities of Yankton and Wagner, South Dakota. Officers must leave the field to transport arrested individuals to these facilities in South Dakota and then drive back to the reservation to continue their shift. This takes law enforcement officers out of the field for significantly long periods of time. With an already reduced police force, this puts the community at a significant safety risk. Additionally, officers must again leave the field to drive to South Dakota to pick-up and transport offenders back to the reservation to appear in court. Furthermore, officers must remain at the court for proceedings with the offender in shackles due to the lack of a holding facility. These proceedings often consume an entire day, further reducing the number of officers in the field and putting our community at even greater risk.

Often, the Police Chief is the only officer on duty to cover the entire reservation. Even further compounding the problem is the lack of funding to hire a criminal investigator to gather evidence, investigate crimes, interview witnesses and apprehend suspects.

To address the need for a local detention facility within the Santee Sioux jurisdiction and alleviate the burdens that take critically needed officers out of the field for transportation of detainees, we request appropriations increases for tribal law enforcement programs for additional officers and investigators while also providing needed monies for reservation based local detention facilities.

METHAMPHETAMINE AND OPIOID TREATMENT FACILITIES

In addition, the Santee Sioux Nation currently faces an immediate and dangerous crisis due to the influx of methamphetamine onto our lands and the increase in opioid abuse. As a result, the Santee Sioux is seeing a significant increase in the cost of treatment of patients due to addiction, disease, overdose, or death. The Nation wants to beat this problem, but funds are desperately needed for counseling, treatment and rehabilitation services, and increased foster care for children of parents suffering from drug addiction, related disability or incapacitation. Again, as with law enforcement, the only treatment facilities available are located in South Dakota and are already overburdened. Without on reservation treatment facilities and additional funding levels to address this horrible issue, our communities will continue to suffer.

MENTAL HEALTH PROGRAM AND TRIBAL YOUTH SHELTERS

Ensuring the health and safety of our children is a top priority for our Tribe. With a reduced police force and an increasing onslaught of methamphetamine and opioid abuse, there is a real and immediate need for a safe place for children exposed to drug abuse and violence in the home. More often than not, children exposed to violence or drug abuse in the home have no safe place to go. Our tribe has resorted to members of our Mental Health Committee opening their homes to these children in need of a safe place to stay. Additionally, children suffering emotionally or struggling with mental and emotional issues, do not have a safe place to go. Members of our Mental Health Committee often spend the night just driving around talking with a child in need because there is no other place to go for help. The Santee Sioux are in desperate need of a youth home that provides shelter and safety for infants and children exposed to violence, endangerment, or neglect. A home that serves as a place where our youth can receive culturally appropriate intervention and support services.

To address the impacts of methamphetamine and opioid abuse and the unmet needs facing our youth and families, we urge the Subcommittee to increase funds for IHS Mental Health Services and Alcohol and Substance Abuse Programs. Additionally, we request report language requiring behavioral health providers hired under this initiative to provide services at youth homes and shelters and we ask the Subcommittee to appropriate funding for the construction, staffing and operation of emergency youth shelters.

ACCESS TO WATER LINES, ELECTRICITY AND SANITATION

A number of our tribal members reside in extreme rural areas and do not qualify for HUD housing, due to limited inventory (which I know is another Subcommittee's jurisdiction) and other issues. As such, some have taken measures to construct their own housing or to purchase manufactured housing, but these homes do not have access to water/sewage lines and/or electricity due to the location of the reservation and the limited funds for infrastructure expansion. Our population is growing while our ability to house our people is not. We need funds to expand needed water/sewage access and for power hook-ups.
Another issues is the upkeep and maintenance of vehicles used for refuse collection. The Santee Sioux Reservation covers approximately 184 square miles and sanitation vehicles must travel the complete distance covering remote and rural areas on a daily basis, with the nearest refuse center located in the city of Yankton, South Dakota. This puts extreme wear and tear on these vehicles. We need increased funding to provide access to water, electricity, improved sanitation. We ask the Subcommittee to appropriate funding to meet these immediate and basic needs.

Thank you for the opportunity to present the most immediate needs of the Santee. We believe that our requests further our shared goal of improving the lives of the Santee people and we look forward to working with the subcommittee on our requests.

Mr. CALVERT. Thank you very much for your testimony, sir.

Next, Victoria Kitcheyan, councilwoman, Winnebago Tribe of Nebraska. Welcome, and you are recognized.

WEDNESDAY, MAY 10, 2018.

WINNEBAGO TRIBE OF NEBRASKA

WITNESS

VICTORIA KITCHEYAN

Ms. KITCHEYAN. Good afternoon. My name is Tori Kitcheyan. I am a member of the Winnebago Tribal Council. I am an elected—excuse me, I am a member of the Winnebago Tribe and elected member of the Winnebago Tribal Council. I also serve as the Great Plains representative and vice chair of the National Indian Health Board. And I want to thank this subcommittee for your time today and for the wonderful staff, Darren Benjamin, has been to our endeavors and the steadfast support that he has shown to the Winnebago Tribe. And I thank you for that, sir. And I would also like to publicly acknowledge our Congressman Fortenberry and his chief of staff, Dr. Archer, who has been very helpful and a champion along this path.

As noted at last year's hearing, it was really difficult for me to come here and tell you that things had gotten better. And here I sit today and announce that we still house the only Federal facility to lose its CMS certification. We are going on 3 years. July 23 will be the third anniversary of our loss of CMS certification, and it appears that there is not an application on the horizon.

And for that reason, you know, I come here again to say that, in 2015, the Winnebago Tribe was adamant that the agency should fix this. The agency broke it, the agency should fix it. Well, as the days, the months, and now the years have passed, the Winnebago Tribe has taken a concentrated effort towards self-governance. And it was a decision that the Tribal Council monitored and learned about. And the failed bureaucratic system and the dozens of deficiencies being managed from hundreds of miles away was not making any progress.

So it was at that point that the Tribe had decided to take a monumental challenge of taking on the management and assumption of this facility.

I am pleased to announce, though, to the subcommittee that the Winnebago Tribe has requested and has been formally approved to participate in the his Self-Governance Program through the Indian Self-Determination and Education Assistance Act. We are engaged in negotiations with a July 1 assumption. And we know this is a major undertaking, but we are confident that the Tribe can do it and the Tribe can do it well. The healthcare of our community is at stake here, and we believe that no one else is vested in that interest but ourselves.

To that end, we are taking the necessary steps to rebuild a strong team, develop partnerships, create strategic planning, also in line sustainable operational and financial plans, and recognize

that in order to be successful, we are also going to need outside help and the continued support of your help as well.

While the additional accreditation emergency funds that you so generously and kindly allocated have helped us stay afloat, the hospital administrative infrastructure, service delivery systems are not going to be easy tasks. We are going to have to create new hospital systems, develop policies and procedures, hire, recruit and train staff, provide extensive training, hire accreditation specialists and consultants.

So this journey is not over for us. Rather, it has just begun as we make some hard decisions about existing equipment, reestablish our hospital's creditability with Medicare and Medicaid, other third-party payers, the surrounding local medical community and facilities in the Siouxland area. We are also hoping to rebuild the confidence in the patients, our Tribal members that—and the many other Tribal members that facility serves.

We are prepared to do the work, but we make no false assumptions that this is not going to be challenging and we have some serious obstacles. And I am also a little sickened to, you know, think about the money that has been lost over this lack of certification and that the American taxpayer has had to step up and fill the void. And it is these losses that we simply cannot continue and that the agency has failed us, and it is sad that we are at this point.

But I am telling you, it is going to be a new day in Winnebago and it is going to be a new day in the Great Plains. And as far as our status and specific needs, of course, our goal is to provide the best services possible. While, like I said, the accreditation emergency funds have helped a great deal, we won't want to see those continue to be used in the ED. You know, that is not a long-term solution.

We would like to see permanent, qualified staff. We would like to see the loss of the third-party revenue restored. We would like to see all the necessary steps, training, the focused effort to restore that certification. And we also want to stay in contact with the agency and make his continue to partner with us as we correct this together. You know, make no mistake, his is not off the hook here. So we would like to remain partners.

And aside from, you know, some of our hospital assumption and CMS accreditation, I wanted to just briefly mention behavioral health. You know, we have heard some about the CHRs and the lifeline that they are to the Native community, and the preventative care. You know, we are catching people who could be going into a diabetic coma, and these CHRs really are a lifeline for us.

I want to also impress upon the importance of the sanitation infrastructure and that also remain a priority. I mentioned that we are a member of the Great Plains Tribal Chairmen's Health Board, and I serve as the proxy. And we stand in full support and solidarity of Pine Ridge, Rosebud, and all the other Great Plains Tribes that have literally, you know, been hanging onto their certification by the skin of their teeth, as they say.

But it is quite, you know, apparent that there is an inadequate amount of money and attention to these issues. But for this reason, we call upon this subcommittee to continue to do everything in

your power to support our relatives in South Dakota as well as Nebraska so that we can, you know, help ourselves come out from this situation and really provide the quality that our Tribal members all deserve.

We recently learned that Cheyenne River, Oglala, and Rosebud will be announcing their plans for the reconstruction and reinvigoration of the his Sioux San Hospital. So we just ask that you please support them as well. And, you know, they are starting on a new course, and it is going to impact lives. And we have got a large Tribal membership, and those members count on that Rapid City facility, and so that is just not a solution for it to go away or be reduced in any way. We just support them.

Also, because my colleagues have done such a good job over these past 2 days of commenting on the illogical and unsupported fiscal year 2019 proposed budget for BIA and BIE, I won't go through that, but I just want to say that we also stand with them and ask for your ongoing support for these areas, and just that we are thankful to be here today and to share these thoughts and concerns and that we can continue this dialogue so that we can come up with some sustainable solutions for all of our Tribal members. Thank you.

[The statement of Victoria Kitcheyan follows:]

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TESTIMONY OF

VICTORIA KITCHEYAN

ON BEHALF OF

THE WINNEBAGO TRIBE OF NEBRASKA

MAY 2018

Good Afternoon:

My name is Tori Kitcheyan. I am a proud member of the Winnebago Tribe and an elected member of the Winnebago Tribal Council. I am also the Great Plains representative and Vice-Chairperson for the National Indian Health Board. Thank you for inviting me here today.

I would like to begin by thanking each and every Member of this Subcommittee, and your wonderful staff member, Darren Benjamin, for your steadfast support of the Winnebago Tribe during our on-going health care delivery crisis. I would also like to publically thank our Congressman Jeff Fortenberry, and his Chief of Staff Reyn Archer for being our Champions.

As I noted at last year's hearings, it is very difficult for me to come here, year after year, and announce that the Winnebago Reservation still houses the only federally operated hospital in the United States to have lost its CMS certification, but that is the reality. I also wish that I could tell you that this crisis is now over, but it isn't! As of this coming July 23rd, it will be three years since the hospital lost its ability to bill Medicare and Medicaid because of poor quality patient care, and IHS still has not yet even submitted an application to CMS.

When this ordeal began in 2015, the Winnebago Tribe was adamant that because the Indian Health Service created this problem, the Indian Health Service needed to fix it. As the weeks, months and now years went by, the Winnebago Tribe finally came to the conclusion that we could no longer wait. We can no longer wait for a failed bureaucratic system that is managed from hundreds of miles away to fix itself. We can no longer wait for someone else to be in charge of correcting the dozens of deficiencies necessary to meet even basic standards of healthcare for our people. Instead, the Winnebago Tribe has decided to take on the monumental challenge of assuming management of the hospital operation.

I am pleased to announce to the Subcommittee that the Winnebago Tribe requested and has been formally approved to participate in the IHS self-governance program under the Indian Self-Determination and Education Assistance Act. We are now in active negotiations with the Indian Health Service to enter in a compact and funding agreement to assume hospital operations on July 1, 2018. We know that this is a major undertaking, but we are confident that the Tribe has the

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ability to do this, and do it well. The healthcare of our community is at stake and no one has a more vested interest in making sure we are successful than ourselves.

To this end, we are taking the many steps necessary to build a strong team, develop partnerships, and create strategic plans as well as sustainable operational and financial. We also recognize that to be successful we need outside support and we are going to continue to need your help.

While the additional accreditation emergency funds that you have so kindly appropriated have helped the hospital to stay afloat, rebuilding the hospital's administrative structure and service delivery systems will not be an easy task. We will need to create new hospital administrative systems, develop policies and policies, recruit and hire new staff, provide extensive staff training, hire accreditation specialists and consultants, make hard decisions about existing equipment, and re-establish our hospital's creditability with Medicare, Medicaid, other third party payers, and our local medical facilities. We are also going to have to rebuild the confidence in this facility that our members and the surrounding Indian community have lost over the years.

We are prepared to do the work, but we have no false assumptions. We know that we will face some serious obstacles and we know that we are going to need financial help to overcome them. I am sickened when I think about the amount of third party billing that our facility has lost in the last three years, and about the fact that the American Tax Payers have had to step up and help overcome those losses, simply because the federal delivery system failed so badly. But I am here to assure you that it is a new day at Winnebago and that our Tribe is now moving forward thanks to your help.

STATUS AND SPECIFIC NEEDS

Our goal is to provide the best possible services that we can to our people. While the added accreditation emergency funding has helped a great deal, it has utilized by IHS primarily to staff the Emergency Departments with contractors at Winnebago, Pine Ridge and Rosebud. From an operational standpoint, it is critical that the vacancies be filled, to the extent possible, with well-qualified and permanent staff. It is also critical that the lost third party revenues and carry over funds be restored so that the hospital has the necessary reserves and operational funding going forward. Training and staffing focused on the restoration of CMS accreditation will also take considerable effort. We have been in communication with the Indian Health Services administration about these specific needs through the self-governance negotiations process, and we are hopeful that the resources will be allocated appropriately. Just because the Tribe is assuming management of the hospital, this is not over for IHS. We need to remain partners and we need to work together to ensure success.

Aside from the immediate needs relating to the hospital assumption and CMS accreditation, I would also like to touch on a few additional points. One of these areas is in relation to behavioral health. We recognize, for example, that there are simply not enough resources for inpatient behavioral health beds and for long term substance abuse and drug treatment beds. In addition to

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opioid abuse, there is an ongoing issue with treatment for individuals with methamphetamine addictions in our communities. This places a burden on the existing systems and many are left without help.

While we have been forced to focus on our hospital for the last few years, we would also be seriously remiss if we failed to ask for this Subcommittee's on-going support for our community health programs. A very critical component of tribal health programs are the Community Health Representatives. These hard working people literally drive our outpatient care program, and provide vital follow up services for patients. They not only assist the elderly and infirm to remain healthy, they also help to ensure that our recently released patients are not required to return to the hospital for a second stay. In short, they are a cost effective way of providing vital services to our people, and of ensuring that limited IHS dollars are utilized in the most important and cost effective manner possible.

I must also recommend continued funding for on-reservation water and sewer systems. Currently, the systems that we are using have a high magnesium content which needs to be addressed regularly to meet basic safe drinking water standards. We have nearby springs which could be tapped, but we lack the funding to do so. Our sewer system is also out and out of date and it is in need of constant maintenance. These are the type of infrastructure projects that cannot only stimulate the economy and create jobs, they can also preserve and enhance human health.

I also want to advise you that, as a Member of the Great Plains Tribal Chairmen's Health Board, the Winnebago Tribe stands in full support and solidarity with Pine Ridge, Rosebud and the other Great Plains Tribes who have quite literally seen their hospitals hold on to the CMS Certification by the "skin of their teeth." If your colleagues want to see what happens when the Indian Health Service receives an inadequate amount of money and attention, look at Winnebago, and the millions of dollars of private third party billing that has been lost as a result of those failures. For this reason, the Winnebago Tribe calls upon this Subcommittee to continue to do everything in its power to support our relatives in South Dakota and the entire Great Plains Area, because no tribe should ever have to go thru the type of crisis that the Winnebago and Omaha Tribes have lived with for the last three years.

We recently learned that the Cheyenne River, Oglala and Rosebud Sioux Tribes have announced their plans to contract for the reconstruction and reinvigoration of the IHS Sioux San Hospital in Rapid City, South Dakota. Please do everything you can to help them accomplish their goals, and please remind your colleagues that the decisions that this Congress makes regarding Indian Health Care literally impact human lives.

Because my colleagues have done such a good job of commenting on the illogical and unsupportable FY 2019 proposed budget for BIA and BIE, I will not repeat what they have said. I will just join them in their exasperation. As an elected official, I am totally baffled by the complete disconnect between what the Department of Interior admits to be its minimum actual needs, and the requests that they are putting forth. One of the things I have learned over the past three years, is that the people who actually work with these programs every day are never given a

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voice in the budget development process. I still do not understand what happens between the local BIA, BIE and IHS officials' recommendations, and the final OMB submittals, but as a taxpayer I find it more than a bit disturbing. Had our local IHS Service Unit staff been given a stronger voice in this national process, our Winnebago Hospital might not have lost its CMS Certification in the first place and the United States would not have lost hundreds of thousands of dollars in third party billing.

For all of these reasons, I encourage you to continue to seek out ways to hear more from the real program operators, and not just from political appointees and supervisors who have never been in the school that they are referencing, never looked personally at the local crime statistics they are talking about, and never met a mother whose son has been denied a medical referral. We are tired of listening to the same script when what we need to be discussing is how we can provide the most needed services in a cost effective manner.

A prime example of this is the potential presented by renewable energy. Winnebago, like all Great Plains Reservations, is located in a rural area where energy costs are high and the costs of upgrading our energy systems are also far higher than in other more populated areas. This makes an investment in renewable energy a local and cost effective solution. Renewable energy may not be appropriate for all areas of the country, but in rural Nebraska it is something to be seriously considered, especially since it is often tax payer dollars footing our local energy costs.

Now, please do not get me wrong, as an elected official, I know all about budgets and spending limitations, but I also know that I want to be able to make the most informed decisions possible. That is why I, and all of the Tribal leaders in this room, appreciate these hearings so much. It is our only chance to tell you the truth about what is happening.

Finally, I would be remiss if I failed to thank you for your on-going support for improved law enforcement, but continue to advise you that your dollars are not yet making it down to our Reservation. On most nights we are down to only one officer covering our entire reservation. This is both illogical and dangerous. So please, continue to press for additional dollars, because our people deserve to feel safe!

Thank you for your time and attention.

Mr. CALVERT. Thank you, and thank you for your testimony.

Mr. White Owl, could you, explain for the committee, the taxation per barrel of oil so we can better understand it. Maybe you can get us a summary of that that we can put into the record. I am just curious. When you extract a barrel of oil from the ground, how much is the State of North Dakota extracting from you?

Mr. WHITE OWL. Extracting from us in——

Mr. CALVERT. In the form of a tax.

Mr. WHITE OWL. In the form of the tax. Well, it is set according to the index of pricing of western Texas. WTI is probably the best way to explain that.

Mr. CALVERT. How much per barrel?

Mr. WHITE OWL. Fifty percent of it. Fifty percent of what we have.

Mr. CALVERT. Okay. That is through the State of——

Mr. WHITE OWL. North Dakota.

Mr. CALVERT. That is the State of North Dakota. So that is because they own—do they own 50 percent of the resource?

Mr. WHITE OWL. No, they don't own any of it at all. Well, on trust land, on trust land, they don't own any of it at all. It is 100 percent ours and should be as of by right.

Mr. CALVERT. And so when you say a dual tax, what is the other tax?

Mr. WHITE OWL. Well, we have a tax-sharing agreement, per se. It is at 10 percent total. So we get 5 percent, they get 5 percent.

Mr. CALVERT. I see. Could you just get us a breakdown just for the record? I would just like to look at that at some point.

Mr. WHITE OWL. Sure. I will definitely get that to you as soon as possible.

[The information follows:]

MANDAN, HIDATSA & ARIKARA NATION
Three Affiliated Tribes * Fort Berthold Indian Reservation

Mark N. Fox
Office of the Chairman

U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

Testimony of the Mandan Hidatsa and Arikara Nation
Subcommittee Request for Supplemental Data on State Dual Taxation and Impacts on Tribal and Federal Budgets

May 29, 2018

Mr. Chairman and Members of the Subcommittee, on May 10, 2018, the Mandan Hidatsa and Arikara Nation (MHA Nation) provided testimony on state dual taxation of tribal energy resources and its impacts on the MHA Nation and Federal budgets. In response to the Chairman's request, the follow information provides more detail on the budget impacts and the source of state dual taxation.

As explained further below, over the last 10 years, the State collected more than $2 billion in taxes from the MHA Nation's Fort Berthold Indian Reservation, including $1.2 billion from lands and minerals held in trust for the MHA Nation. Over this same time period, the MHA Nation tribal government had a budget shortfall of $1.95 billion while the State sits on a $4.3 billion rainy day legacy fund. State dual taxation should be eliminated to support tribal governments and economies while lessening the burden on Federal appropriations.

State Dual Taxation Denies MHA Nation Needed Tax Revenues

To avoid state dual taxation of energy resources developed within the Fort Berthold Indian Reservation, the MHA Nation was forced to enter into a tax agreement with the State of North Dakota. Over the last ten years under this agreement more than half of the tax revenues from oil and gas development on the Reservation have gone to the State. For example:

- In the last half of 2008, almost $5 million was collected in tax revenues from the Reservation, including both Indian trust lands and non-Indian lands. The State took 69% of these revenues or about $3.5 million. The MHA Nation took 31% of the revenues or about $1.5 million.

- Five years later in 2013, about $400 million was collected in tax revenues from the Reservation. The State took 54% of the revenues or about $215 million. The MHA Nation took 46% of the revenues or about $182 million.

- Over the five-year period from 2008 to 2013, about $838 million was collected in tax revenues from the Reservation. The State took 58% of the revenues or about $486 million. The MHA Nation took 42% of the revenues or about $351 million.

- Over an eight-year period from 2008 to 2016, about $2.276 billion was collected in tax revenues from the Reservation. More than half of these revenues, about 51%, were distributed to the State and the MHA Nation received less than half, about 49%, of the tax revenues from oil and gas development on its Reservation.

Overall Budget Impact of State Dual Taxation on the MHA Nation

- Over the last 10 years, since 2008, the State took $1.2 billion in taxes from trust lands on the Reservation and more than $2 billion Reservation-wide.

- The State has never reported how these funds benefit the Reservation. We know that in 2011 the State took about $82 million in taxes from our trust resources, but spent less than $2 million on state roads on the Reservation and $0 on tribal and BIA roads.

- Over the last 10 years, the MHA Nation had a budget shortfall of $2 billion, while the State is sitting on a $4.3 billion dollar rainy day Legacy Fund.

- Over the next 5 years the State will take another billion in taxes from oil and gas development on the Reservation.

State Dual Taxation Strains Tribal and Federal Budgets

Energy development brought new economic opportunities to our Reservation, but it is also overwhelming our transportation infrastructure, straining our law enforcement and healthcare facilities and requiring substantial investments in our community and governing infrastructure. Over the next 10 years, we estimate that we will need about $3.6 billion to maintain our physical infrastructure, develop our governing infrastructure and keep up with growth on the Reservation. For example:

Housing and Related Infrastructure

- Immediate need of $270 million for housing and $160 million for housing related infrastructure.
- New housing development will also require about $76 million in rural water infrastructure to provide municipal, residential and industrial water supplies.
- Over the next 10 years, anticipate needing $1.17 billion for housing growth and replacement, and $234 million for housing related infrastructure.
- Over the next 10 years, anticipate needing $150 million for solid waste facilities expansion.

Road Construction, Maintenance and Improvements

- Immediate need of about $215 million to cover road construction needs.
- Over next 10 years, anticipate needing $1.185 billion to maintain Reservation roads.
- Estimates for new road construction built to industrial standards are up to $3.5 million a mile.
- Over the next 10 years, anticipate needing $365 million for additional transportation improvements and safety.

Law Enforcement and Justice Services

- Immediate need of $10 million for law enforcement.
- On March 31, 2017, completed a new $17.2 million Public Safety and Judicial Center and need an annual operating budget of $9.5 million.
- Immediate need of $10 million for Drug Enforcement Agency.
- Immediate need of $75 million for social services and public safety.

Drug Treatment Facility

- On July 1, 2018 will open a new $24.8 million Drug Treatment Facility and need an annual operating budget of $5.25 million.
- Over the next 10 years, anticipate needing $240 million for drug enforcement.

Health Care

- Immediate need of $70 million to expand existing health clinic.
- Immediate need for an $8.5 million Elder Care Assisted Living Facility with annual operating budget of $2.4 million

Tribal Government Regulatory and Enforcement Staff

- Immediate need of $20 million for regulatory and enforcement staff.
- Over the next 10 years, anticipate needing $234 million to staff and support regulatory and enforcement offices.

State Dual Taxation Based on 1938 Indian Mineral Leasing Act Court Case

The Supreme Court decision that allows states to place a dual tax on Indian energy resources is based on a law dating back to 1938. This was 37 years before Congress would pass the Indian Self-Determination and Education Assistance Act of 1975. Based on this 1938 law, one Supreme Court case, *Cotton Petroleum Corp. v. New Mexico*, 490 U.S. 163 (1989), allows states to tax energy development on tribal lands. To avoid dual taxation, tribes are forced into tax sharing agreements that take the very tax revenues needed by tribes to utilize modern self-determination laws.

Finding that Congress *did not prohibit* state dual taxation, the Court's decision:

- wrongly determined that state dual taxation only had a marginal impact on the tribe, would not prevent the tribe from imposing its own taxes, and would not impact development on the reservation;

- found that general services, like off-reservation roads, justified state taxation even though individual states are not allowed to tax activity in neighboring states;

- found the use of state well-spacing forums by the Bureau of Land Management for on-reservation wells, which is actually a federal responsibility, justified state taxation;

- contradicted prior Supreme Court decisions stating that a state must have a specific and legitimate interest in the activity taxed and a state tax cannot be justified by general state services. *See Ramah Navajo Sch. Bd. v. Bureau of Revenue of New Mexico,* 458 U.S. 832, 838, 844, n.10 (1982); *White Mountain Apache v. Bracker*, 448 U.S 136, 150 (1980);

- does not account for modern tribal self-determination laws and policies; and,

- ignored arguments from the oil and gas industry that the dual taxes paid to the state far exceeded the services provided by the state.

Court Interpretation of 1938 Law Out of Touch with Modern Self-Determination Laws

While the Court was interpreting congressional intent in 1938, Congress had already moved on and was passing self-determination laws such as:

- Indian Mineral Development Act of 1982;
- Federal Oil and Gas Royalties Management Act of 1982; and,
- Indian Tribal Energy Development and Self-Determination Act provisions of the Energy Policy Act of 2005.

Each of these laws reflect modern Congressional policies and understanding that Tribes are active participants in Indian mineral development and need the full value of their minerals from taxation of minerals and from a working interest in the mineral revenues. In fact, one of the expressly stated goals of the IMDA is to *maximize* the financial return to the tribes for their valuable mineral resources. S. Rep. No. 97-472, 97th Cong. (1982).

Legislative Proposals to Clarify the Law and Affirm Tribal Taxing Authority

The impact of state dual taxation on tribal and federal budgets can be eliminated by amending Indian mineral leasing laws to clarify that tribes are entitled to the full value of their energy resources.

Proposed Legislative Text follows on next page:

Sec. XX. Amendments to Indian Mineral Leasing.

(a) Act of March 3, 1909.—The twelfth undesignated paragraph under the heading "COMMISSIONER" of title I of the Act of March 3, 1909 (25 U.S.C. 396), is amended—

(1) by striking "That all lands" and inserting the following:

"(a) Leases.—All land"; and

(2) by adding at the end the following:

"(b) Leases approved under this Act shall provide Indian tribes and Indian mineral owners with the maximum governmental and economic benefits associated with mineral leasing and development, including all revenue derived therefrom, to encourage tribal self-determination and economic development on Indian lands.

"(c) Within one hundred and eighty days of the date of enactment of this Act, the Secretary of the Interior shall promulgate rules and regulations to facilitate implementation of this Act.".

(b) The first section of the Act of May 11, 1938 (25 U.S.C. 396a), is amended—

(1) by striking "That hereafter unallotted lands within" and inserting the following:

"(a) Leases.—Effective beginning on May 11, 1938, the unallotted land within"; and

(2) by adding at the end the following:

"(b) Leases approved under this Act shall provide Indian tribes and Indian mineral owners with the maximum governmental and economic benefits associated with mineral leasing and development, including all revenue derived therefrom, to encourage tribal self-determination and economic development on Indian lands.

"(c) Within one hundred and eighty days of the date of enactment of this Act, the Secretary of the Interior shall promulgate rules and regulations to facilitate implementation of this Act.".

(c) The third section of Indian Mineral Development Act of 1982 (25 U.S.C. 2102), is amended—

(1) by adding at the end the following:

"(c) Agreements approved under this Act shall provide Indian tribes and Indian mineral owners with the maximum governmental and economic benefits associated with mineral leasing and development, including all revenue derived therefrom, to encourage tribal self-determination and economic development on Indian lands.

"(d) Within one hundred and eighty days of the date of enactment of this Act, the Secretary of the Interior shall revise and promulgate rules and regulations to facilitate implementation of this Act.

(d) Section 2604 (h) of the Energy Policy Act of 1992 (25 U.S.C. 3503 (h)) is amended—

(1) by adding at the end the following:

"(c) Agreements approved under this Act shall provide Indian tribes and Indian mineral owners with the maximum governmental and economic benefits associated with mineral leasing and development, including all revenue derived therefrom, to encourage tribal self-determination and economic development on Indian lands.

"(d) Within one hundred and eighty days of the date of enactment of this Act, the Secretary of the Interior shall revise and promulgate rules and regulations to facilitate implementation of this Act.

Fort Berthold Indian Reservation Roads Budget Needs

Fort Berthold Indian Reservation Roads Budget Needs

Fort Berthold Indian Reservation Roads Budget Needs

Mr. CALVERT. And how does that compare with other Tribes around the country?

Mr. WHITE OWL. Other Tribes around the country? Well, we were one of the first ones to establish such a tax agreement with the State of North Dakota. And it wasn't very conducive to the three affiliated Tribes at first. Actually, the deal was an 80/20 split. The State got 80 percent, we got 20 percent.

In the agreement in and of itself, we come back to it. Since the North Dakota Legislature meets biennially, every 2 years, we decided that it was going to be renegotiated every 2 years, so if there is a new incoming council, they have different priorities or anything as such, that they could negotiate that. And luckily, we were able to help some of the State legislators in North Dakota, State legislators in North Dakota see some of the light on that.

But it is our priority to advocate for us to at least get—Chairman Fox has made it a priority to talk about how, within our exterior boundaries, that we would—you know, it is ours. It is ours and we should be getting 100 percent of it, in general. And so we——

Mr. CALVERT. Somebody in the past had agreed or had signed into—it doesn't sound like a very good agreement.

Mr. WHITE OWL. Well, Governor Hoeven understood that there—when we look at business—then-Governor Hoeven, excuse me, Senator at this time, your colleague, knew and understood the business—the simple business fact that stability is needed, and predictability.

And so one of the ways to be able to do that to not have us implement each at that time 11½ percent, so which would have came up to 23 percent total to do business on the reservation, it would have discouraged it. And so we had the foresight enough to at least come to that type of agreement to be able to come to the table and talk about that, to negotiate that.

And so the revenues that we have seen have been what we haven't seen before. And it is something that where we as a government see this as our opportunity to generate that revenue that way for our——

Mr. CALVERT. Could you get us a breakdown just for the committee? I would like to see that.

Mr. WHITE OWL. Sure.

Mr. CALVERT. Victoria is easier to pronounce. I can't pronounce your last name.

Ms. KITCHEYAN. Kitcheyan.

Mr. CALVERT. Kitcheyan. Okay, Ms. Kitcheyan. We have been working on the issue, your Congressman has been very diligent in this, in getting the resources that were necessary to fix that problem with CMS. And that has been an embarrassment to all of us. I am sorry that that occurred. But it sounds, from your testimony, that progress is slow. I mean, we put significant resources in that. Are you seeing any improvements?

Ms. KITCHEYAN. Well, now where we find ourselves are in the midst of negotiations. And now the challenge is that we still want to have access to those emergency accreditation dollars. And after July 1, we are still going to have these concerns and working through that issue for, I hope not 3 years, but we are going to need the resources to—with the lack of third-party revenue sitting there

in a reserve or anything, we are going to need all the help, support, and dollars to make this a success. And that is where we are working now with our Congressman, to make sure that that language speaks to that access.

Mr. CALVERT. Well, we will continue to work with him and you, and hopefully we can get this problem fixed as soon as possible.

Ms. KITCHEYAN. Thank you, sir.

Mr. CALVERT. And we appreciate that.

And, Mr. Trudell, again, a common theme here has been this drug addiction and opioid and methamphetamine. It is a plague, especially in Indian Country, it seems, especially it seems in your region. And it is a horrendous thing. It has ongoing cost.

You asked the question, does methamphetamine have long-term mental health effects? Yes, it does. It virtually burns up the brain and it is irretrievable. And so that education needs to take place with young people that they are basically taking poison.

Mr. TRUDELL. Well, sir, you know, the reservations in our particular area were identified for saturation of meth and whatever.

Mr. CALVERT. Right, right. They went out in those rural areas.

Mr. TRUDELL. You know, it happened.

Mr. CALVERT. Terrible thing.

Mr. TRUDELL. There is a need to work to get rid of it.

Mr. CALVERT. Yes, sir. Yes, sir. It is a horrible problem.

Ms. McCollum.

Ms. MCCOLLUM. Well, thank you.

As you had just pointed out in your testimony, you were part of the Sioux Nation in Minnesota.

Mr. TRUDELL. Yes.

Ms. MCCOLLUM. A little thing called the Civil War was going on. People weren't paying attention here at the Bureau of Indian Affairs in Washington, and this will come as a shock to some, about what one of the Indian agents was failing to do, in not distributing treaty allotment provisions that the Sioux Nation was entitled to. And Little Crow made a decision. It was controversial even among the Sioux with the decision that Little Crow made. He said enough is enough. And he went and he said he was going to take care of his people. So the Sioux uprising happened.

We just had a reconciliation with that in Minnesota, in large thanks to Chairman Crooks, at our historical society and the ride that takes place coming back to Mankato.

But it is a great blot on Minnesota's history that we are the State in the Union where the largest mass execution took place. It would have been larger had not finally President Lincoln paid a little attention to what was going on in Indian Country in Minnesota. It is something which I can see, as a Minnesotan who is not Native American, in Minnesota that is part of our historical trauma for many of us who have come to realize what happened.

So the fact that you are removed from home, prohibited by an act of Congress from returning home to Minnesota, is something when you talk about historical trauma that many of us in Minnesota to a degree share with you, sir.

Mr. TRUDELL. And I realize that. I was at a number of the reconciliation activities.

Ms. MCCOLLUM. But we are not there yet.

Mr. CALVERT. Tom.

Mr. COLE. Just quickly, if I may, Mr. White Owl. In this arrangement that you have with the State government where you essentially split the severance tax, did they provide any services back, any infrastructure? In other words, are some of those dollars going back to anything that is helpful to the reservation?

Mr. WHITE OWL. Sure, Congressman and committee and Mr. Chairman, just FYI, the reason why they are allowed to dual taxation is bad case law, to be honest with you. It is very bad case law. And it is kind of an outdated Supreme Court decision.

And to answer your question, Congressman, minimal at best is the best way I can describe it. I know we have a good partnership with the State of North Dakota, but overall, it is minimal, at best, on the fringes of our reservation. The county governments do receive oil impact allocations. Unfortunately, they do not see fit to share with us directly or through the counties, which we have tribal roads that we have snow removal in North Dakota. As you all know, it snows up in North Dakota. So we have to do that, and generally, that comes out of our own funds. We get a million dollars for the entire reservation for our roads construction from BIA. So a million dollars on a million acres does not suffice, and so our tribal dollars go to that.

And the State, like I said, at best, gives minimal amounts of improvements or any kind of construction cost or anything as such to us. We don't receive it. It is something that I will and I can get a breakdown for you on.

Mr. COLE. I am just curious. And, again, I am not trying to stick my nose into North Dakota affairs. In Oklahoma, we don't have reservations. We have 39 Tribes with no reservations. What they can do is put their land into trust within the old historic boundaries.

But, you know, we do have agreements with the State government, for instance, on a certain amount of fuel tax revenue. It is not the same as your situation. The only Tribe that still has a mineral estate in Oklahoma are the Osage. And so, again, it is very different. But, I mean, that was the point. We said, okay, if we are going to actually charge the State fuel tax on our land—and you can't drive on the interstate without crossing Indian trust land in Oklahoma—then we expect a percentage of that, a negotiated percentage of that back, which we will use on our land. Otherwise, we won't charge any State taxes at all. We will charge the Federal taxes and we will have a huge price advantage and guess where everybody will come.

And so that sobered up the legislature and the State government, and they got very serious about negotiating with us. And we have, I wouldn't say it is a great deal, but it is a much better deal than what we had, and gives us control of a lot more road money within our area. And we quite often work jointly with our county governments or even the State government.

So I am just curious if something like that could be arrived at. I know historically, before you arrived at that agreement, the amount of money coming out with no money coming back was just overwhelming. I mean, basically charging State taxes for oil being extracted on Indian land and nobody coming back and using that

to build roads or infrastructure or anything like that. That was, quote, a Federal responsibility. So I am glad you at least made the progress you made.

Ms. MCCOLLUM. Mr. White Owl, part of what you mentioned with your public safety costs going up are people coming on to reservation lands who are not part of the reservation. So you are also picking up a large portion of public safety costs that are not being created by Tribal members. Is that not correct?

Mr. WHITE OWL. Yes, ma'am. That is very prevalent. Unfortunately, with the new development that is occurring and the opportunity that it does bring, it does bring not only good opportunity, but some of the bad that comes along with it. And, unfortunately, we have the jurisdictional issues and the different things that go on with that, and we take the brunt of that with our Tribal budget, and unfortunately, it is something that we definitely we will need, but it could be assisted if we can get some language to take away the ambiguity to where we can generate our own revenue. And that is really what we want the onus of our testimony today to be for MHA Nation is that we want to have your assistance on getting that gray area out and ambiguity of it and allow us to generate our own revenue through taxation.

Ms. MCCOLLUM. I thank you, Mr. White Owl.

Mr. Cole, Mr. Chair, when their public safety costs go up, we are now paying for it because they don't have much, so——

Mr. COLE. No, that point was quite well made.

Ms. MCCOLLUM. We have been watching—in Minnesota we get a lot of your news, so we have been watching.

Mr. WHITE OWL. I am a graduate from Mankato State, actually, so I can get some of your news too.

Mr. COLE. If we could, Ms. Kitcheyan, as you know better than any of us, we have had this challenge with his facilities in the Great Plains, we had three of them decertified at one point, two of them, obviously, have gotten back into certification, I assume. And I know at the time, Secretary Burwell over at HHS was very concerned, and there was actually a secretarial fund that we replenish every year. It is sort of unspent money moves into the Secretary's purview to be used for emergency-type situations. And she actually directed quite a bit of that toward these three facilities.

So it does—and I know you are exactly correct, of course, Congressman Fortenberry has been very, very helpful and anxious to see we do the right things.

What are the areas where we fell short where—you know, two of these facilities were able to get recertified. What are the challenges at Winnebago that that has not happened there? What are the shortcomings at CMS society?

Ms. KITCHEYAN. Administration. We have had—well, that is the very top issue is we have had a revolving door of, I believe, I want to say 13—I can't remember, I thought it was seven, but it is in the teens of how many CEOs we have had through the years. And so that, you know, compounds the problem within the facility.

In addition to that, we have had, at the area level, lack of continuity with the area director. And we are pleased to have, you know, an acting area director right now, and it has been helpful. But it is just with these changing players without the authority or

somebody that is not going to go out on a limb because, you know, they are only acting, it really makes getting things done difficult.

Mr. COLE. It is an enormous challenge. Just one or two other quick questions. You are obviously involved very deeply in this in a tribal sense. Are you now taking over management of this? Is the Tribe doing that?

Ms. KITCHEYAN. Yes. We are engaged in self-governance negotiations, and we hope to finalize our funding and compact agreement this month. And we are going to assume assumption of that facility July 1. And so we are also, you know, looking for all the support and kind of cheerleaders as we take these next steps and put the pressure on the agency to do the right thing as well, and for—so we can—we are standing up, we are ready to do the work, support us, help us, help us help ourselves.

Mr. COLE. I certainly hope we do, and we certainly should. And his certainly should because, as you said, the history of mismanagement isn't Tribal mismanagement, this is his mismanagement. I really want to applaud you for choosing to go the self-governance route and take control. I watched this happen in my own Tribe, and it was transformative. It is tough at the beginning, no question about it, but nobody looks after your own people like your own people, and they are going to be there. They are not, you know, rotating in and out, and the governance gets deeply involved.

And, frankly, we used to always joke when ours were taken over, the first thing that our people noticed is the wait time began to drop, because they couldn't call anybody at the IHS, but they could sure get ahead of the Tribal legislator pretty fast. And they all knew where everybody lived. And so things started to get better, more, if you will, customer and consumer responsive because, again, it was your friends and neighbors that were in these positions.

So I will monitor this and anything we can do to help, I want to do. But, you know, and it is always the Tribe's choice. I am never critical if they want to stay within the his system as opposed to take it over themselves, but just my experience has been, over time, that you will benefit very greatly from the decision that you have made. I think it will work to the advantage of your Tribe and your people.

Ms. KITCHEYAN. Thank you.

Mr. COLE. I yield back.

Mr. CALVERT. Thank you. And thanks to this panel for your testimony, and we appreciate your coming.

Next, our last panel, please come forward.

Okay.

Mr. COLE. Could you recognize me real quickly because I want to correct the record on something I said?

Mr. CALVERT. Mr. Cole is recognized.

Mr. COLE. Mr. Chairman, I just want to correct a statement that I made. Those three facilities that were decertified, I was just told they have not—two of them have not been recertified. So I was in error. All of them still have the same set of problems, and they are in negotiations with CMS and IHS. And that really is a shameful thing this many years after the fact that we haven't been able to get those facilities up and running with full certification, because

these are pretty isolated locations that just simply aren't getting it. So I regret to have misadvised the committee, and I want to correct the record that we still have got a big problem in these other two—

Mr. CALVERT. It is not just a money issue, as you know, Mr. Cole, because we are putting money into this thing, and so our attention needs to be put to that, so thank you.

This panel is our last panel. Thank you for coming. I am going to recognize J. Michael Chavarria. Is that how you pronounce your name?

Mr. CHAVARRIA. Yes.

Mr. CALVERT. Okay. And you are the Governor of the Pueblo of Santa Clara, and also the chairman of the Eight Northern Indian Pueblos in New Mexico. Welcome. And you are recognized.

WEDNESDAY, MAY 10, 2018.

PUEBLO OF SANTA CLARA

WITNESS

J. MICHAEL CHAVARRIA, GOVERNOR

Mr. CHAVARRIA. Okay. Well, good afternoon, chairman, members of the committee. I would first like to thank you for the opportunity to testify before the subcommittee.

My name is Michael Chavarria. As mentioned, I am the Governor of Santa Clara Pueblo, the chairman of the Eight Northern Indian Pueblos Council, and also the vice chairman of the All Pueblo Council of Governors, which are the 19 pueblos in New Mexico, plus one pueblo, Ysleta Del Sur, in Texas.

As the subcommittee is well aware, the Federal budgeting proces reflects the political nature of a government-to-government relationship, and the United States' trust responsibility to protect the interests of Tribal nations. One of the common interests of all nations is the advancement and protection of public health. The Community Health Representatives play an essential role in fulfilling this goal in any country. They are a reliable source of basic healthcare, disease prevention, transportation, and health education services. This is particularly important in rural communities like ours where access to high-quality care poses a constant challenge.

CHRs are seen as trusted providers in our pueblo because they come from and are based within the local communities within Santa Clara Pueblo. The unique knowledge of the local cultural norms and practices coupled with the high-quality medical training makes them invaluable assets to the Indian Healthcare System.

Today, almost 1,400 CHR folks serve at 250 communities. So our pueblo is deeply troubled by the President's proposal to eliminate all funding for the CHR program. Without Federal support, the health and welfare of Indian Country will unnecessarily be harmed by the loss of these valuable and vital healthcare providers. So we urge this subcommittee to maintain CHR funding in fiscal year 2019 to protect community-based healthcare.

Any discussion of community health must include the natural environment. EPA funding and grants enable our pueblo to support

an array of projects to improve the quality of health and life for our people. Among the widely utilized grant is the General Assistance Program, also known as GAP. GAP assists and enables us to administer essential services, such as clean drinking water and hazardous waste removal. Proposed cuts to the GAP will directly impact our pueblo's natural resource department and place the human health and risk and environmental quality of our community at risk.

We strongly urge the subcommittee to provide full funding for the EPA General Assistance Program to advance sustainable environmental management practices. Sustainability has taken on a new urgency as we face growing challenges related to our increasing unstable natural environment. Catastrophic wildfires and flooding has devastated our pueblo in 1998, 2000, and 2011. Other communities, both tribal and nontribal, have experienced snowfalls, droughts, agricultural blitz, and other natural phenomena of alarming strength and ferocity.

The BIA Climate Change Resilience Program provides Tribal nations with the tools to manage resource stressors and develop adaptive management practices. It has also encouraged Tribal nations to coordinate with local, regional, and State actors to maximize the impact of these practices for the benefit of all Americans.

We recommend Congress appropriate $30 million for the BIA Tribal Climate Resilience Program in fiscal year 2019 to continue this important work.

Tribal nations must also be prepared to respond to natural disasters at only a moment's notice. Unfortunately, our pueblo has extensive experience in this area. For us, one of the greatest challenges was obtaining quick access to funding and resources. Bureaucratic delays in distributing funds coupled with high cost sharing requirements and upfront investments placed a heavy burden on our Tribal government, as well as many other Tribal nations in this similar situation.

So no programs currently exist to meet the needs of Tribal nations during this situation that did not qualify for FEMA disaster declarations. We recommend Congress close this dangerous gap by establishing a BIA emergency response fund to quickly funnel resources and funds to Tribal nations in disaster situations.

I have also submitted a lengthy written testimony for the record, but also invite chairman, members of the committee, to come out and visit us in New Mexico, the 19 pueblos. Come to one of our feast days and join the feast food and activities. You are all welcome to come and visit.

So thank you, chairman, and members of the committee for this opportunity to testify before this committee. I look forward to working with you to address these pressing needs into the future. So (speaking native language). Thank you very much, in my native language.

[The statement of J. Michael Chavarria follows:]

Testimony of Michael Chavarria, Governor of the Pueblo of Santa Clara, New Mexico
"Public Witness Testimony: FY 2019 Appropriations"
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
April 30, 2018

Recommendations:

1. IHS – Provide full funding and advance appropriations for the Indian Health Service.
2. IHS – Maintain funding for Community Health Representatives.
3. IHS - $150 million in mandatory funding for SDPI.
4. BIA – Increase funding for disaster recovery and prevention programs.
5. BIA – Establish a BIA Emergency Response Fund.
6. USFS – Increase support for Tribal Forest Protection Act implementation.
7. BIA – $3 million for the BIA Endangered Species Program.
8. BIA – $30 million for the Tribal Climate Resilience Program.
9. DOI - $30 million for Department-wide Landscape Conservation Cooperatives.
10. EPA – Provide full funding for the EPA General Assistance Program.
11. BIA OSG – $2 million in baseline funding for the Office of Self-Governance.
12. BIA – Maintain $1 million in dedicated funding for NAGPRA implementation.
13. BIA – Increase funding for Tribal Historic Preservation Offices under the NHPA.

Introduction. Thank you Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee for the opportunity to testify on the important topic of federal funding for American Indian and Alaska Native programs under your jurisdiction. My name is J. Michael Chavarria and I am the Governor of the Pueblo of Santa Clara, also serving in the capacity of the Chairman for the Eight Northern Indian Pueblos Council and Vice-Chairman for the All Pueblo Council of Governors (APCG). Santa Clara Pueblo is located north of Santa Fe, New Mexico, in the foothills of the Valles Caldera Park Service Unit. On behalf of my Pueblo, we thank you and your staff for your hard work in protecting the interests of tribal nations in the federal budgeting process. The federal budget plays an essential role in fulfilling the Federal Government's trust and treaty obligations to tribal nations by ensuring that critical programs and services receive adequate resources to fulfill their intended purpose. These programs are provided to tribal nations because of the unique political relationship that exists between our sovereign governments.

As a tribal leader, I have developed a deep understanding of our community's pressing needs, as well as of the immense potential of the Santa Clara People to succeed if given the appropriate level of resources and support. To further these twin objectives of progress and achievement, I offer the following FY 2019 budget recommendations for the Subcommittee.

I. Promoting Access to High Quality Healthcare in Indian Country

Provide Full Funding and Advance Appropriations for the Indian Health Service. The IHS strives to provide tribal citizens with access to high quality and comprehensive medical services. Unlike other federal healthcare agencies, such as Veterans Affairs, the IHS must balance the delivery of services with years of under-resourcing and the detrimental, lingering effects of sequestration under the Budget Control Act of 2011. The sum of this equation is all too often manifested in negative health outcomes for American Indian and Alaska Natives who depend on the IHS for care. Full advance appropriations for the IHS would promote greater stability in

services, medical personnel recruitment and retention, and facilities management. It would also provide the IHS with parity to other federal healthcare agencies that have demonstrated success in delivering consistent medical services under advance appropriations that have otherwise been interrupted by budget-related complications like continuing resolutions. IHS appropriations reform is urgently needed to provide Indian Country with access to this same peace of mind and reliability in healthcare services. **We urge Congress to fully fund advance appropriations for the IHS under the FY 2019 budget and beyond.**

Maintain Funding for the Community Health Representatives (CHR). CHRs are a valued and valuable asset in the Indian healthcare systems. Providers come from the communities they serve and have the necessary tribal cultural understanding to identify, respond to, and address our Pueblo members' needs. They also serve as important sources of basic healthcare services, disease prevention services, and health education. We are deeply disturbed by the President's FY 19 proposal to eliminate all funding for this unique and highly effective program. **We urge Congress to maintain funding for CHRs and promote community-connected care in Indian Country.**

Maintain $150 million in Mandatory Spending for the Special Diabetes Program for Indians. As you are well aware, communities across Indian Country are associated with tremendous, alarming, and debilitating statistics related to incidences of diabetes and diabetes-related complications among tribal members. The Pueblo of Santa Clara is no exception. SDPI is a critical program that has demonstrated success in reducing incidences in diabetes and end-stage renal disease in tribal communities, as well as in preventing, treating, and managing symptoms. **We strongly urge Congress to maintain the current $150 million in SPDI mandatory funds.**

II. Effective Natural Resources Management

Increase Funding for BIA Disaster Recovery and Prevention Programs. The stewardship of land, minerals, water and other natural resources is key to both the economic well-being of Pueblo people and to their cultural survival. As tribal leaders, we strive to balance these interests through beneficial partnerships and the effective management of our natural resources. Nature, however, chooses her own course. Our Pueblo has been devastated by not one but *three* catastrophic wildfires – the 1998 Oso Complex Fire, 2000 Cerro Grande Fire, and the 2011 Las Conchas Fire. We have invested heavily in the development of fire preparedness and suppression resources to protect life and property. The BIA and other federal agencies have worked closely with us to carry out these activities and address what continues to be an existential threat to our Pueblo. Because of these efforts, we are proud to say that Santa Clara is home to top-tier tribal forestry and land management departments. **We urge Congress to increase funding for BIA natural disaster recovery and prevention programs to better protect tribal and federal lands.**

Establish a BIA Emergency Response Fund. Our experiences with disaster relief highlight the need for tribal nations to receive assistance as soon as possible following a natural disaster. For many tribal governments, however, the upfront investment in emergency staff and services, and the high cost-sharing requirements of certain federal programs present significant financial barriers. When added to the unavoidable bureaucratic delays in distributing funds, it often takes an unacceptable amount of time for communities to receive disaster relief at a time when quick access to resources is of the essence. With the increased intensity and scope of wildfires, floods, and other natural disasters in recent years, we anticipate the need for these resources will only

continue to grow. For this reason, we recommend the creation of a BIA Emergency Response Fund. The idea behind this fund would be for the BIA to have readily at hand significant funding that can be deployed as necessary to address short- and long-term disaster recovery and disaster mitigation needs in Indian Country. **We recommend an initial amount of $5 million be allocated to establish a BIA Emergency Response Fund within the Office of Trust Services.**

Prioritize Implementation of the Tribal Forest Protection Act (TFPA) in the USFS. The TFPA (Pub. L. 108-278) authorizes the Secretary of the Interior to give special consideration to tribally-proposed Stewardship Contracting or other projects on Forest Service or BLM land bordering or adjacent to tribal lands to protect trust and federal resources from fire, disease, and other threats. These stewardship agreements are an important tool for fighting the ever-growing threat of wildfires in the West. Empowering tribal governments as caretakers to protect tribal lands by managing adjacent federal lands is a smart policy. The TFPA was authorized, however, without a designated funding mechanism. As a result, efforts to the implement its beneficial provisions have been impeded. **We urge the Subcommittee to provide $5 million in FY 2019 in priority funding for the implementation of the TFPAwithin the U.S. Forest Service.**

Protect Wildlife with Restored Funding for the BIA Endangered Species Program. The effective management and conservation of our natural resources is not limited to the waters, soil, and trees that form the rich landscape of Pueblo Country. We must also account and appropriately care for the diversity of wildlife that is meaningful to our culture and essential to maintaining our ecosystems' equilibrium. The BIA Endangered Species Program provides tribal nations with the technical assistance and financial resources to protect endangered species on tribal lands through natural resources restoration and management, as well as economic development. **We recommend Congress provide $3 million for the BIA Endangered Species Program in FY 19.**

Promote Sustainable Tribal Communities through the EPA General Assistance Program. EPA funding and grants enable our Pueblo to administer and support an array of projects that improve the quality of life for our people and safeguard the natural resources that provide us with physical and spiritual sustenance. Without these funds, our Pueblo would face tremendous hurdles in delivering essential services such as clean drinking water and hazardous waste management to our people. Among the most widely utilized EPA sources of funding is the Indian Environmental General Assistance Program (GAP), which assists tribal nations in developing the internal capacity to manage their own environmental protection programs. Cuts to the GAP will directly impact front-line environmental staff working for tribal governments and place our natural and cultural resources at unacceptable risk. We support the GAP's spirit of greater local control, cooperative federalism, and exercise of self-determination in allowing tribal nations to manage their resources. **We strongly urge Congress to provide full GAP funding to advance sustainable environmental protection measures in Indian Country.**

Maintain Funding for the Tribal Climate Resilience Program. Across America, communities are facing mounting challenges related to our progressively unstable natural environment. We have seen this in catastrophic wildfires in the southwest, debilitating snowfalls in the northeast, persistent droughts in the northwest, and severe floods in the southeast. Invasive species, disappearing tree lines, and accelerated rates of erosion are also taking an increasing toll on our agricultural and natural resources. The BIA Tribal Climate Resilience Program and Department-wide Landscape Conservation Cooperatives (administered in agencies such as the

BLM, FWS, NPS, BIA, and BOR) provide tribal nations with the tools to manage resource stressors and develop adaptive management plans. Both programs prioritize intergovernmental coordination to mitigate and prevent further environmental degradation. Continuing these programs is critical not only for tribal nations, but for all Americans. **We, therefore, recommend Congress provide $30 million for the BIA Tribal Climate Resilience Program and $30 million for Department-wide Cooperative Landscape Conservation programs.**

III. Support for Tribal Self-Governance

Increase Funding and Support for the Office of Self Governance (OSG). The Pueblo of Santa Clara is a self-governance tribe, meaning we have assumed control of many Bureau of Indian Affairs functions in our community. We provide our tribal members with a full range of governmental and social services, including tribal education, elder care, public works, and traditional cultural practices to support their spiritual and physical well-being. OSG plays a pivotal role in supporting the exercise of our tribal sovereignty by providing financial assistance and compacting services to the 277 tribal nations participating in the program. Yet, the OSG is constantly operating at a deficit – both financially and in personnel – that impairs its ability to fully support self-governance tribes and the delivery of essential, timely services to our people. **We recommend that Congress provide at least $2 million as baseline funding for the Office of Self Governance to fulfill its mission in serving self-governance tribes.**

IV. Protecting Tribal Cultural Patrimony

Maintain the $1 million in Dedicated Funding for NAGPRA Implementation. The theft, trafficking, and sale in objects of tribal patrimony causes immeasurable harm to our way of life. An object of tribal patrimony is not meant to be simply displayed in a museum or hung on the wall as art. It is a vital part of the community with both presence and purpose. Congress has recognized the special status of these objects and is working closely with tribal nations to develop appropriate federal protections. The $1 million in dedicated funding for NAGPRA implementation in FY 2017 and FY 2018 is contributing to tremendous progress in this area. We are happy to report that Congress's support has translated into the creation of a dedicated FTE position and Bureau-wide trainings on the nuances of the law and the importance of tribal patrimony. We look forward to continuing to expand these achievements going forward. **We strongly encourage Congress to maintain the $1 million in direct funding for NAGPRA implementation in FY 2019.**

Support Tribal Historic Preservation Offices (THPOs). The preservation of tribal sacred and cultural sites is a priority for the Pueblo of Santa Clara and all of Indian Country. Such sites may be found in natural geographic formations or in man-made markers and monuments. Damage or destruction of these sites is often irreversible, forever altering the way in which we can express ourselves as Pueblo People. More tribal nations are choosing to establish THPO equivalent to state offices under the National Historic Preservation Act to protect tribal heritage. Our officers use their expertise to identify sacred and cultural sites and coordinate with the appropriate officials and third parties to ensure that they are conserved for future generations. **We appreciate that Congress has stood with tribal nations in rejecting proposed cuts to THPO funding and we urge the Subcommittee to include further support for this vital program in its FY 2019 budget recommendation report.**

Mr. CALVERT. Thank you very much for your testimony.

Next is Kurt Riley, Governor of the Pueblo of Acoma, and chairman of the Ten Southern Pueblo Governor Councils of New Mexico. Welcome, sir, you are recognized.

WEDNESDAY, MAY 10, 2018.

PUEBLO OF ACOMA

WITNESS

KURT RILEY, GOVERNOR

Mr. RILEY [speaking native language].

Good afternoon, Chairman Calvert, Ranking Member McCollum, and Congressman Cole. My name is Kurt Riley. I am the appointed Governor for the Pueblo of Acoma. Acoma is still a traditional form of government, and so our religious leaders appoint the Tribal leadership on an annual basis for a term of 1 year.

I have been honored to have been appointed twice before. This is my third year. And I am also the chairman of the Ten Southern Pueblo Council of Governors, and I also sit on the All Pueblo Council of Governors, and co-chair of the Health and Natural Resources Committee of that entity.

I do have a prepared statement, and I did want to cover four areas, but I am going to hopefully express myself from my heart.

I have been involved in Tribal government for the last 4 years, actually, and it is disheartening to—my personal observation, that at every turn, our Tribal sovereignty is being evaluated and questioned.

The pueblo governors hold three canes, and they are provided to them as a symbol of their authority and sovereignty of the pueblo. In my home, I care for three canes: one issued by the Spanish Government, the Mexican Government, and the Abraham Lincoln cane. That is truly our right to say that we are sovereign entities. We do not and have not signed a treaty with the United States Government, because we were included in two international governments, much like my brother here from Santa Clara.

But recently, with the statements coming out of CMS in regards to their issues regarding exemptions to be waivered for Tribal entities, and questioning it as a civil rights issue I think is inappropriate. And I would hope that, you know, the subcommittee members would support us in maintaining our uniqueness as a sovereign, and our government-to-government relationships.

However, I did want to mention a few things within these budgetary hearings. I am grateful that last year, a million dollars was dedicated to the Native American Graves Protection and Repatriation Act. I don't know if you know, but Acoma has been heavily involved in repatriating its Acoma shield. And it encourages us to begin working with various Federal agencies, including the State Department, in an attempt to get that back. Part of that million dollars has been used to establish a cultural unit within the BIA. And so we were hoping and advocate now that that tribal unit still be maintained. As a matter of fact, I spoke with the BIA folks and the Department of Justice and also locally, and they are planning

to have more training and are being—are considering offering that training to other Federal agencies.

Second, our cultural and spiritual heritage is conveyed not only in objects of tribal patrimony, which I just talked about, but in many sacred sites that dot the landscape in the southwest. And so Tribal historic preservation offices play an essential role in identifying these sites. The Pueblo of Acoma just recently got recognized as a tribal historic preservation office. We are working very much in that regard in the Navajo-Gallup Supply and Water Project.

We are on the ground identifying, ahead of this pipeline, cultural resources, and advising the Bureau of Reclamation how they can redesign the pipeline in order to avoid these cultural sites and cultural items of patrimony that are being identified.

So we are hopeful that the continued budget, both for the cultural patrimony unit within the BIA and for Tribal historic preservation offices, are maintained.

I do have just a short period of time left, but I am also very well aware of the issues within the Indian Health Service. I was a former Navy corpsman, served in the military, but I also was a commissioned officer within the Public Health Service. So I know the issues within Indian Health Service. I know that when Indian Health Service was granted the ability to bill for third-party revenue, a huge impact that made on us.

And so I would be open for any questions, but thank you very much for allowing me this time.

[The statement of Kurt Riley follows:]

Written Testimony of Kurt Riley
Governor, Pueblo of Acoma, New Mexico

"Public Witness Testimony: FY 2019 Appropriations"
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
April 30, 2018

Recommendations:

1. BIA – Maintain $1 million in dedicated funding for NAGPRA implementation.
2. BIA – Increase funding for tribal historic preservation efforts to protect tribal patrimony.
3. DOI – Increase funding for federal public lands conservation and management programs.
4. IHS – Provide full funding and advanced appropriations to the Indian Health Service.
5. IHS - $71.292 increase in funding for Preventive Health programs.
6. BIA - $650,000 to maintain BIA system roads within Acoma Pueblo.
7. BIA - $30 million for Mesa Hill Bridge construction and maintenance.
8. BIA OTS – Increase support for irrigation infrastructure projects.
9. BIA, BIE - $8 million to construct an innovative regional learning facility.
10. BIE – Increase funding for the Johnson O'Malley program.

I. Safeguarding Tribal Cultural Patrimony

Maintain the $1 Million in Dedicated Funding for NAGPRA Implementation. Acoma was pleased to see that Congress maintained the $1,000,000 in direct funding for Native American Graves Protection and Repatriation Act (NAGPRA) implementation in the FY 2019 Omnibus. This funding has supported the creation of a new FTE position committed to the protection of tribal patrimony, as well as Bureau-wide trainings on the law, its significant to tribal nations, and the harmful consequences that can ensue when it is violated. Funerary objects and items of tribal patrimony are not vestiges of history. They are timeless living vessels that carry the ceremonies and traditions of our people across the generations. Because of your support, the Federal Government is developing a new frame of mind in the way that it views and understands the importance of tribal patrimony. When aligned with other federal and tribal efforts – such as the PROTECT Patrimony Resolution – we can see a positive path forward in ensuring that the next generation will have access to these irreplaceable resources. **We strongly encourage Congress to maintain the $1 million in dedicated funding for NAGPRA enforcement in FY 2019.**

Tribal Historic Preservation Offices (THPOs). Tribal sacred sites are not simply remnants of ancient civilizations. They are living testaments of our cultural heritage, marking the paths of our existence and shaping our worldviews from time immemorial to today. To an outside observer, the sites may look to be unassuming ruins or natural features. In most, if not all, situations the only way to identify these sacred sites, which may exist miles from our present villages, is through Native eyes. In recent years, an increasing number of tribal governments have established THPOs equivalent to state programs under the National Historic Preservation Act. Federal funding, however, has not kept up with the expansion of THPO programs and it is consequently difficult for tribal governments to meet their preservation compliance duties and responsibilities. **We urge Congress to continue its support for respectfully protecting tribal heritage through an increase in THPO funding for FY 2019.**

Cultural Landscapes and Federal Public Lands – An Irreplaceable Heritage. Acoma's religious, cultural, social, and ancestral identity is rooted inextricably in southwestern soil. Our heritage is passed down from generation to generation through the sacred slopes of Mount Taylor, the cliff formations of Bears Ears, and the petroglyphs of Chaco Canyon—among countless other sacred sites enriching the entire region. Any reductions in the federal protections accorded to these federal public lands per their status as National Monuments, National Forests, Wilderness Areas, or National Parks, among others, necessarily impacts our cultural and spiritual expression as Pueblo People. Federal agency budgets that do not account for the minimum costs to fulfill agency responsibilities impair the ability of these agencies to fulfill their trust obligations. **We, therefore, urge Congress to protect our irreplaceable natural and cultural heritage with increased funding for federal public lands conservation programs within the Department of Interior, including the NPS, USFS, USFWS, BIA, and BLM.**

II. Promoting the Health and Well-Being of Indian Country

Provide Full Funding and Advance Appropriations for the Indian Health Service. Indian health programs continue to suffer from the effects of annual budget cuts due to sequestration under the Budget Control Act of 2011 (Pub. L. 112-25). Advance IHS appropriations would provide greater stability in healthcare services and facilities management. In the last decade, there has been only one fiscal year (FY 2006) in which the Interior, Environment and Related Agencies appropriations bill was timely enacted by the beginning of the fiscal year. Delays in funding ripple harmfully across the IHS and tribal healthcare providers, growing larger each year until a veritable tsunami of issues looms, including: uncertainty in service availability, burdened planning and management, impaired recruitment and retention, and stalled construction efforts, among many others. While Veterans Affairs receives advance appropriations that enable it to deliver consistent healthcare services, the IHS does not. **We urge Congress to protect Indian healthcare by fully funding advance appropriations for the IHS under the FY 2019 budget.**

Plan for the Future with Dedicated Funding for Preventative Health Services. The Acoma Health and Wellness Department provides basic healthcare services and health education programs to our tribal members. We depend on the IHS Acoma-Cañoncito-Laguna Indian Health Services Facility (ACL Hospital) for outpatient and emergency care. The quality and quantity of services offered by the ACL Hospital has declined in recent years, resulting in an adverse effect on the health status of the serviced Pueblo communities, which already suffer from high rates of diabetes, injuries, and other serious medical conditions. To turn the tide on these negative health outcomes, we believe that efforts must target existing conditions as well as prevent the development and progression of chronic illness. Increased federal funding for preventive healthcare is a cost-effective use of federal resources that reduces future incident rates of chronic illness and associated medical costs. **We recommend that Congress provide a $71.292 million increase for IHS Preventive Health Services to keep our communities on the path to life-long health.**

III. Constructing Safe Tribal Communities

Connect Tribal Communities to Essential Services through Increased BIA Roads Construction and Maintenance Funding. Acoma has approximately 662 miles of roadways within our exterior boundaries, of which 363.8 miles are included on the BIA road inventory. Maintaining

the BIA roads costs the Pueblo almost $650,000 annually. However, we received insufficient funding to cover these costs and are, thus, forced to use tribal funds to maintain federal roads. In FY 2017, for example, we received only $300,000 in federal roads maintenance support, which translates into roughly $981.87 per mile. These amounts are simply insufficient to maintain a safe and structurally sound transportation infrastructure. Adequate roadways are essential to our tribal economy, for access to governmental services, including emergency assistance, and to New Mexico's regional development. The cost of achieving this goal is relatively small and would benefit the entire region. **We recommend that Congress provide $450,000 to maintain BIA roads within Acoma Pueblo to protect the health, safety, and welfare of our community.**

Connect the Acoma People to Safety with the Construction of the Mesa Hill Bridge. Acoma is bisected by a major transcontinental railway whose tracks are level with the existing roadway and marked by only minimal safety features. The flat terrain, lack of a fixed schedule for freight trains, and misjudgments on the speed and distance of trains all come together to pose a significant risk to motorists and pedestrians. Distressingly, there is no way to avoid the danger. Our hospitals and business centers are located on the north side of the tracks, while our community service facilities – such as Head Start, residential areas, and government buildings – are in the south. Our people must face the daily challenge of traversing the tracks to bring their children to school or attend medical appointments without the safety of an elevated crossing. Despite the clear threat to public safety posed by this situation, we have been repeatedly blocked from accessing the necessary funds to construct the Mesa Hill Bridge over the tracks. **We urge Congress to provide $30 million under the BIA Tribal Transportation Program for the construction of the Mesa Hill Bridge at Acoma Pueblo.**

Support Sustainable Agriculture and Potable Waterways with Irrigation Infrastructure. Congress enacted the Pueblo Irrigation Infrastructure Act as Section 9106 of the Omnibus Public Land Management Act of 2009.[1] This Act directs the Secretary of the Interior to conduct a study of the irrigation infrastructure of the Rio Grande Pueblos, including Acoma Pueblo. It also authorizes funding to address deficiencies identified by that study. The implementation of this Act will favorably impact Pueblo traditional lifestyle and culture, which has been based on agriculture and irrigated lands for hundreds of years. With funding through the Bureau of Reclamation, Acoma has surveyed all 44 miles of our irrigation infrastructure and identified specific maintenance and construction needs. **We urge Congress to increase support for BIA irrigation projects in FY 2019 to support critical irrigation projects in Indian Country.**

IV. Investing in the Future Through Education Services

Expand Rural Education by Investing in Local Innovation. Technological advances and the expansion of broadband connections are rapidly changing the educational landscape in rural communities. Acoma, however, continues to face significant challenges stemming, in part, from a woefully inadequate municipal infrastructure and limited economic and educational resources. These hurdles create tremendous challenges in advancing the short- and long-term welfare of our community. We seek to expand Acoma's horizons by developing a broadband infrastructure that will connect tribal members with previously unheard-of access to educational resources in their

[1] Congress has authorized an annual appropriation of $6,000,000 for FYs 2010–2019 for the Secretary of the Interior, acting through the Commissioner of Reclamation, to provide irrigation infrastructure grants under the Act.

home communities. Rural education does not and should not mean limited opportunities for growth and development. **We, therefore, recommend that Congress provide $8 million in BIE funding for the construction of a regional tele-education learning facility that would include a library, outdoor learning spaces, and state-of-the-art technology to provide Pueblo Country with life changing educational experiences.**

Honor Tribal Heritage with Increased Funding for the Johnson O'Malley Program (JOM). JOM provides supplementary educational services to meet the unique needs of Native children attending public schools. These services include academic counseling, dropout prevention assistance, Native language incorporation, and culturally based education activities in the classroom. The implementation of culturally and linguistically appropriate instruction and program design has proven to contribute to Native student resiliency and long-term success. To ensure that Native students are receiving appropriate forms of support, JOM authorizes parent committees to design and implement their own programs. Through this critical program we are able to better support our children as they reach for their educational goals. **We urge Congress to increase funding for JOM per student allocations to account for future student growth.**

Thank you for the opportunity to submit written testimony on these important considerations for the FY 2019 budget. We look forward to working with you, and we hope to have the opportunity to show you first-hand the magnificence of our lands as well as the challenges facing our community during a future visit to the Pueblo of Acoma. Dá'wá'éh; Thank you.

Mr. CALVERT. Thank you. Thank you for your testimony.

Next, Angelique Albert, executive director of the American Indian Graduate Center. You are recognized.

WEDNESDAY, MAY 10, 2018.

AMERICAN INDIAN GRADUATE CENTER

WITNESS

ANGELIQUE ALBERT, EXECUTIVE DIRECTOR

Ms. ALBERT. Good afternoon, Chairman Calvert. Can you hear me okay?

Chairman Calvert, Ranking Member McCollum, and Mr. Cole, thank you for having me here today.

[Speaking native language.]

My name is Angelique Albert. I am a member of the Confederated Salish and Kootenai Tribes from Northwest Montana. I have worked in Indian Country for over 20 years in various capacities, and I am honored today to present my testimony as the Executive Director of American Indian Graduate Center. I am also honored today to have two of my board members joining me. I have Ms. Holly Cook Macarro and Mr. Walter Lamar behind me. They are right behind me.

I am——

Mr. CALVERT. Bringing the folks from Minnesota.

Ms. ALBERT. I am here today to request the restoration of and increased funding to the BIA special higher education program and the Science Post Graduate Scholarship Fund. Both of these vitally important programs are currently administered by the American Indian Graduate Center and were eliminated in the President's proposed fiscal year 2019 budget.

American Indian Graduate Center is the oldest and largest scholarship provider to American Indian students nationally. We are approaching our 50th anniversary of providing scholarships to students in any field of study in any accredited college. Thanks to these two critical programs, we have been able to provide funding to approximately 13,000 students from over 400 Tribes in all 50 States, as well as the District of Columbia.

In addition to the extensive reach of these programs, let me talk for a moment about the impact. Before these programs were implemented, we had a total of 30 Tribal medical doctors and 38 Tribal lawyers in the entire United States. The SHEP and SPGSF programs have directly impacted these numbers by funding over 1,200 medical students and 1,300 lawyers—law students.

We are currently in our fourth year of administering the SPGSF program, and our data analytics from the first 3 years show an unprecedented graduation rate of 95 percent. This far exceeds the 41 percent national postsecondary graduation rate for American Indian students given by the National Center for Educational Statistics.

Additionally, we are proud to highlight 66 percent of the scholars in the STEM program are female. This is also unprecedented. Women make up 35 percent of all STEM degree holders in this

country, and female students receive fewer STEM degrees than males in every ethnic group.

Statistics and numbers are but one way of showcasing success. The true impact lies in the essential—of these essential programs lie in the stories and lives of the 13,000 individuals touched. Dr. Rebecca St. Germaine, a member of the Lac Courte Oreilles Band of Lake Superior Ojibwe graduated from the University of Minnesota with a Ph.D. in social and administrative pharmacy. She told me directly that her life was transformed by the SPGSF program. This funding has empowered her to become commissioner of health and human services for the Mille Lacs Band of Ojibwe, overseeing three districts as well as urban offices.

Stories like Rebecca's highlight the sound investment these programs make in developing human capital in this country. These programs are a vital source of funding that many students would otherwise not be able to afford higher education. The SHEP and SPGSF programs provide scholarship awards ranging from $1,000 to $30,000 each, with the average award being $5,000.

As tuition costs for graduate school at a public university average in excess of $30,000 per year, funding from these programs clearly do not eliminate the student's obligation to pay for their own education. The funding generally reduces the burden of student debt that they take on in pursuit of their academic goals.

Lastly, I would like to note that an abrupt program elimination in fiscal year 2019 is a serious concern to us, given the number of current students who are attending schools and receiving fellowships through the programs who would be suddenly without financial assistance. I fully recognize the financial challenges that control the subcommittee's actions this year, however, I would like to respectfully request strong and continued funding for the SHEP and SPGSF programs at or above the previously funded levels.

These programs will ensure American Indian and Alaska Native students are provided the opportunity to attend quality higher educational institutions, fulfill their academic dreams, and contribute their expertise to our greater communities.

[Speaking native language.]

Thank you all for your thoughtful consideration of my request and for your time today. Thank you.

[The statement of Angelique Albert follows:]

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
Public Hearing on American Indian/Alaskan Native Programs

Testimony of
Angelique Albert, Executive Director
American Indian Graduate Center
May 9, 2018

Good Afternoon Chairman Calvert, Ranking Member Betty McCollum, and the rest of the distinguished members of the Subcommittee. My name is Angelique Albert. I am member of the Confederated Salish and Kootenai Tribes of Northwest Montana. I have worked in Indian Country for over 20 years in various capacities. I am honored to present testimony to you today as the Executive Director of the American Indian Graduate Center (AIGC).

I am here today to request the restoration of and increased funding to the BIE's Special Higher Education Program (SHEP) and the Science Post Graduate Scholarship Fund (SPGSF). Both of these vitally important programs are currently administered by AIGC and were eliminated in the President's proposed FY 2019 budget.

American Indian Graduate Center is the oldest and largest provider of scholarships for American Indian and Alaska Native students nationally. We are approaching our 50th anniversary of providing scholarships to students in any field of study at any accredited college. Thanks to these two critical programs, we have been able to provide funding to approximately 13,000 students from over 400 Tribes in all 50 states, as well as the District of Columbia.

In addition to the extensive reach these programs have had, let me take a moment to discuss the impact. Before these programs were implemented, we had a total of 30 Tribal medical doctors and 38 Tribal lawyers in the entire United States. The SHEP and SPGSF Programs have directly impacted these numbers, by funding over 1,200 medical students, and over 1,300 law students.

We are currently in our fourth year of administering the SPGSF Program. Data analytics of the first three years show an unprecedented graduation rate of 95%. This far exceeds the 41% national postsecondary graduation rate for American Indian students, as given by the National Center for Educational Statistics. Additionally, we are proud to highlight 66% of the scholars in this STEM program are female. This is also unprecedented. Women make up only 35% of all STEM degree holders in this country. Reports from the National Center for Educational Statistics show that female students receive fewer STEM degrees than males in every ethnic group.

Statistics and numbers are but one way of showing success. The true impact of these essential programs lay in the stories and lives of the 13,000 individuals touched. Dr. Rebecca St. Germaine, a member of the Lac Courte Oreilles Band of Lake Superior Ojibwe Nation, graduated from the University of Minnesota with a PhD in Social and Administrative Pharmacy. Her life was transformed by the SPGSF Program. This funding has empowered her to become Commissioner of Health and Human Services for the Mille Lacs Band of Ojibwe, overseeing three districts as well as urban offices.

Stories like Rebecca's highlight the sound investment these programs make in developing the human capital in this country. These programs are a vital source of funding to many students who would otherwise not be able to afford higher education.

The SHEP and SPGSF Programs provide scholarship awards ranging from $1,000 to $30,000, with the average award being $5,000. As tuition costs for graduate school at a public university averages in excess of $30,000 per year, funding from these programs clearly do not eliminate a student's obligation to pay for their own education. This funding generally reduces the burden of student debt they take on in the pursuit of their academic goals.

Lastly, I would like to note that an abrupt program elimination in FY 2019 is a serious concern for us, given the number of current students who are attending school and receiving fellowships through the programs who will suddenly be without any financial assistance.

I fully recognize the fiscal challenges that control the Subcommittee's actions this year; however, I would like to respectfully request strong and continued funding for the Special High Education Program and Science Post Graduate Scholarship Fund, at or above the previously funded levels. This funding will ensure that American Indian and Alaska Native students are provided opportunities to attend quality higher educational institutions, fulfill their academic dreams, and contribute their expertise to our greater communities!

Thank you for your thoughtful consideration of our request.

Economic Impact of Continued Funding of SHEP and SPGSF

American Indian Graduate Center is proud to have utilized the funding from the SHEP and SPGSF Programs to provide scholarships to deserving students from over 400 Tribes in all 50 states, as well as the District of Columbia. The funding allows students to attend any accredited college, including Tribal Colleges, Public Universities, and Private Universities. Two examples of these schools are Salish Kootenai College, a Tribal College in Montana and Harvard University, a private Ivy League University in Massachusetts. Economic impact studies at each of these institutions show a return on investment of 12.1% and 8% respectively. Additionally, the 2015 SKC Economic Impact Study highlights a cost- benefit ratio of 1:2.5 to taxpayer and 1:4.4 in social savings. As the study states, "This means that for every $1 of public money invested in SKC, taxpayers receive a cumulative value of $2.50 over the course of the students' working lives. For every dollar of investment, society nationwide will receive a cumulative value of $4.40 in benefits."

This data indicates that reducing funding in the 2019 budget may have the opposite of the intended effect long term, resulting in greater demand for social services to address health, crime and unemployment.

TABLE 3. SUMMARY OF INVESTMENT ANALYSIS RESULTS

STUDENT PERSPECTIVE	
$43,419	Benefits (thousands)
$16,573	Costs (thousands)
$26,847	Net present value (thousands)
2.6	Benefit-cost ratio
12.1%	Rate of return

TAXPAYER PERSPECTIVE	
$44,500	Benefits (thousands)
$17,494	Costs (thousands)
$27,006	Net present value (thousands)
2.5	Benefit-cost ratio
7.4%	Rate of return

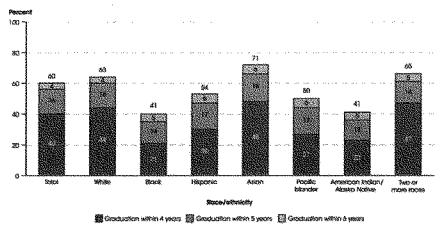
SOCIAL PERSPECTIVE	
$184,172	Benefits (thousands)
$42,118	Costs (thousands)
$142,054	Net present value (thousands)
4.4	Benefit-cost ratio
NA	Rate of return*

* The rate of return is not reported for the social perspective because the beneficiaries of the investment are not necessarily the same as the original investors.

SPGSF Graduation Rate

The SPGSF Program has an unprecedented graduation rate of 95%. This far exceeds the 41% national post-secondary graduation rate given for American Indian student this same year, as given by the National Center for Educational Statistics.

Figure 21.1. Graduation rates from first institution attended for first-time, full-time bachelor's degree-seeking students at 4-year postsecondary institutions, by race/ethnicity and time to completion: Starting cohort year 2008

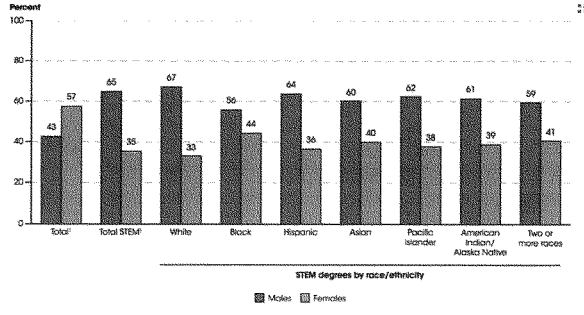


NOTE: Data are for 4-year degree-granting postsecondary institutions participating in Title IV federal financial aid programs. Graduation rates refer to students receiving bachelor's degrees from their initial institutions of attendance only. The total includes data for persons whose race/ethnicity was not reported. Race categories exclude persons of Hispanic ethnicity. Detail may not sum to totals because of rounding.
SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Spring 2015, Graduation Rates component. See *Digest of Education Statistics 2015*, table 326.10.

SPGSF 66% Female Participation Rate

The SPGSF Program has an unprecedented female participation rate of 66%. This far exceeds the 35% national numbers for all women in graduating with STEM degrees and 39% of American Indian women graduating with STEM degrees, as given by the National Centre for Educational Statistics.

Figure 24.2. Percentage of total and STEM bachelor's degrees conferred by postsecondary institutions, by race/ethnicity and gender: Academic year 2013–14



Mr. CALVERT. Thank you very much for your testimony.

Next, Lawrence Mirabal, Chief Financial Officer, Institute of American Indian Arts. Welcome, sir. You are recognized.

WEDNESDAY, MAY 10, 2018.

INSTITUTE OF AMERICAN INDIAN ARTS

WITNESS

LAWRENCE T. MIRABAL, CHIEF FINANCIAL OFFICER

Mr. MIRABAL. Thank you.

Good afternoon, Mr. Chairman and subcommittee members. As you mentioned, my name is Lawrence Mirabal. I am the Chief Financial Officer for the Institute of American Indian Arts in Santa Fe, New Mexico. I am grateful for the opportunity to present testimony on behalf of the college.

IAIA is chartered by the United States Congress to empower creativity and leadership in native arts and culture. IAIA is the place where contemporary native arts were born. The Institute of American Indian Arts is a place that embraces the past, enriches the present, and creates the future. IAIA is only one of three colleges in the United States chartered directly by the Congress.

The power and uniqueness of IAIA's mission is undeniable and makes it clear that the college truly is a national treasure. IAIA's congressional nonprofit charter encourages the college to raise funds from private sources while authorizing basic core funding from Congress.

Over the course of 30 years, the college has risen to this challenge. Evidence of this can be found in the college's operating budget. As of the most recent fiscal year, over 29 percent of the budget came from nonappropriation sources. It is an exciting time on campus as the college currently offers bachelor programs in studio arts, cinematic arts and technology, creative writing, museum studies, and indigenous liberal studies. A graduate program in creative writing is also offered.

Additionally, the college recently reintroduced its performing arts program, focusing on the performing arts from an indigenous viewpoint. The performing arts program occupies a newly constructed performing arts and fitness center on the IAIA campus, a 24,000 square foot state-of-the-art facility. The college serves more than 500 students representing over 90 Tribes from across North America. These truly are the success stories of our native youth.

I express gratitude to this subcommittee for securing forward funding for the college. This allows the college to align its fiscal year funding with the beginning of the academic year. This allows for improved planning of expenditures to address the needs of our students, thereby promoting their success. We are appreciative of the subcommittee's work and for your strong consistent support of our core funding request throughout the appropriations process.

On behalf of the faculty, staff, and students, I request the subcommittee support for the administration's fiscal year 2019 budget request of $9.96 million. The Federal funding request in fiscal year 2019 will assist IAIA in addressing the following priorities:

IAIA continues to experience tremendous growth. With over 600 students enrolled at the beginning of the 2017–2018 academic year, this number represents an increased enrollment of over 35 percent in just 5 short years. We believe this is not only due to the unique world class education we offer, but also because of the incredible value that IAIA brings to the table.

Student success continues to be at the forefront of IAIA's strategic planning. This is evident in several new initiatives that the college has introduced. First, the college has included all required textbooks into the cost of tuition. This means students have all of their books on the first day of class with absolutely no money out of their pocket. This increases the odds of students successfully completing their semester.

Second, IAIA has begun to offer a four for three plan. Students that choose to participate in this plan commit to completing their undergrad degree in 4 years. If the student is successful in completing their degree on time, the college issues a refund on all tuition charged for the student's senior year.

IAIA experienced tremendous development in program offerings. Performing arts has been reintroduced after being eliminated in the 1990s due to deep Federal budget cuts.

Additionally, the college's first masters level program in creative writing continues to thrive with 65 students earning an MFA since its launch in 2013. This growth requires additional faculty to be added to serve these areas.

The college continues to complete the buildout of its campus, adding more than 100,000 square feet of operating space with several new campus buildings being constructed in the last 8 years. Although these are very efficient green buildings that are LEED designed, energy and maintenance cost increases are inevitable.

In summary, IAIA's top priority is to enhance our ability to further our mission of empowering creativity and leadership in native arts and cultures through higher education, lifelong learning, and outreach. To continue this important work, I respectfully request that this subcommittee support the administration's request for IAIA of $9.96 million. The students, faculty, and staff greatly appreciate your consideration.

This concludes my testimony. I thank the chairman and the committee members for the opportunity to speak on behalf of IAIA. I also want to invite all of you to visit us in Santa Fe to meet our talented students and to tour our beautiful campus, and welcome any questions you may have at this time.

[The statement of Lawrence T. Mirabal follows:]

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

TESTIMONY OF:
LAWRENCE MIRABAL, CHIEF FINANCIAL OFFICER
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
CULTURE AND ARTS DEVELOPMENT

March (9th/10th), 2018

Introduction

Good afternoon Mr. Chairman and Subcommittee members. My name is Lawrence Mirabal and I am the Chief Financial Officer for the Institute of American Indian Arts in Santa Fe, New Mexico. I am grateful for the opportunity to present testimony on behalf of the college. IAIA was established in 1962 as the only B.I.A. boarding school teaching Native arts and culture. In 1986, IAIA became an independent college chartered by the United States Congress to empower creativity in leadership in Native arts and culture. IAIA is the birthplace of contemporary Native art.

The college's enabling legislation states that Native arts and cultures are Indigenous to the United States and thus must be enthusiastically maintained and supported so that they are not lost for future generations. Through the concept of art as a traditional path of expression, IAIA excels at skill building, provoking thought and providing exceptional educational opportunities. IAIA is a place that embraces the past, enriches the present and creates the future. IAIA is only one of three colleges in the United States chartered directly by the Congress. The power and uniqueness of IAIA's mission is undeniable and makes it clear that the college truly is a national treasure.

IAIA's congressional non-profit charter encourages the college to raise funds from private sources while authorizing basic, core funding from the Congress. Over the course of 30 years, IAIA has taken this charge to augment its congressional funding very seriously. Evidence of this can be found in the college's operating budget. As of the most recent fiscal year, over 29% of the budget came from non-appropriation sources. In addition, the college will continue to build on its past fundraising success, by launching a large-scale capital campaign this fall. The campaign's focus will be to increase the endowment and raise unrestricted funds for scholarships, as well as academic program support and expansion.

Program and Campus Development

IAIA evolved from a high school to a college offering bachelor's programs in Studio Arts, Cinematic Arts and Technology, Creative Writing, Museum Studies and Indigenous Liberal Studies. In 2013, IAIA launched its first graduate program, in Creative Writing. Recently, IAIA re-introduced its performing arts program, which focuses on performing arts from an indigenous perspective. The Performing Arts program occupies a newly constructed performing arts and fitness center on the IAIA campus; a 24,000 square foot state of the art facility that houses a blackbox theater, dance studios, fitness training space, and a gymnasium. The college serves more than 500 students representing over 92 tribes from across North America.

IAIA is unique in that it is accredited by two organizations – the Higher Learning Commission of the North Central Association, and by the National Association of Schools of Art and Design. The college values the dual accreditation and works hard to maintain it.

Forward Funding

I express appreciation to the Subcommittee for providing forward funding for IAIA in FY 17, which has proved to be immensely beneficial to the college by eliminating the uncertainty caused by continuing resolutions and the threat of federal government shutdowns. Furthermore, aligning our fiscal year funding with the beginning of the academic year allows for planning and expenditure of funds to address the needs of our students, thereby promoting their success. Again, thank you for this positive change at IAIA that has made a tremendous difference in our ability to offer high quality programs at the college.

FY 19 Budget Request

We are appreciative of the Subcommittee's work and for your strong, consistent support of our core funding request throughout the appropriations process. On behalf of the IAIA faculty, staff and students, I request the Subcommittee's support for the Administration's FY '19 budget request of $9,960,000 for IAIA. This budget request includes a slight increase of $125,000 over the amount enacted in FY 2018. The requested FY 2019 baseline federal funding will assist IAIA in addressing the following priorities:

- IAIA continues to experience tremendous growth, with over 600 students enrolled at the beginning of the 2017-2018 academic year. This number represents an increase to enrollment of over 35% in just 5 short years. We believe this is not only due to the unique, world-class education being offered, but also because of the incredible value IAIA offers.

- Student success continues to be at the forefront of IAIA's strategic planning. This is evident in several new initiatives that the college has introduced. First, the college has included all required textbooks into the cost of tuition. This means students have their books on the first day of class, increasing the odds of successfully completing that semester. Second, IAIA has begun to offer a "4 for 3" plan. Students that choose to participate in this plan commit to completing their undergrad degree in 4 years. If the student is successful in completing their degree on-time, the college issues a refund on all tuition charged for the student's senior year. Finally, IAIA continues to expand the Summer Bridge program, maximizing use of IAIA's state-of-the-art facilities and equipment, by allowing students to complete developmental courses outside of the traditional academic year. This helps ensure that students remain on schedule for a timely graduation.

- IAIA has experienced tremendous development in program offerings. Performing arts has been reintroduced after being eliminated in the 1990s due to deep cuts in IAIA's budget. Additionally, the college's first master's level program in creative writing continues to thrive with sixty-five students earning an MFA since its launch in 2013. An MFA in Studio Arts is currently in the planning stages. This growth requires additional faculty to be added to serve these areas.

- The college has continued to complete the buildout of the campus, adding more than 100,000 square feet of operating space with several new campus buildings constructed in the last 8 years. Although these are very efficient green buildings (LEED designed), energy and maintenance cost increases are inevitable.

- The college is constantly looking for ways to rein in costs associated with employee benefits. To this end, IAIA has moved to a self-insured model for medical benefits and the administration routinely reviews proposals from other benefit providers to search for savings. Despite these efforts, however, benefit costs continue to rise. To attract and retain the best talent, it is essential that the college continue to offer a high-quality benefits program and competitive salaries.

Conclusion

In summary, IAIA's top priority is to enhance our ability to accomplish our mission of empowering creativity and leadership in Native arts and cultures, through higher education, lifelong learning, and outreach. To continue this important work, I respectfully request that the Subcommittee act again in FY 2019 as you did in FY 2018, by supporting the Administration's request for IAIA of $9,960,000 in the Independent Agencies title of your bill. The students, faculty, and staff of IAIA greatly appreciate your consideration.

Mr. CALVERT. Thank you. And we have a great invitation to come out to New Mexico. We would like to go see it all. We have to probably go to the National Laboratory over there anyway. Tom and I and Betty, we all serve on the committee that funds that also, so we can probably kick it all in in one trip, and that would be a good way to do it.

And thank you for your service, Corpsman. That is a tough job, and you have a tough job now. I think I speak for everybody. We agree sovereignty is extremely important. Tom has already talked to me about this several times. I am sorry that that happened. I suspect, hopefully, that will get fixed here pretty soon.

Oviously, we are very interested in higher education, and we will be taking all that into account as we move this process over through here. We will be moving forward on our markup here pretty soon.

With that, Ms. McCollum.

Ms. MCCOLLUM. Thank you.

I have had the privilege of being on both pueblos. I don't know if it was the feast day of the deer, but they were doing the deer dance, and I have to tell you, going on a feast day is amazing. Everybody is serving chili in their house. You get to go to everybody's house, and you need to go with someone you trust who can tell you how hot the chili is. It is really great.

On another note, in Acoma, in your testimony, you reminded me of how you have a railroad track that divides your community in half, right?

Mr. RILEY. Right.

Ms. MCCOLLUM. The hospital is on one side and the rest on the other. When we were out there, I was shown where the railroad was lighting and marking the crossing and all that. Has anything changed since I have been out there—I think that was 8 years ago?

Mr. RILEY. Chairman, members of the committee, thank you for that question, Congresswoman. Nothing has changed. The whole emphasis of trying to get a bridge built across the railway is that the Indian Health Service facility lies to the north and the rest of the community, most of the community lies to the south of the railway. However, as time has come and gone, the expense is overwhelming for the Tribe, even for a match. And so we are struggling to try to figure out how to get that bridge built.

And it is very important for us because it is difficult to go over there to begin with, but I was stationed there when I first started with Indian Health Service, and the same issues as you have heard other Tribes I am sure say that recruitment is difficult and it is only 50 miles away from Albuquerque. Housing is an issue. Education of individuals who wish to work there is an issue.

So as far as my administration is concerned, we are trying to address every one of those recruitment hindrances. Housing, jobs, education, infrastructure, the road leading up to the Indian Health Service facility needs repair. So no matter which way you look at it, you know, I think across the board, Indian Country needs funding in every respect.

When I sit in council and I listen to all the could have, should have, would have, you know, it all boils down to lack of resources. And so we are willing to partner when we can, and we have in the

past when there is a cost share involved. Right now, we are in a FEMA disaster. We self-declarated that. We are grateful to the President to sign off on our declaration, but we have a cost share associated with that.

Ms. MCCOLLUM. Okay. So to the governors, this is the last panel. We have heard consistently from the Tribal nations about the reorganization that Secretary Zinke is looking at. I agree with the Tribes, we are all on the same page, reorganization is a good thing to look at, but the way it has been gone about has been raising a lot of alarm bells. And tribal consultation is not just the Bureau of Indian Affairs; it is also necessary for Fish and Wildlife, BLM, everything else.

So to be consistent, you as governors, have you been consulted, have you had input, have you been really collaborated with about what would make the most sense in efficiencies, if we are to go forward with a reorganization?

I want to stress again, in case the Secretary is listening, I am not opposed to looking at an organizational change. It just needs to have all the partners at the table so that we get it right the first time because it is going to be expensive. So have you been part of a discussion?

Mr. CHAVARRIA. We haven't, and that is where Tribal consultation comes into play. And so when Federal actions are being evaluated, there is historical impacts. They impact us as Tribal nations. And it is not just checking off the box. It is making sure that it is a good dialogue where you have the input from the Tribes maybe to the Park Service, Fish and Wildlife, BIA, all within the Interior, and it is not all the same. It is not one-size-fits-all.

And so it is important that you dialogue at the beginning so Tribe and Tribal leaders and their council have an understanding of the direction that Secretary Zinke is going. We did have an opportunity to meet with Secretary Zinke last year when they were going through the Bears Ears shrinkage, but trust responsibility of that was very important to understand. And I did share with him a pueblo history document from 1540 to 2005 of the pueblo lands work amendments of how the Tribe has been neglected—the pueblos in New Mexico have been neglected as it comes to trust responsibility, and it is not based upon race. It is based upon the political status of us as sovereign governments.

This is why it is important to dialogue on that direction of the reorg so we have understanding how things are going to operate, because it impacts us and the services, functions, and activities that go along with the Federal Government back down to the pueblos.

Ms. MCCOLLUM. Because you are the recipient.

Mr. CHAVARRIA. Yes.

Mr. RILEY. I will be brief in my response, Congresswoman. I have learned a lot in the last 3 years and, to me, consultation is not just a one-time conversation. It is an ongoing conversation between a Federal agency and a respective tribe.

To the reorganization that Secretary Zinke is proposing, I would say pueblos, Tribes, and nations in this country are not natural resources, and to reorganize based on drainage systems and watersheds is inappropriate and is not acceptable, at least to me.

Ms. MCCOLLUM. Thank you. Thank you.

And to the two people down at the other end of the table, regarding higher ed, I have been to Santa Fe, and I have kind of stuck my nose in the IAIA building and walked by it, and exciting things are going on, lots of smiles and a lot of energy when you are by the building, and wow.

Would you say 60, 66 percent of the STEM graduates are women?

Ms. ALBERT. Sixty-six percent. And we are also thankful to see so many of our alumni come back to serve in public office and to work in BIE offices as well.

Ms. MCCOLLUM. Wow. I will say how old I am, I am 63, and we weren't encouraged to go into engineering, we weren't encouraged to go into science and that. In one generation to turn that around, and to turn it around for young girls and young women to role model that in Indian Country is just absolutely amazing. And when Indian Country is doing better, the United States of America does even better. So good for you. Good for you.

Mr. CALVERT. Mr. Cole.

Mr. COLE. Well, if it makes you feel any better, Ms. McCollum, you are the youngest person on this side of the dais.

Mr. CALVERT. I was going to point that out.

Mr. COLE. Memberwise anyway. No offense.

Ms. MCCOLLUM. I am the oldest one over here.

Mr. COLE. I just want to make a couple of comments, because I know it has been a long day, and I want to start by thanking our chairman. You make sure that these happen, and four panels in 2 days is an awful lot of work. And I want to thank our ranking member as well, who is always here. I think this is one of the most important things we do is make this committee available to anyone in Indian Country because it is educational, and it is always striking to me how diverse it all is but at the same time how often we hear the same things about Tribal sovereignty, the trust responsibility, and underfunding. I mean, they are woven through testimony, and they are all true, but it is very, very helpful to the committee.

So Mr. Chairman, Madam Ranking Member, thank you two for continuing this tradition that has been here for some time, and thank the staff that puts this together as well and reaches out into all of Indian Country and make sure that we get a very good and representative sample.

I want to add my voice to Governor Riley, and I am going to end this where I began it. That CMS memo is just simply one of the most outrageous things. I know all three of us have signed letters about that, and Ms. McCollum and I are working on a joint letter about that. I think there is going to be a lot of congressional pushback on that.

And I know at least from my Tribe, I took the liberty of enclosing a legal memo that our Tribe's chief lawyer had produced, chief counsel had produced, and asked them to could you please send us your legal justification because you site statutes—or you say you have statutory authority, but you never site a statute in that letter. And they talk about civil rights violations, but they never tell you what they would be. So we are quite willing to go chapter and

verse, case-by-case, statute-by-statute, judicial decision-by-judicial decision why they are wrong. We just like——

And I will take this opportunity once again to invite CMS to produce this information, because if they continue down this road, they may well have that opportunity in court, so they might as well do it now. It is a big mistake, and it suggests a profound misunderstanding by somebody over there as to what Tribes do.

We now have 40 Members on the CMS letter, and it is extremely bipartisan, roughly 50/50. So I think it gives you an idea of how strongly Congress feels about the issue that you raised, Governor.

Mr. RILEY. Thank you.

Mr. COLE. And again, I will associate myself with the chairman, thank you for your service very, very much.

I want to thank both of our participants at the other end of the table too. You know, in the last panel, we heard about all the shortcomings that we have in a number of our hospital facilities in the Great Plains. The best way to solve them is exactly what you are doing. You know, we are much more likely to get people to go back that are from those areas and want to serve and want to participate. We do a lot of this, again, in my Tribe. It has paid off huge for us. I mean, our health facility is run by Chickasaws that are trained and, you know, that is their aim when they go.

And, again, we should be doing this anyway. It is the individuals' right to pick what they want to do, but we just know we have a much better chance of getting the skill sets that we need in Indian Country if we give people the opportunity to get education. And, you know, I have seen the same thing in the TRIO program. There is always a desire to say, well, I hope you get the 4 years, but then that is it, right? Well, you really do. To get the professionals you need, the lawyers you need, the doctors you need, that takes a longer investment. And so thank you for what you are doing to make sure that that goes.

I won't say in defense, but an explanation for the administration, to be fair to them, do remember their 2019 budget was submitted before we had come to a congressional bipartisan agreement, an agreement involved legislation, so their numbers don't always match up to where we are going to be. I don't presume to say what we are going to do here. That is the chairman's prerogative, but I think you are going to do a little bit better on our budget than you probably would with the President's so—having the chairman's assurance.

So I just want to, again, end with this: thank you for what you all do. Thanks for what you do for your respective Tribes. I owe you a coin. I have mine here, since you are handing them out. We will even that up, Governor. And thank you for what you do in terms of making sure that our people have the opportunities to not only do well, but to come back and serve their own people if that is their choice, as it so often is.

So with that, thank you again, Mr. Chairman, for holding this hearing.

Mr. CALVERT. Thank you.

And we certainly appreciate everyone who came out today and yesterday and the staff and the members that participated in these hearings; very valuable, as Mr. Cole pointed out. And we certainly

appreciate this, and we look forward to getting out to New Mexico too.

We are adjourned.